

SHARING THE LAND
CONFERENCE ON EMERGING ISSUES IN ABORIGINAL LAND USE

January 25 & 26, 1992

Ryerson Polytechnical Institute

Toronto, Ontario

Sponsored by
Canadian Environmental Law Association

Funded by
Ontario Native Affairs Secretariat
Ontario Ministry of Natural Resources
Ontario Ministry of the Environment

Conference Chair
Michelle Swenarchuk
Acting Executive Director
Canadian Environmental Law Association

Conference Proceedings
Edited by
Barrie Solandt Maxwell
July 1993

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OPENING PLENARY

Conference Chair
Michelle Swenarchuk

My name is Michelle Swenarchuk, I'm from the Canadian Environmental Law Association, and I'm pleased to welcome all of you to our conference, Sharing the Land: Emerging Issues in Aboriginal Land Use. I want to take a few moments first of all to explain to you why this conference is being held. The Canadian Environmental Law Association, or CELA, as most of you know us, is a legal aid clinic and our mandate is to represent environmental groups and individuals affected by environmental problems. Our clients include both native and non-native people and organizations, and we are very involved in resource conservation efforts. We have watched as Aboriginal peoples have asserted their rights to greater resource use off reserve, and as the courts and government have belatedly begun to uphold these rights in some areas. We have been dismayed to observe the degree of disagreement that has developed in various parts of Ontario over these land and resource use questions.

When we began planning this conference last spring, the political climate of Ontario was rather volatile. There had been dramatic and hostile press coverage of some emotional debates related to native claims. Meanwhile, First Nations in various locales were beginning claims negotiations or were continuing to press for settlement of longstanding claims. The Government of Ontario had changed, and the Supreme Court of Canada's decision, particularly in the Sparrow case, was fresh in our minds. Now, in January of 1992, native self-government has national prominence as a constitutional issue, and the Ontario Government's agenda treats First Nation's rights and environmental protection as priorities. Just two days ago, the Ministry of Natural Resources announced a plan to implement aspects of the Endangered Spaces Program through additions to the parks system, to be planned with significant Aboriginal involvement and consultation with interest groups.

Some of the emotional debates that have occurred concerning resource and land use issues have seen environmentalists and Aboriginal peoples agreeing on the issues. Some, however, have seen them in opposition. However, CELA is convinced that although in some areas of the province sincere differences of opinion between Aboriginal peoples and environmentalists exist regarding resource use and conservation, there are actually many more reasons for agreement between us.

Our purpose in sponsoring this conference then is to provide an opportunity for all of us to meet each other to discuss, and to take some steps towards finding those areas of agreement and ways of working better together in the future. You will have seen your agenda outlines in your books. This morning, we will have talks by the Minister of Natural Resources, Mr. Wildman, whom I want to thank for his personal commitment to this conference. And also, we'll have a talk then from Professor Brad Morse of the University of Ottawa. Both of them then will take questions after the two talks have been completed. Then we'll hear overall perspectives from an environmentalist and a native person with regard to how their communities approach these land use questions. And then, after lunch, this afternoon, as you've seen, there is a choice of eight workshops.

Now the subject areas of those workshops were chosen because they reflect areas of real concern in the province and also because we think that they indicate various approaches being developed now to resolve these disputes: Co-management committees, stewardship ideas, employment contracts. We hope that we can all come to these workshops with an emphasis on conflict resolution, looking for common ground and looking for common strategies for the future.

Then at dinner tonight, we'll learn about the Royal Commission on Aboriginal Peoples from Mr. Paul Chartrand who is a Commissioner. And tomorrow, after the self-government panel, which we will hear about in the morning, we'll have reports from all the workshops so that all of you will get a chance to hear about these issues in other areas where you couldn't attend the workshops, and about approaches to solving these disputes.

So, our thanks to all of you for attending. I feel that with a spirit of openness and mutual respect, we can all contribute to resolving these differences.

I have a number of administrative announcements. First of all, as you've seen from the signs, no food, drinks or smoking in this auditorium. The coat check will be open until 10:00 p.m. tonight. I'm going to ask the workshop facilitators and their speakers to meet together over lunch, and just before we break for lunch, I'll have the facilitators stand up so that all of you can identify each other. The conference is being taped and we hope at some later time to publish the proceedings. So in our question periods, I'd ask you to go to the mikes here so that those

discussions can also be taped. My last announcement: your badges indicate what workshops you'll be attending. If it's not clear on your badge please go to the registration desk and they'll help to clear that up.

And now, I'm pleased to introduce to you our Minister of Natural Resources and Minister responsible for the Native Affairs Secretariat, Mr. Bud Wildman. He's been an MP for 15 years. As I say, he has assisted us greatly in planning this conference and making it happen. Mr. Wildman...

OPENING REMARKS

Hon. Bud Wildman
Minister of Native Affairs and Natural Resources

Thank you very much Michelle, I'm going to speak from here if this mike is on. Okay, can you hear me alright?

I really welcome the opportunity to participate in this conference and I want to congratulate CELA and all of those involved in helping to organize it. I think it is crucial that we begin a dialogue that will be beneficial both to Aboriginal people and to non-native groups across Ontario on these very important issues that are of importance to the future of all of us and to the management of the resources in this province.

Aboriginal people and non-native environmentalists share a reverence for the land, and so that's why it is so important that we have forums like this so that we can come to understand one another's perspectives better, and to know how we can cooperate to ensure that we properly manage our resources in a sustainable way, so that all of us in Ontario, Aboriginal and non-native, can benefit from those resources. I want to discuss Aboriginal rights in this province and the Provincial Government's commitment to an Aboriginal agenda, but I also want to talk about how it relates to land use and resource management issues for which I am also responsible. Obviously the connection between the two will have a very significant impact on the environment of this province and the future of the province.

As you all know, the Government of Ontario recognizes the inherent right to self-government for Aboriginal peoples. That term "inherent", I expect Professor Morse will be speaking to, but it's a significant one, and it carries with it a lot of meaning and a lot of questions. I wanted to say a couple of things about it though. First, it means that the Ontario Government recognizes that the right to govern their own affairs is not delegated to Aboriginal people, to First Nations, by another Government, by the Federal Government or the Provincial Government. Rather, it is inherent, it is related to the occupation of the land from time immemorial, and from the organization of society in order to be able to share resources, benefit from resources, manage resources, govern social affairs, make rules and regulations, and to enforce it. In other words, to act as governments that were in effect prior to settlement, prior to the arrival of people from Europe.

Aboriginal people would say that the right to govern is related certainly to the occupation of the land but is also related to what comes from their Creator and our Creator. So it is a different concept than one that is simply one where a municipality, for instance, has delegated powers from a Provincial level of government. That's something that all of us must come to grips with. It comes from a number of things in legal terms. In 1763 the British Crown recognized in the proclamation Aboriginal title to land, which has significance for the relationship between Aboriginal people and First Nations, and first the British Government and the Canadian Government subsequent to 1763.

Obviously, another important element in determining our relationships is the treaties that have been signed over the years since that time. There are misunderstandings about the meanings of those treaties that have occurred. Most of the treaties implied, at least, and many said explicitly, that what was being decided was the sharing of resources and land by the Aboriginal people who would occupy those lands; and a willingness to share with settlers, with certain elements reserved, in some cases exclusively, for Aboriginal. Too often non-native Governments did not interpret the treaties that way, but rather interpreted them as documents which extinguished rights to lands and resources. It is certainly not an interpretation that the Aboriginal people shared, and that has been one of the central problems in developing understanding between us since those treaties were signed.

Too often non-Aboriginal Governments ignored the sharing and allocated resources without proper recognition of the social and economic interests of the Aboriginal people. And, too often, as all environmentalists here will attest to, our use of those resources and the economic development that accrued from them destroyed or degraded the ecosystem, an ecosystem that Aboriginal people have managed successfully for generations. All of us, I think, are well aware of that.

Our Government is committed to a comprehensive and consultative resource policy agenda based on an ecosystem approach to management. We are also committed to an Aboriginal rights agenda. Many people think that those are somehow in conflict, and that somehow I have a conflict of interest. I'm sure some of you have heard that expressed, it has been expressed by many people. It has been expressed by Aboriginal people; it's been expressed by environmental groups; it has been expressed by sportsmen's organizations; particularly by sportsmen's

organizations, but it has also been expressed by representatives of resource management organizations and resource development companies.

But I want to say to you sincerely that I do not believe there is any conflict and I must say that if there are conflicts, as Michelle indicated, we must resolve those conflicts or we are headed for very difficult times. And I think we can. Our resource policy agenda includes Ministry of Natural Resources programs to develop sustainable forestry; the efficient use of our water resources; and as Michelle indicated, to protect Ontario's endangered spaces. That has led us to make a number of decisions. We have developed an Interim Enforcement Policy to deal with Aboriginal peoples rights to hunt and fish for food. It is interim, for many reasons which I'll explain in a moment. We have also created the Wendaban Stewardship Authority, and I notice that there are a number of people here from Temagami who are members of that Authority and others who are interested in its activities. And it has led us to a number of initiatives to address historic grievances and improve the social and economic conditions of First Nations people, and in particular the Lac La Croix First Nation. And I know there is a representative here from Lac La Croix. They tell me it's warmer in Lac La Croix than it is down here today.

Last August, the Ontario Government and the First Nations signed a Statement of Political Relationship. That statement recognized First Nations' inherent right of self-government and made a commitment that we would both work for the entrenchment of the inherent right in the Constitution of Canada. As a result of that, the First Nations, the Chiefs of Ontario, and other Aboriginal organizations, and the Government of Ontario are participating in a Round Table process to design a constitutional amendment which will recognize the inherent right of self-government. And that is a unique process and one that has not been followed by any of the other jurisdictions in Canada in this constitutional renewal process. We had the third meeting of that Round Table in Garden River near Sault Ste. Marie last Friday. At that meeting, the Government of Ontario and the Aboriginal organizations reaffirmed our commitment to the inherent right to self-government, and we recognize that right has integral to it access to lands and resources. It also includes the powers to govern, powers which reside with First Nations and are not delegated.

We both know, both the Aboriginal leadership and the province of Ontario Government recognize that we have a great deal of work to do yet. There will be many more discussions on how we implement that, what the wording should be, what mechanisms will have to be developed around access to land and resources, and how we can work out the possible overlaps and conflicts that will result around powers to govern.

On the resource policy front, as I said, the Ministry of Natural Resources is committed to a comprehensive, sustainable forestry program for the long term health of Ontario's forest ecosystems. We have involved Aboriginal peoples in that in a number of ways. For instance, one of the four community forest pilot projects that we are planning to announce, selected from the many applications that have been made across the province, will be a First Nations project. Also, the three person team which has been given the task of an independent audit of the boreal forest in Northern Ontario includes Chief Willy Wilson of the Rainy River First Nation, who is well known for his activities in Aboriginal forestry. Last November, Ontario signed a Northern Ontario Development Agreement with the Federal Government. Part of that program includes a \$12 million allocation to involve First Nations in forestry activities, in silviculture and resource planning, both on and off reserve. The Agreement also provides for more forestry training for Aboriginal students in community colleges and universities across Northern Ontario. In northwest Ontario we have a number of initiatives to respond to the difficult situation experienced by the Lac La Croix First Nation. And now we start to come to the crunch.

Two hundred and fifty members of that First Nation live on a reserve in the southwestern edge of Quetico Park. They have a land claim in the park; the park is in its traditional land use area. They assert the right to hunt and fish and trap in their traditional areas. It is a community that has suffered from isolation and poor economic conditions for many, many years. The First Nation was not consulted when the Ontario Government established Quetico Park in 1913. As a matter of fact, they were forcibly moved off their land in order to allow for the park to be established -- in 1913, we're not talking about a long time ago. Since that time successive Governments have failed to recognize the Aboriginal and treaty rights of the Lac La Croix people. And because of that, in June, I issued a public apology in the Ontario Legislature, to Chief Steve Jourdain and his Council and the people of Lac La Croix, on behalf of the people of Ontario. But how do we resolve these issues? How do we preserve the wonderful treasure we have in Quetico, while at the same time ensuring that the people of Lac La Croix can develop economically and can benefit from their traditional lands? As part of that I have asked the Provincial Parks Council, and I notice that Lloyd is sitting beside the representative of Lac La Croix here today. I have asked the Council to consult with the public widely and to prepare an amendment to the Quetico Park Management Plan, which will provide greater opportunities for the Lac La Croix First Nation, while protecting Quetico's wilderness and natural heritage values. It's a tall order.

On another front, on Thursday as Michelle mentioned, I announced that Ontario is accelerating the process for completing the protection of endangered spaces in the province by the year 2000. Part of that initiative, as she indicated, will be the establishment of a Liaison Committee by Ministry of Natural Resources, the Ontario Native Affairs Secretariat, which will work with Aboriginal peoples to outline their role in the decision-making process around the endangered spaces protection program. As part of our commitment to this statement of political relationship, we are committed to dealing with the Aboriginal people on a government-to-government basis in this project. The creation of all new Provincial parks and protected natural heritage areas will take into account treaty and Aboriginal rights. So, we have invited Aboriginal people to participate in the Technical Working Group and the Regional Working Teams which will be responsible for assessing the endangered spaces and determining how we can address this issue, and making recommendations on protection.

In November I introduced amendments to the Ontario Game and Fish Act which will provide greater protection for all of Ontario's wildlife. But in that, I also introduced amendments that reaffirm that the changes will not affect existing Aboriginal and treaty rights. So as you can see, we've striven, in meeting our resource agenda, to recognize the rights and needs of Aboriginal peoples and to respect the statement of political relationships, to ensure that we deal on a government-to-government basis in resource policy matters. At the same time, we remain committed to public consultation on resource management policy and decision-making, both with non-native and Aboriginal groups.

If I could return to self-government specifically, however, I think we all must recognize that if it is to be meaningful, it must entail access to resources. This does not only follow from our Government's commitment, but also decisions of the courts in this country, particularly the Sparrow decision, as Michelle mentioned, that was made by the Supreme Court of Canada. The Sparrow decision states clearly that Aboriginal people have an Aboriginal right to fish for food, limited only by the need to protect conservation and public safety.

That means a great deal for the future of how we manage fish and game. It basically means shared stewardship - co-management of the resources in areas where Aboriginal people have retained their right to harvest for food. In that shared relationship of stewardship, it is important that we respect both the rights of Aboriginal people and non-native people, and this obviously has important implications for land use in the future. In some areas, First Nations will exercise powers of government in several matters of conservation and resource management. In other areas, there will be shared jurisdiction and in still others, there will be exclusive jurisdiction for the Government of Ontario.

To appreciate what this means for environmentalists, consider some of the reactions to Ontario's Interim Enforcement Policy that I mentioned earlier. That policy was established to implement the Sparrow decision on an interim basis while we negotiate permanent agreements with Aboriginal communities. That will be a long and complex process. In the interim, we need a framework which allows Aboriginal people to exercise their right to hunt and fish, while we work out agreements. Under the policy, Aboriginal people are not normally subject to enforcement procedures when hunting and fishing within treaty or traditional areas, provided they hunt safely and do not risk conservation values.

The reaction to this policy has been rather mixed. There have been many who have said this means that Aboriginal people have an unlimited access to hunt and fish wherever, however and whenever they want. All I can say is that those who say that have not read the Interim Policy. And I must say that many Aboriginal leaders have expressed concern about the Interim Policy because it limits their rights on an interim basis. No one will be exempt from enforcement when hunting or fishing in a way that threatens public safety or conservation. Neither the Government of Ontario nor the Aboriginal leadership would want people to be exempt from conservation or public safety enforcement. Nor are Aboriginal people exempt from enforcement when hunting or fishing outside their traditional lands in the interim enforcement policy.

The Interim Enforcement Policy applies to the unique circumstances surrounding game and fish harvest by the Algonquins of Golden Lake in the Algonquin Provincial Park. While this is a unique situation, many have said that this is simply a step towards applying a similar policy throughout the park system. Again, without really understanding the implications of the substantial land claim that the Algonquins have asserted in Eastern Ontario which includes Algonquin Park, the province is committed to negotiating with the Algonquins of Golden Lake on that land claim. And that commitment includes an agreement to negotiate interim arrangements regarding Aboriginal rights to hunt and fish in the park while the negotiations proceed. We're still in the very, very early stages of negotiating the land claim, it will be long and complex, I suspect. In the interim, the Algonquin say that they have the right to fish and hunt on their traditional land and they will exercise it.

As a result, Ontario signed an interim agreement with the First Nation that ended a few weeks ago and it allowed them to hunt in the park. But it is important to remember, it set boundaries for harvesting areas, levels of harvest, public safety measures controls, and conservation provisions in the agreement. And that was an agreement that

was negotiated by the Algonquins and the Government of Ontario. It was not imposed by either side. I signed my name on the agreement because I was convinced that it would not threaten the health of the park's ecosystem. We are also prepared to negotiate a fishing agreement for the park and further hunting agreements will be made as well.

The interim agreement did more than fulfil Ontario's obligations under the Sparrow agreement, its true. It has helped the Algonquins of Golden Lake prepare themselves for self-government for when we finish the final agreement. It has helped them clarify their justice code. It brought them into the resource-management decision-making process. And they took responsibility for meeting conservation goals, as part of the agreement. So what was the result of this interim agreement? It provoked a backlash among some groups who said that in some way it violated the sanctity of Algonquin Park. The reaction was similar to the reaction of some others to the Interim Enforcement Agreement.

It's interesting the way many people have expressed their views on this very complex issue. Many of them begin by making comments expressing their deepest sympathy for the plight of Aboriginal people in Canada, and say that they are committed to Aboriginal rights. But then they go on to say that certain species, or a certain place, or ecosystem, or a certain issue is far too important and valuable to be subject to Aboriginal rights. I've heard people say, with regard to Quetico or Algonquin, "this is not an Aboriginal issue, it is a parks issue." Think about that, its both.

You can't have simple responses to these questions, they are difficult and complex. I believe sincerely that we must act now to nurture the health of our ecosystems. That's why we have accelerated the process to protect endangered spaces including the habitat of rare and endangered plant and animal species. This year we are revising the plan for Algonquin Park. We are basing the revisions on more than 100 recommendations of the Provincial Parks Council. The priority will be the preservation of the park's ecosystems. The result will be a greener park that will sustain recreational use, economic use, and, if called for, Aboriginal food fishing and hunting. There will be more wildlife in the park, not less. It will be a quieter, not a noisier park. There will be a larger wilderness zone, not a smaller one. It will be a greener park. Ontario is adopting the same approach to resources and lands across the province. We cannot sustain ourselves -- economically or environmentally -- unless we begin now to reverse centuries of depletion.

Given this context, I believe that there are several environmentalists who will welcome the idea of Aboriginal self-government. Implementing self-government will involve Aboriginal people in the decision making process. These new partners share with environmentalists a reverence for the land and life. That's why I think this conference is so important. Aboriginal people and non-Aboriginal people, environmentalists, municipal leaders, resource managers, resource development companies must have dialogue with one another -- particularly environmentalists and Aboriginal people, as people who hold the land as being sacred. They will not accept the destruction of the land at any price in the name of prosperity. I've worked very closely with the Aboriginal leaders who lead their Governments. I'm certain they will be receptive to new ideas on land use and resource management.

Aboriginal people in Canada today are closer to achieving self-government than at any time since it was taken from them by settler Governments. There are a number of reasons for that. One of the most important is that a large percentage of Canadians clearly believe that their Governments should recognize Aboriginal self-government. The polls indicate that the support for this in Ontario is stronger than any other part of the country. But you and I know that public opinion can change very quickly. That might happen on this issue if non-Aboriginal people become persuaded that their interests are threatened by Aboriginal rights. This applies particularly to their concern for wildlife and recreational land. I don't pretend that the relationship with Aboriginal people and First Nations will be smooth sailing. In some matters there is such a history of misunderstanding and grievance and poor communication -- and in other matters there are real differences of view, and opinion. I'll conclude by pointing to one.

A recent report by a group called the Native People's Circle on Environment and Development demonstrates both the misunderstandings and the differences that exist. That report is a draft document still not in final form, which contains 70 recommendations -- one of which called for Ontario to turn full management of fisheries over to Aboriginal peoples. I want to say clearly now, despite reports to the contrary, Ontario is not prepared to turn over the complete management, ownership, or control of Ontario's fish or game to Aboriginal people. It's not in the cards. Nor has, and this is important, nor has such a recommendation even been presented to the Province. I want to clarify exactly what the draft report is -- and what it isn't. The Native Circle is a task force formed by the Ontario Round Table on the Environment and the Economy. Many of you are familiar with the Round Table, which was established in 1988 to prepare a sustainable development strategy for Ontario. There are six task forces representing sectoral interests, such as manufacturing, transportation, forestry, energy and minerals and agriculture.

There also is one, the Native People's Circle, representing Aboriginal people and their views on sustainable development.

As a sub-group, the Native Circle is preparing recommendations for the Round Table, as are the other task forces. These reports will be taken into account by the Round Table in the report it presents to the Government later this spring. The draft report of the Native People's Circle has been circulated to Aboriginal communities across Ontario for comment. During that process it became public. The report is not Government policy, nor is it even a recommendation at this point, to the Government. I am a member of the full Round Table, and at the appropriate time I will respond to any recommendation that comes forward. But I'm making my position clear and the position clear of the Government, now. I think its important to recognize though that even in the recommendation in the draft report, the full quote is not being publicized. The words at the end of the recommendation in the draft report are "in light of conservation, wise management and continued access to all users." Isn't it interesting that part of the recommendation is not being publicized.

As a Government though, I want to make clear, that we are committed to working out co-management agreements and arrangements with Aboriginal people and First Nations. We are not committed to exclusivity. Obviously the implementation of Aboriginal self-government requires much more negotiation. I suppose, in an ideal world, no one would oppose the vision shared by the Aboriginal peoples and non-native environmentalists -- a vision of harmony between the land and its people. But the real world is different. There are opinion groups and interests and leaders who don't want things to change. They are well-organized. Environmentalists and Aboriginal people have much to gain if they face their differences, and focus on the values they hold in common. And there are many. In this river, we are in the same canoe, we must learn to paddle together. If we do, we'll go far, if we don't, we'll founder in the rapids.

Thank you, Meegwetch

Michelle Swenarchuk: Thank you Mr. Wildman for that detailed and passionate elaboration of the Government's position. As I said, we'll have time for questions after both our speakers are finished, and I'll tell you now a little bit about Professor Brad Morse, who will speak to us next. He is a Professor of Law and Director of the Graduate Studies Program in Law at the University of Ottawa. He's been a professor with the University of Ottawa since 1976, and has served in the past as Vice-dean of Common Law. Professor Morse has written extensively on Aboriginal legal issues, including four books and numerous articles. He has served as a legal advisor to a variety of national and regional Aboriginal organizations in Canada and Australia, as well as a number of First Nations since 1974. He has recently served as the Director of Research for the Aboriginal Justice Inquiry of Manitoba, and he has been working with the Walpole Island First Nation since 1977. Professor Morse.

ABORIGINAL RIGHTS TO LAND AND LAND USE IN CANADIAN LAW

Professor Bradford Morse
University of Ottawa

Let me thank both the organizers for the honour and the opportunity to be here and all of you for being here on a Saturday morning.

It's particularly interesting I think to be here at this particular time. We are here a mere two days after the Oldman River Dam decision of the Supreme Court of Canada, perhaps the most important decision in Canadian legal terms in relation to the environment, a decision which is largely good news for environmentalists, although not for all, and a decision in which there was one of those unfortunately all too rare circumstances in which Aboriginal peoples and environmentalists were working together on a matter of common concern.

I hasten to add though, in using the words that Mr. Wildman just used, they were not in the same canoe - but in two separate canoes, yet concerned about the same river, and going in the same direction. The importance perhaps about being in two separate canoes, as opposed to one is that you don't fight over who's going to control the paddle and choosing the direction that you are going. It becomes instead a decision for each canoe and the holders of the paddles in each canoe to make for themselves and if they wish to go in the same direction, then they can do so.

There were a couple of things that Mr. Wildman said that I have just got to pick up on and I will then try and go on to some of the things I wanted to talk about. Just on the issue of self-government, I think that one of the aspects of this in which we have to be particularly sensitive is the way in which we use terminology and how these issues are viewed from different perspectives. Mr. Wildman touched upon the issue of the inherent right to self-government, which I will come back to a little later. But even comments like "self-government was taken from Aboriginal people", is one on which there are clearly different views. There are many Aboriginal people who are of the position that self-government was not taken, but that they've still got it. That is, it has been suppressed and it has been actively oppressed by non-Aboriginal Governments, but not successfully taken.

On the issue of the Native Circle Report, I think it's interesting, as is Mr. Wildman's response to it. I would like to just pose some questions on this. On the issue about turning over complete control of fish and game to Aboriginal people, not only has it been blown out of proportion, but I think the fact that Mr. Wildman to some degree has felt compelled to respond to this today demonstrates the way in which it has gained a certain degree of momentum, while virtually the rest of that Report is getting ignored (and I'd by the way put in a plug for people to read it as it's very good). But Ontario's response, saying it will not turn over complete control of fish and game to Aboriginal people, leads me to just ask some questions about this. Why is that concept so threatening to non-Aboriginal people? That there is this response that the Circle was saying "Give away complete control over our resources" (the non-Aboriginal response)... Why is there that reaction? Is it because Aboriginal, or non-Aboriginal people, assume that if Aboriginal people and Aboriginal Governments are in control, that they will discriminate against us? Speaking to the non-Aboriginal people in the audience now, is that the fear? In other words, that they are going to do to us what we have been doing to them for the past five-hundred years? Is that the fear? If it is, let's come to grips with that very directly. Or is it an assumption that Aboriginal people will somehow mismanage the resource in the future, so that there will be less fish and game in the future? Hm... It seems to me that is precisely what our Governments have done: we sure do not have the same amount of fish and game in Ontario that we did two hundred years ago. So who's been doing the mismanaging? Is that the fear? Well if that's the fear, then it seems to me we have to ask ourselves, non-Aboriginal people have to ask ourselves, well how come in actual fact our Government has done such a bad job? How come the resources have declined? What are we doing about it? How are we increasing the resources? I'm not just talking about preserving what's left, but how are we enhancing it? What are we doing to rebuild fish stocks, the deer populations, etc.?

I think it's also interesting, with the greatest of respect, that Mr. Wildman has said that Ontario will accept co-management but oppose exclusivity in terms of Aboriginal control. That clearly represents a significant advance in the thinking of the Government of Ontario over what it has been in the past, so that's positive. On the other hand, frankly I'm not so sure that Ontario, that is the Government of Ontario, is any longer in the position to make those kinds of blanket decisions. On a political level, I can accept that. But I'm not sure frankly that that position can be asserted effectively before the law in Canadian courts today even if the Government of Ontario wants to, because

I think in fact what has happened is that the universe as we know it - at least as I visualize it or conceive it, which already suggests that perhaps it may not be real (laughter...) but let me hasten to add that although I'm a Star Trek fan I'm not living in the twenty-fourth century - but the universe as I see it has changed, and has changed quite significantly in the last few years.

In some ways while I think the position of Ontario right now is a "quantum leap" forward (here's another TV show analogy here...) over what it was a few years ago, it's still caught in a bit of a time warp. Doctor Sam Beckett always leaps backwards you know, he never leaps forward. In this case we've kind of leapt forward, but we're still not up to the present because I think what is developing in Ontario is running faster than Governments - non-Aboriginal Governments - and non-Aboriginal people have been able to run to keep up. Some might suggest that non-Aboriginal people need to use the Ben Johnson original school - we've got to do a mega-dose of steroids to pick up our pace to catch up with what's going on. But what this tends to suggest (I'm trying to lighten things up a little bit for a Saturday morning), I guess part of what I'm trying to stress here is that when we're talking about the position of Aboriginal people in Ontario, or elsewhere in Canada, we are talking in part about legal rights.

We're not just talking about Government policy. We are not talking about Government policy, depending upon your perspective on the equation, as being misguided or being too liberal and giving away the province. We're not talking about programs and services or authorities being delegated to Aboriginal people, or being given. We are no longer talking about Governments doing things because they wish to be generous or because they recognize that Aboriginal people have suffered extensively from the ravages of colonization or because they recognize that they are currently the poorest of the poor in a rich land. While those are good motivations for doing things, which unfortunately haven't been particularly effective in prompting Government action in the past, nevertheless that's not what is really reflective of the reality today. What we're talking about now are legal imperatives. So Governments - I'm speaking of non-Aboriginal Governments here - are having to address Aboriginal peoples on a nation-to-nation basis, not because Governments have suddenly become enlightened, but because they have little choice. They have little choice because in an interesting development, the Canadian courts, who have previously spent about a century or so oppressing Aboriginal people, have suddenly in the past few years from time-to-time turned around and begun to redefine the legal situation. As a result of that change, the political situation and the political relationship between Aboriginal people and non-Aboriginal Canadians has been fundamentally altered.

Given our time restraints I'm not going to give you a kind of detailed case-by-case, blow-by-blow analysis of the law, but let me just try and hit some highlights. I think we can all accept as a given that four or five hundred years ago, Aboriginal people were here as independent, sovereign nations. Somewhere around eight million or more Aboriginal people lived in what is now the United States and Canada, with over three million in Canada. Contrary to some of the popular images, this was not an empty land populated by handfuls of Aboriginal people. Aboriginal people therefore were extensive users of the land and existed as independent, sovereign nations - with their own Governments, their own legal systems, their own beliefs, their own environmental laws, and so forth. That sovereign status was bestowed upon Aboriginal people not by a constitution, not by a Crown, but by the Creator, and sprang from the people themselves. It was inherited by each generation from its past and held as a responsibility or as a sacred trust for generations yet to come, to exercise that authority wisely for the benefit of the people to come, but also for the benefit of the land and all living things.

Europeans arrived and they entered into treaties, I've alluded to one already, as the Two Row Wampum defines a particular perspective of the reality of what the new relationship was going to be. Aboriginal people welcomed non-Aboriginal people, my ancestors, to this land. Welcomed them as friends, helped them to survive, did not make them citizens in the Aboriginal nations, but in fact said the land is rich enough to support us both. However, they said that you non-Aboriginal people are to travel this river of life in your big boat with your laws and cultures and values, and we will continue to travel it our way. With peace and friendship treaties negotiated for many years (and the Two Row Wampum goes back to the mid-1600s), with peace and friendship treaties being negotiated throughout Atlantic Canada in the late 1600s and all through the 1700s.

In fact many of the subsequent land surrender treaties, as Mr. Wildman has indicated, from an Aboriginal perspective are still seen as peace and friendship treaties right up to Treaty 11 in 1921 in the MacKenzie Valley, in which the Dene saw this as a treaty just simply recognizing the Crown and Europeans as friends that would share the land. But the Crown and Europeans started to adopt a bit of a different view on these things and we have tended to see land treaties not as an agreement whereby we would both be nations, or both vessels in this river of life that would share the land, but instead viewing it more in terms of a legal conveyance. We started to believe that we were purchasing the land like buying a house, and the way non-Aboriginal people see buying a house is that the former resident of the house doesn't stay. When you buy the house you move in, you assume they move out, and if they don't move out you kick them out, because that's your idea and that's the impression of what you're buying - as opposed to acquiring the right to also live in the house with them. So we have come to see it quite differently.

Under our view, then, what we've expected is that Aboriginal people would move out, move out of all that territory that we were buying, and reside on reserves and only there. In fact, many of "our" ancestors, in terms of the non-Aboriginal people in the room, what they really thought was that Aboriginal people were going to really move out, not emigrate, not find another country, but in fact the policy was of "smoothing the dying pillow", as one Government bureaucrat put it. That is, that Aboriginal people were simply going to disappear, they would die off through disease in particular, so the issue would not remain.

What about our legal system? Well, our legal system in fact didn't play a particularly significant or positive role in this regard, because by and large Aboriginal people have not been part of the Canadian legal system. First off, of course, it's not their legal system, but it's a foreign legal system. Although our ancestors came as immigrants, we didn't put ourselves before the jurisdiction of the Aboriginal legal system, the way of course Canadians expect new immigrants right now to immediately accept the application of all Canadian law, both federal and provincial law. The non-Aboriginal people didn't do that, instead they assumed that the common law would apply. Aboriginal people did not choose to utilize the common law. Aboriginal people did not run off before the courts and say, you're violating our rights and you're misunderstanding the treaties. To some degree, of course, that's a function of it being a foreign system - from an Aboriginal perspective you don't understand it and it also doesn't look like it's going to be fair. It comes back to the question I was asking, why are non-Aboriginal people so threatened by Aboriginal people taking over the fishery, because they're going to discriminate against us, as they are not us. We want us to run it. Well, that's the situation that Aboriginal people faced when they went into a British or subsequently Canadian court, so Aboriginal people just weren't involved in this legal system.

That's not to say that there were no court cases, for there were. But the court cases were between non-Aboriginal people fighting over Aboriginal issues, and of course one of the classic cases of that is St. Catharine's Milling v. The Queen. This was a fight between Ottawa and Toronto, between the Grits and the Tories. In fact, it came right down to good politics, a fight between a Liberal Government and a Conservative Government, over who was going to control Northern and Western Ontario, with the Federal Government arguing "We do, because we bought the land from the Ojibwa. They have held it in fee simple, they were the full owners of the land, and we negotiated a treaty with them, so it's ours. So Toronto, you don't control it, we do. Therefore we can give licenses to timber companies and we will get the royalties, etc." and Toronto arguing "No, no, no, this is our land now. You merely extinguished the Indian interest when you negotiated a treaty. So Ottawa you have no control. We'll issue the licenses; we'll choose the timber companies that are buddies with us; we will choose the Liberal timber companies instead of the Tory timber companies", and so forth. I say that not just because an NDP Minister is here, but those were the parties that were running it at the time. Besides there aren't too many NDP timber companies (laughter...). That's because I'd suggest that there haven't been too many NDP Governments in power very long (laughter...). Having lived in BC under the Barrett Government, one of the reasons the NDP Government wasn't around very long was because there weren't too many NDP timber companies. But timber companies have demonstrated that they'll become friendly with whoever's in power so long as they're in power for long. So stay around for a couple more elections and we'll see some NDP timber companies.

So we've seen a battle really between Federal and Provincial Governments over all these resources. But that has changed, and it's changed I guess starting in the 1950s with Aboriginal people being hauled into court as defendants by Federal and Provincial Governments on hunting and fishing cases. That started the change. The Federal and Provincial Governments started to actively enforce the hunting and fishing laws against Aboriginal people, and Aboriginal people said "Well, wait a second - we've got a treaty that says we can do this." And Federal and Provincial Governments by and large saying, "Treaty? What's a treaty? What are you talking about?", and the feds having some understanding of treaties saying, "Oh yeah, that's what you're getting five dollars a year under," and that's of course only for some of the treaties. The Federal Government completely forgot about the treaties in Southern Ontario, the pre-Confederation treaties, and the province had no idea what treaties were about.

So Aboriginal people began to resist these wildlife laws being imposed upon them. And then of course in a whirlwind way we get up to the 1960s where the Nishga finally decided that enough was enough, and they were going to go to court as plaintiffs, they were going to challenge the Government of British Columbia on the issue of who really does have title to the land. This results in the famous Calder case, and just in a very basic way, while the judges disagreed on some matters, one group - three judges saying Aboriginal title still existed, another three judges saying it used to exist but it had become extinguished, and the seventh judge just saying well, they forgot to get the permission of the province to sue, so therefore they couldn't sue. But of all the judges, even the ones who ruled against the Nishga, Mr. Justice Judson on that side said it in this way, and it is not a bad description of what this is about; "the fact is that when the settlers came the Indians were there organized in societies and occupying the land as their forefathers had done for centuries. This is what aboriginal title means." So even from the judges who in fact rejected the Nishga claim, they still concluded aboriginal title was recognized by Canadian law. Well this sparked a whirlwind of litigation and we've had lots of cases subsequently over the intervening years,

really over the past twenty years, in which the nature of these rights has slowly gotten clearer. Of course, what has come along the way, which has had a significant effect, is the Constitution Act, 1982 and the change in the Canadian Constitution whereby "existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are recognized and affirmed.(5.35(1))". Aboriginal peoples, by the way, are defined as being the Indian, Inuit and Metis peoples (5.35(2)). So we're talking about rights of not only First Nations but also for Metis and Inuit peoples. In fact, there is nothing in the Constitution that says these rights are limited to reserves but apply and can be exercised by people wherever they live, including those who live in cities such as Toronto.

So the Constitution Act, 1982 has in fact significantly changed the scenario even further. It has given greater opportunity, if you will, for Canadian courts to slowly come to grips with these issues. But Aboriginal people are not anxious to be fighting all of these battles out in court. They're still not anxious to be going to non-Aboriginal judges to get them to define rights, so litigation is not a preference. Court battles are ensuing solely in situations of last resort, where people have little choice - such as in an Oldman River Dam scenario, or James Bay II, or in situations where Aboriginal people continue to be dragged into courts. One of the other famous cases that Mr. Wildman referred to is of course the Sparrow decision of the Supreme Court of Canada in 1990. That is a decision again in which - in this case an Indian from the Musqueam band in Vancouver was taken into court for fishing in violation of the BC Fisheries Regulations, which are passed under the Federal Fisheries Act. So Mr. Sparrow was not choosing to start all of this mess, he was instead taken into court as a defendant.

The Supreme Court of Canada had an opportunity to deal with this matter, and it was the first time that the Supreme Court of Canada - the highest court in the land - could deal with the specific provision in the Constitution Act of 1982, Section 35, that recognizes and affirms aboriginal and treaty rights. The Supreme Court in that case articulated a number of essential doctrines, one of which is that there is a fiduciary obligation - and that's a bit of a fancy way of saying that the Crown (and the Supreme Court tells us it applies both the federal Crown and the provincial Crown) is obligated to act like a trustee in its dealings with Indian, Inuit and Metis peoples and that this obligation is a broad one. It is not just limited to reserve land issues. This obligation is part of the common law, and has also been constitutionally entrenched now through Section 35. It is connected basically to the concept of holding the Crown to a high standard of honourable dealing with respect to the Aboriginal peoples of Canada. So it's a strict standard of trust-like conduct. When we're talking about "trust-like" here, we're not talking about Pioneer Trust or some of these other trust companies who seem to keep failing. Instead we're talking about REAL trust-like conduct here - and this is a conduct imposed upon the Crown that would be supervised by the Courts in aboriginal and treaty rights situations.

What this means at the very least is that the Governments - both Federal and Provincial - are under an obligation to act on behalf of an Aboriginal group or community, so that in effect, the Government is the trustee and the Aboriginal peoples are the beneficiary of the trust. The Government is obligated to act in the interests of or on behalf of the Aboriginal group, not just because they are residents within the province, not just because they're constituents and the Provincial Government owes them some duty like it owes other constituents, but in fact because they're the beneficiary of a trust. The Government is in a situation in which it has certain powers that can affect Aboriginal peoples' rights or interests. It is because of that power that Federal and Provincial Governments possess, and because of the inequality of the position between Aboriginal people and the Crown, and because the Federal and Provincial Governments have in fact been saying to Aboriginal people for years "You can only sell your land to us, we will control the development of this land", that the Crown has put itself in a position in which it is a trustee or a fiduciary. So now having this fiduciary obligation, what that means is that there is an onus on the Crown to stop its sharp dealing - you can no longer finagle, you can no longer mislead, you can no longer misrepresent, you can no longer play lawyer-like games in order to take advantage of or mislead Aboriginal people. But it's more than just an onus not to do things, it's more than just that you can't be bad and you can't be dishonourable. It is in fact a positive onus or obligation on the Crown that it has to act in the way that advances the interests of Aboriginal people. They are special constituents if you will, and furthermore, that aboriginal and treaty rights are not frozen in time. The courts will not accept, for example as some anglers have put forth, that if Aboriginal people want to hunt, they can only use a bow and arrow, or if they want to fish, they can only gaff or spear fish, this kind of thing. The rights are not frozen in time. They're also not limited to traditional methods, as Aboriginal people have the ability to evolve like everybody else, because to freeze them somehow in time would be to continue to oppress and deny them their natural opportunities.

In addition, the Crown has to put Aboriginal people first. That is where this issue comes in, I think in particular starts to come to a head about conservation and parks and the like. Traditionally the Governments, Federal or Provincial, within their spheres of jurisdiction, have felt that they have the ability to decide what conservation means, and what the balance will be - what we'll conserve, what we'll exploit, what we'll save, what we won't, which part of the environment we'll protect, which part we won't, or how we'll protect it - that's all been within governmental authority. And the role of general Canadians was that if they didn't like it, they could boot the Government out and

replace them with another Government. Well I'd suggest to you however that that's not what it means in relation to Aboriginal people. The courts are instead telling us that that kind of management is not enough, that kind of 'carte blanche' to Governments is not enough and that Governments cannot just define conservation as they wish.

On the other hand, the courts have also said that Aboriginal people are not entirely exempt from federal and provincial law. The courts have come up with a bit of a compromise, which I should add many Aboriginal people and others are not happy with. But the state of the law at present is this compromise in which the courts have said "We will continue to uphold federal and provincial laws as applied to Aboriginal people in limited circumstances, where the Crown can prove that there is an absolutely essential overriding interest that is being advanced by that law, which is the kind of interest that is in fact beneficial to Aboriginal people." In other words, where the Crown is really honouring its trustee or fiduciary duty, it is advancing the interests of Aboriginal people through this law and it is meeting an essential purpose, then the law may be upheld. The courts have also said that some of those essential purposes are conservation and public safety. But that doesn't mean that the Governments can define conservation any way they wish. It does not mean that the Government simply can go into court and say "This law is designed to promote conservation, therefore it's okay, my Lord, so allow us to prosecute and please convict". Because the courts are saying that that's not good enough.

What the Crown now has got to do in relation to Aboriginal people is at least prove that a particular law does in fact on the ground, in that area of the province or Canada, meet that objective of conservation. Furthermore, the Crown must prove that it has done everything it possibly can to still honour its obligations to Aboriginal people and advance their interests. In other words, the Crown must prove, for example, that a particular species is endangered in that place, and they must prove that Aboriginal people have priority in the degree to which any harvesting is possible. If only 50 fish can be taken, and Aboriginal people in that community need 5,000, then Aboriginal people get all 50 fish. So what the courts are saying is not co-management in the sense that Aboriginal and non-Aboriginal people come together and divide up the harvest in a fair and equitable way and that both sides' interests are met. The courts have instead said that Aboriginal people come first. Their needs are to be met first, after which then non-Aboriginal harvesters or users' interests can be examined, and the Crown still has its ability to divide up what is left among those non-Aboriginal users. If the Crown wants to favour commercial fishers, it can. If it wants to favour sports fishers it can. If it wants to favour anglers versus people who use nets, then the Crown still has that kind of prerogative. So that means the situation, in my view, has changed quite dramatically, and that is even putting aside the question of self-government or Aboriginal Government and Aboriginal jurisdiction. But we have to now factor that one in very briefly, to make it even somewhat more complex. The effect of this is that Aboriginal people are not just users with special rights. They also, as Governments, have governmental authority. That means they too have jurisdiction over these resources, and in some places that jurisdiction will be exclusive. It will not solely be co-managed jurisdiction or joint jurisdiction. In some places it will be exclusive Aboriginal jurisdiction. So that becomes part of the reality environmentalists and non-Aboriginal people have to accept, and that jurisdiction will not just be on hunting and fishing, I should add. It will also be on management of the environment. This means that Aboriginal people are managers, or preservers, or enhancers of the environment, and as well have priority rights as users or harvesters.

From the Aboriginal perspective, and I would suggest from what should be the perspective of many environmentalists, this is in fact good news. It is a chance for the environment to be better protected and better managed than it has been in the past. On the balance of competing interests, which are inevitably present in relation to the environment, Aboriginal people put preservation and protection of the environment higher up on the scale. That does not mean, however, that Aboriginal people are anti-development, and want things untouched or pristine, because in fact they generally favour development. But when it comes down to assessing if development is going to hurt or protect the environment, the odds are much higher that they will opt in favour of the environment and against the development than our Governments have shown in the past.

What it also means for non-Aboriginal Government and for environmentalists is that we have to re-examine our objectives in relation to parks, as a place in which harvesting is limited or prohibited for the benefit of the general public, because in fact Aboriginal people simply have the right to harvest.

It means we must accept Aboriginal people as experts with important knowledge about wildlife and about environmental management. We also have to respect them as having a vital, legitimate role within their jurisdictions and outside their jurisdictions in a co-management role.

We do have some interesting examples in some parts of the world, such as in Australia where Aboriginal people actually own a number of the national parks. They lease the land back to the Crown and they jointly manage the park through joint planning and a joint Board with each side having a veto as to how the park will be managed. Aboriginal people are the owners of the underlying title to that land as a result of land claims settlements and the

Crown has then acquired a long term lease. This is clearly an interesting example of what is possible that can be explored in Canada.

Thus Aboriginal people can be allies of environmentalists yet they should not be assumed to be always having the same objectives, or to be passive partners. For Federal and Provincial Governments it means the world has changed. It is no longer simply reflective of dividing up the powers between Ottawa and Toronto, or Ottawa and Victoria. There is now a third order of government with its own jurisdiction and with rights to land and resources. This is also happening not just on reserves, but outside of reserves for Indian, Inuit and Metis people.

In my view, therefore, all this means that we are facing a new universe. It is going to be a challenging one, especially for non-Aboriginal Governments and non-Aboriginal people. It means we must change our thinking. I suggest this is so because it is morally proper, because the law requires it, because Aboriginal people demand it and because I think the environment needs it. I want to stop with that. Thank you for your attention.

QUESTIONS AND ANSWERS

Hon Bud Wildman and Prof. Bradford Morse

Michelle Swenarchuk: Thank you to both of you. We started this session about fifteen minutes late, and to allow some time for public discussion I'm suggesting that we go a little bit past quarter to eleven. So please feel free to go to the mikes, do go to the mikes to ask questions so that the proceedings can be taped. Go ahead, the person who's there... Would you please give us your name and affiliation?

Question: My name is David McLaren, I'm working with Saugeen Ojibwa up in the Bruce on some land claims and some fishing rights, and I have two very brief questions for the Minister. I'm glad to hear about his commitment to native issues, and I think we all recognize it, and those of us who voted for him appreciate it. However, in the negotiations that have been happening up in the Bruce, there seems to be a very large gap between Government's commitment and the negotiations as they've been progressing. Now I don't want to go back to the canoe analogy too much, but we've been in the canoe now with the negotiators for MNR for about 18 months and it seems like we're still up the creek (laughter...). However the question is this: I understand that there is a policy that is being put forth to Cabinet in the very near future - I expect in about four weeks - that policy apparently addresses a number of comprehensive issues about natives. While I understand the Government's need for such a policy in the face of great opposition, we're very concerned that that policy may constrain the kinds of negotiations that are going on in the Bruce and in other areas as well. So far there has been no Native input into that policy as I understand it and I'm wondering if the Minister could talk a little bit about that policy and when he might expect to see it come forth and if there's going to be a chance to comment on it afterwards.

Hon. Bud Wildman: Oh yes, obviously if we are going to meet our commitment to Aboriginal and treaty rights and Aboriginal self-government, it is imperative on the Provincial Government side that we do this within a policy context. We have to elaborate what that commitment means for us. But in regard to our commitment to the statement of political relationships, that means that we will deal on a government-to-government basis and we are attempting to do so now. So obviously when we develop a policy with regard to access to fish and game resources for instance, that is our position. But it is then subject to negotiation on a government-to-government basis, just as I expect Aboriginal Governments will develop their positions and that we will meet together to 'treat' (to use an old term), to attempt to come to an agreed position which is acceptable to both sides. What I said earlier with regard to exclusivity is indeed our position, which is subject to negotiation in terms of how we implement the position or if the position is unacceptable, how it can be adapted. But it's important that we have a position. I mean you can't negotiate without a position. So we have an interim enforcement policy - while these negotiations take place. You're quite right, they are long and they are complex.

David McLaren: They are actually not all that complex in the Bruce.

Michelle Swenarchuk: Can we defer to the next question please, because we don't have very much time?

Hon. Bud Wildman: They are long and complex and there must be a policy that can be implemented in the interim. There will not be a vacuum. Having said that, it's important to recognize that when we deal on a government-to-government basis, Governments have been known to disagree.

Michelle Swenarchuk: Can I recognize the speaker at the mike at the back? Let me just ask all of you, do you want this session to go on a little longer, like say till eleven, rather than 10:45, which would give us only another three minutes?

Hon Bud Wildman: I can stay longer if that's acceptable, I do have to leave though by 11:30.

Michelle Swenarchuk: Eleven o'clock? All right. If you don't mind David, the person at the back now? And I've been asked to ask all of you to speak directly into the mikes so that it can be picked up, please. Go ahead at the back.

Question: I'm John Bacher, I'm with the Artists Environment Forum. Professor Morse, I have a question that you sort of tended to accentuate the positive in your review of judicial rulings. Now I understand that you have a good purpose in doing that, but I think that you've overlooked some of the darker side of Canadian judicial thought which really deserves attack. And I have a bit of a different view of the St. Catharines Milling case and the fact I think Ontario tried to deny the existence of any Aboriginal right, essentially using racist and social-Darwinist grounds which

are pretty well discredited when people saw how it was linked to fascism, and that actually what is really quite outrageous is that some courts still use that interpretation today, such as the lower courts on the Temagami ruling. So I would like to hear from you about the sort of vigilance that sort of needs to be done to further push the courts in a better direction.

Brad Morse: Sure. Well the judiciary is like any other group: there's the good, the bad and the ugly, and that's true for cases. Given the huge volume of the cases, what I've attempted to do was very much to just try and summarize things. There are a number of lousy decisions. There are, fortunately I'd say, a reasonably small number of judges who are overtly racist. There is a larger pool of judges that are unconsciously so. They don't honestly believe that they are racist, but they still unconsciously reflect values that speak to the existing belief of almost inevitable superiority of Western law and Western civilization. And that in the clash between Aboriginal values, Aboriginal laws, Aboriginal civilizations and the West, the West is going to win because it should win. There are still judges who clearly believe that. You've mentioned aspects that reflect some of this thinking in one judgement, there is of course a well-known one from British Columbia at the moment.

But I think what's important really is not to focus upon an individual judgement here or there or at a lower court level, but rather to focus on what the Supreme Court of Canada is telling us. They are the highest court in the land. Unfortunately on the Bear Island case, they didn't tell us much of anything. They basically said "The Teme-Augama Anishnawbe lost on the facts at trial and we're not going to disturb that." The Supreme Court of Canada tends to take the view that it won't muck around with the trial judge's decision on the facts. Having said that, they however went on to say, "This does not mean that we endorse the legal decisions of the trial judge on different points of law." In fact they expressly overruled him on the question of whether or not the Teme-Augama Anishnawbe were an organized society at the relevant time. So the Supreme Court didn't tell us much there, but they have been telling us I think quite a lot in the Triple S cases - Simon, Sioui and Sparrow - I focused particularly on Sparrow because it speaks I think most relevantly to the issues of this conference in terms of Ontario.

The Sioui case is one from Quebec. It is a parks case, where they said specifically that the Huron were an independent nation, had a treaty with the Crown even though nobody in Quebec had ever thought it was a treaty since 1760 but nevertheless it is, and furthermore, that meant that the Huron have rights to use the park in a way in which the Parks Act on its face disallowed, such as by camping there, having open fires, etc.

Simon, an interesting case from the Maritimes, and we can go on and on about it - but I think just in a nutshell, clearly there are bad judgements, there will continue to be bad judgements, and there may even be some bad judgements from the Supreme Court of Canada in the future. There is no inevitability that Canadian law is going to go in one way or another. But I think as of now, the Supreme Court of Canada has spoken to us very clearly on what the law is in Canada, what Section 35 of the Constitution means right now.

John Bacher: As a non-lawyer, I would add one comment with regard to Temagami: while the Supreme Court did not tell us a great deal, it did tell us that there were obligations undefined by the Court that had not been met, and therefore incumbent upon us, in addition to our commitment to negotiations, to in fact as far as the Court is concerned, deal with those obligations that have not been met.

Michelle Swenarchuk: Now, the woman at the mike at the rear. Could you give us - that's you - could you give us your name and affiliation if you wish.

Question: My name is Laurie Montour, I work on native natural resource issues. Brad, perhaps I had missed it but under what conditions would exclusive jurisdiction hold? And then Mr. Wildman, I'd like your comments on that, considering that you had stated that Ontario is not committed to sole jurisdiction.

Brad Morse: I think we don't know the outer limits of where the exclusive jurisdiction lies. I think though on any lands recognized as Aboriginal lands, reserve lands or otherwise, then Aboriginal Governments have exclusive jurisdiction on that territory. Yeah, I think the situation is similar to, to some degree, the United States. Indian tribes within Indian country - in the U.S. which is not the same thing as reservations - within Indian country, they have exclusive jurisdiction on land management, environmental protection, hunting and fishing, that kind of thing. And I think that we're in the same scenario here in Canada, that there would have to be very compelling reasons for some - for the court to uphold a federal right to intrude upon that jurisdiction, and I expect that there's no authority for provinces to intrude on that jurisdiction at all.

Hon Bud Wildman: If I could make something clear. When I said exclusivity - we were not accepting the concept of exclusivity - I was responding specifically to the recommendation that I referred to from the Native Circle. That does not mean at all that we do not recognize that there will be variations in jurisdiction, that there will be areas of

exclusive Aboriginal jurisdiction, areas of shared jurisdiction, and areas of exclusive Provincial jurisdiction, and that those areas are subject to negotiation. That is our position.

Question: Marion Taylor from the Federation of Ontario Naturalists. Just a question I think has arisen from the conservation standpoint, and that is the whole definition of conservation. I think you're quite right that governments ought not to be permitted to define conservation, they've done a rotten job so far. But if not coming from governments of one kind or another, then how is conservation to be defined, because that seems to be - from the Sparrow case - something that is going to keep coming up again and again. For instance, in particular how do protected areas enter into the definition of conservation, because in the kind of ravaged landscape we have around us, protected areas are ... I think Native bands - for instance, Polar Bear is an interesting case in point - where the Band or the Tribal Council has passed a resolution which in effect would double the size of Polar Bear because they see in the current land use situation that parks are the only game in town. So the question was about conservation and how we're going to arrive at some kind of a definition.

Brad Morse: No I understand, I just wasn't quite sure which of the two of us you were directing it to, although I'd like to hear Mr. Wildman's answer to it myself (laughter...). So can I make it a joint question?

Michelle Swenarchuk: I guess you get the first crack at it, Brad.

Brad Morse: Well, I guess what I could do is adopt a nice kind of judicial tone, which is to say that it's not for me to define it but I'll tell you if you've got it right or not, because that's what I think the courts will do in fact. What the courts have said is to the parties - and here it is now three levels of government, depending upon a particular jurisdictional division right now, federal-Provincial, if for example it's migratory birds - the court is saying to the feds and Aboriginal people, you sort it out in that context. If it's in relation to deer, they say to the province and Aboriginal people to do the same. I think where the court is directed is for the parties to come up with a definition of conservation that you're satisfied with and if there's a court fight we'll look at it and we'll tell you if you got it right. And if we think you haven't, then we'll rule that no, that standard doesn't apply to Aboriginal people, and to go off and define it again.

Marion Taylor: Are there standards at all that exist now?

Brad Morse: Not that the courts have articulated. There are standards that have been... let me put it this way, we have experience on this issue in other jurisdictions. We don't have a great deal in Canada but we do have some experience, particularly in the United States, of attempting to come to grips with these issues. The challenge, it seems to me, in Canada is while wildlife biologists and Government have developed some expertise in relation to a species population as a whole in a particular area, in terms of deciding what is necessary for the subsistence of the species, and some expertise in that - not perhaps as much as they might claim, at least they're not that accurate, they're a bit like meteorologists, they get the weather right most of the time but you sure know from practical experience when they get it wrong - that that information is relevant. But what now happens, is we have to plug that into the process of deciding how the total allowable catch or the harvest will be allocated. The courts have said Aboriginal people are entitled to consume what they need. So then the question becomes well, okay, how much does a community need? That'll be part of the process of sorting out. That sets a kind of a quantum. On the one hand, in this column we've got what Aboriginal people need to consume, and in this column we'll see how much is - from the wildlife biologists on both sides - how much is allowable; what can this population in this place support? And where the Aboriginal need is less than the total that can be harvested, there is a surplus that can be divided. When the Aboriginal need is greater than what can be harvested, then the Aboriginal people will get the entire harvest. But that equation, which is what I think the courts are directing us toward, doesn't really speak to the question of how do we increase the resource, so that in fact there is more fish, there is more game, that the land is in fact rehabilitating, the wildlife habitat is repaired. It seems to me that that's kind of a second order of question, and I think that's particularly where this fiduciary obligation on the Crown comes in to play.

The Crown is obligated to, in fact, repair some of the damage that it has allowed to occur so that the full Aboriginal need can be met, and that Aboriginal need is not just hunting and fishing for food. The court so far as Sparrow tells us at least there's more than that, it's also social and ceremonial purposes. We now have a number of lower courts fighting over whether or not it includes commercial purposes, with some courts saying yes it does, some courts saying it does not. So we're not entirely sure on that, clearly Aboriginal people of course assert that it does, that this is part of... for a community to survive it must have an economy and part of its economy has always been harvesting wildlife. So I think that's where, and why I've kind of stressed this fiduciary obligation side, because I think that's what puts the obligation on the Crown which environmentalists should be happy with, to say okay, it's not just carving up what's there, and dealing with conservation, it's in fact expanding what is there and dealing with conservation in that context.

Bud Wildman: I just want to take the opportunity to respond very briefly. I don't disagree with anything that has been said by Professor Morse, but in terms of my definition of conservation, I would define conservation in terms not of subsistence but in terms of sustainability, the sustainability of the resource. But then that raises all sorts of questions in regard to a particular species or ecosystem, particular locations and sites and what kinds of information we have, and what kinds of information we need, both on our side and on the Aboriginal side. And particularly with fisheries - that is not very easy. There's a lot of 'guesstimation' going on in terms of fisheries. It's easier perhaps with game species or plant species. It is an inexact science. Traditionally there have been arguments over fisheries as to how many fish there actually are, what are the age classes, what is the possible future of the health of the fishery? Those are questions that are not easily answered so it is rather difficult because it becomes very much lake-specific or specific to a particular body of water and the health of that ecosystem. So those are issues that are going to be matters of negotiation and study. Having said that, it's also important to recognize with regard to the fishery as Professor Morse said, constitutionally that is a federal jurisdiction under the Fisheries Act, a power which is delegated then to the Provincial Government under the current system. That raises questions as to what rights the Provincial Government has in terms of delegation to others, and how that can happen, and inevitably it involves the Federal Government. The Federal Department of Fisheries and Oceans has developed a position in response to the Sparrow decision which is not exactly the same as the one we are developing but it is helpful in terms of understanding where they're at, and I would encourage you to obtain their interpretation of the decision so that you can understand where they're coming from.

Michelle Swenarchuk: I'd like to ask the remaining questioners to come and pose their questions to the speakers personally. I think we need to try and stick to some sort of schedule here, so I'd like to adjourn this plenary now. We'll take a fifteen minute break and if you could all please be back fifteen minutes from now to start the next session, and I invite you to come up questioners and speak to them personally. Thank you all.

PERSPECTIVES PANEL

Brennain Lloyd

Brenda Small

Chair

Professor Allan Grant

Michelle Swenarchuk: We're now into our perspectives panel. This we envisioned as a panel in which a representative of the environmentalist community and a representative of Aboriginal peoples could talk in more overall, comprehensive terms about their community's approach to these land use and resource questions. In the workshops this afternoon you will get to talk about specific examples. We are pleased to have as our Chair and Moderator for this discussion, Professor Alan Grant. He's a Professor of Law at Osgoode Law School and over the past ten years he's been involved in negotiating agreements between First Nations, the Canadian and Ontario Governments, and private corporations on resource issues including hydro developments, three gold mines, and related provisions such as compensation for affected trappers. As well his experience in this area includes that in 1990 he chaired the Osnaburgh-Windago Tribal Council Justice Review Committee on the administration of justice in Northern Ontario. So I'll ask you to welcome Professor Grant and our panellists and turn it over to him now to chair this session.

Prof. Grant: Thank you madam chair. I have on my right, Brenda Small. Brenda is a Cree, a member of Mocrebec who is fluent in Cree and intends when she is finished law studies to return to the north. She is a third year law student at the University of Toronto and in that University's Public Interest Advocacy Program, has most recently worked with the Toronto firm of Morris, Rose and Ledgitt. They represent the Moose River/James Bay Coalition. She has also previously worked with the Indian Friendship Centre movement, native women's groups and the Ontario Metis and Non-Status Indian Association. Her volunteer efforts include work at the Native Canadian Centre and advocacy work for Milton Born-With-A-Tooth, the gentleman who took on the dam builders with the earth moving equipment. She has also worked for Oxfam Canada and for the Moose River/James Bay Coalition. She will be presenting the Aboriginal perspective on land and resource use.

To my left is Brennain Lloyd who is a community organizer and activist who has worked for many years in areas involving environment and social justice. She is a freelance researcher and writer and is currently working with Northwatch, the coalition of northeastern environmental groups. So first, I'll go to Brenda Small and ask her to make the opening presentation of this session of the panel please. Brenda.

Brenda Small: Meegwetch. First of all I'd like to thank all of you for coming this morning. It's an important morning for all of us to begin a dialogue and to begin to talk about these issues, environmental concerns and Aboriginal concerns. I want to first of all make it clear that when we're talking about an Aboriginal perspective, we're talking about a largely personal perspective when we talk from our own experience such as I plan to do today. I think it's important to clarify that one Aboriginal voice is not necessarily the same as all others. There is this assumption, I think, that all Aboriginal people are a homogenous group and I would like to avoid any kind of pretext of pan-Indianism because although we share common values and common principles, we are distinct cultures and societies among ourselves. However that is not to say we don't have enough of the same values or perspectives in common that we diverge. We are in fact very close on many issues and our similarities are probably greater than our differences.

I want to talk about Aboriginal relationship to land and to present this relationship to the natural environment in a context in which we can perhaps begin to discuss today many issues of concern to all of us. Aboriginal relationship to land is not separate from Aboriginal identity. It is the successful integration of philosophy, culture, ideology, politics, spiritual beliefs, customs, practises, norms, patterns, values and principles. It is part of an integrated whole in which Aboriginal people define themselves. The natural environment is not of the other, it is not separate from us, it is part of us and we relate to the natural environment in the same way that we relate to other human beings. It's important to emphasize the interconnectedness because that is from where we begin to relate to the whole world.

I wanted to share a personal story right away because I think it's important that when we talk about these issues we talk about something that's very real in our lives - that it's not abstract, that it's not academic and that it's not separate. This summer I worked for the Moose River/James Bay Coalition in Moose Factory and the coalition is organized to address Ontario Hydro's proposed hydraulic development in the Moose River Basin. During my time at home I spoke with my father at length about some of the stories he told us as children and I remember as a child when the grandparents or the older people in our community would start to talk about traditional beliefs or spiritual beliefs there would be a hush in the house and everybody would wait for the story to be told. At one particular point, it was at the dinner table actually, my father told me as a young girl that I could not eat a certain piece of meat, that women did not eat that part of the moose. I didn't question it, I didn't say "but I want to eat it", I just listened to him. So this summer I recollected that story and I said to my father, "Why did you say that? I never asked you the reasons why you didn't let me eat that piece of meat or why I never could when we were starting to eat the moose meat. Why did you do that? You never really told me the reasons why." And he said, "Well, actually, I like that piece of meat myself and I wasn't going to let anybody else eat it." So all along I thought it was some great food taboo and that it was really tied into some cultural significance.

I thought I'd share that with you because I think that it's an amusing story and it also speaks to my own naïvete about some of the cultural practises among the Cree. The reason why I tell that story in particular as well is because I think it would be of particular interest to anthropologists and people who like to look at Aboriginal people and Aboriginal societies and say, "tell me what you're like, what do you think, how do you feel about this or that?" I think that that is largely responsible for the fact that we don't have a valuable discourse going back and forth between cultures. We're not really talking about issues that go to the heart of what we both know to be our own realities. To get away from that kind of anthropological or distant relationship between Aboriginal and non-Aboriginal people is difficult. In the study of law, which I am engaged in now, it becomes particularly relevant to me to think about the contrasting world views of Aboriginal and non-Aboriginal people. I'm sitting in law school and I'm listening to laws that basically justify the desecration of Aboriginal lands, the destruction of Aboriginal societies, and I'm supposed to study this and embrace it and do well at it. But it provides a rationale, it legitimizes oppression. It legitimizes a history where Aboriginal people were denied their rightful place in society.

In the course of my studies at U. of T. Law School I took a course in environmental law. Environmental law in particular was intriguing in that people were talking about existing legislation or drafting new legislation that could address issues of ecological concern. There is a need to have legislation in place. I started to think about how Aboriginal people don't write down the laws. The laws are in our minds, they're in our hearts, and they're in our experience. There is a writer, a very prolific writer, a member of the Iroquois Confederacy named Oren Lyons, who writes about a notion that he calls Aboriginal natural law. Aboriginal people will know what Oren Lyons means. For non-Aboriginal people I'm giving you the reference for Oren Lyons so that you can access this material. But Aboriginal people will know what I'm talking about and they will know what Oren Lyons means. He talks about natural law as a basis upon which there is a balance between man and the natural environment. That, in fact, Aboriginal people's stories, mythology, customs, and practices taught them laws, rules to live by to have a peaceful co-existence with the natural world. This system of laws is based on a spiritual and philosophical understanding of the natural world. It's based on the premise that there is an interconnectedness between all living things. That there is no distinction between human and animal life, that all are equal, that they are brothers and sisters and that they are members of the same family. Central to this theme is mother earth. The earth provides life, the idea that we owe a respect to the earth and that the earth sustains us all. But it's not an arbitrary definition, it's a definition that's based on a reciprocity, that in fact we have a relationship to the earth and we're responsible to ensure that the earth survives, that we're not supposed to show any disrespect to the land or to the natural world, that we do not show any disrespect towards our mother.

He, Oren Lyons, also talks about an accountability framework in which the actions of an individual are related to a collective whole. That if you are harvesting you think of other people who will also harvest. When you harvest you only take what you need, you don't exploit, and you don't manipulate the natural world for your own immediate gain. The reciprocal relationship and accountability relationship with the earth is not only related to the natural environment, it's related to other human beings. It's related to generations who came before and generations who will come afterwards. It's a highly sophisticated form of ecological management. It's a highly sophisticated form of cultural survival. I think that all Aboriginal people will agree with me when I say that this sophistication in our societies, in our way of doing business, in our way of taking care of the land and of each other, is reflected in the fact that we're still here and many of the animals are still here. We have practised these customs, we have followed these laws, we have internalized them to the point that they are part of our definition, and it's not anything that is separate or discrete from our experience.

Ultimately we're talking about a co-existence between all living things and integral to this co-existence is a principle of balance, that it should not be imbalanced, that it cannot be created to become imbalanced in the sense that we're accountable and we're responsible and therefore, we cannot create the imbalance. It's incumbent upon us to be responsible.

I wanted to also mention as a contrast with western legal thought and Euro-centric values, that when you look at Aboriginal natural law or Aboriginal values with respect to the natural environment, we see the prevalence of female figures and female power in the earth. Western philosophy, western law, western ideology is very male-oriented, male-centred. Aboriginal cultures and societies often have a female-centred basis and many of the stories and mythologies are relayed to the people by female messengers. The fact that the earth is defined as female is particularly powerful because of the nurturing and the giving of life aspects that are lacking in a western, Euro-centric view of the earth. I think that that's particularly relevant when we start to talk about how societies or cultures differ, and if we're going to talk about cultural difference between Aboriginal and non-Aboriginal world views, we're talking about non-Aboriginal world views that have a very strong patriarchal, male-centred view and we talk about Aboriginal societies that have a female-centred view. That's a particularly sharp contrast.

I would also like to suggest that before I continue with more specific illustrations of what I'm talking about, that it's important that non-Aboriginal people do not romanticize the Aboriginal view of the land. The current variation of the noble savage doesn't do anybody any good at this point. I think that with some of the accessibility of Aboriginal philosophies, i.e. the new age movement, etc., perhaps we're entering into a time when we can start to talk with each other about these issues and not get so much into the objectification of cultures although personally I think that in the new age movement, without offending anyone in particular, that it is difficult to come across those boundaries that exist culturally. Perhaps there is room now.

Talking about sharing the land, I think we should be talking also about sharing our world views and sharing our vision of ourselves, our definitions of our realities.

As Aboriginal people, I think it's important as well that we remain very connected to our roots, to our definitions of where we come from. I don't think that that's dependent on us living off the land. We live in cities and towns, we live on farms, we're everywhere. We're not merely on reserves or in the bush, in the hinterland of Canada. We live everywhere that everybody else does in this country. Whether or not we are people who come from Cree society, Ojibwa society, Mohawk or Iroquois society, we have a relationship to cultural practises in harvesting the land. It's our references for time in the year. If we come from a ricing people, we know when people are ricing. If we come from a hunting people, we know when people are hunting, we know when the birds are flying. It is not in our distant past, it is part of who we are. We may live in the city, we may, for all intents and purposes, look assimilated or integrated, but chances are we had moose meat two days ago and our relatives are coming to town two weeks from now and they're going to bring some geese. We're not disconnected from that lifestyle.

We also have a close connection with how harvesting is done. We don't buy our food always at a grocery store or at a butcher shop where it's clean and it's sanitized and it's a separate process removed from us. We don't live like that.

Last year my father came to stay with me and he brought some rabbit. He was cleaning the rabbit in my apartment and we were going to have rabbit. After the rabbit was cooked, the garbage can was there and you could see little tufts of fur and we were laughing about it because we thought the neighbours might think that we had eaten something else. Then we thought, maybe we should just set it out like that and see what they do. They would be horrified. We'd have cat-rights people after us or something.

So, it's not so far removed from our daily lives or our consciousness. I think that the concept of the time and how we relate is very important because some Aboriginal people who live in urban areas have been taught to believe that their experience is delegitimized because they're not living off the land, and that's not true. We have a collective memory, we have a collective consciousness about that relationship and it's not that far removed.

In terms of cultural difference between Aboriginal and non-Aboriginal people's view of the land and relationship to the land, the critical aspect that I wanted to emphasize today was how Aboriginal people look to their community and inside themselves to look at that relationship. Notions of human superiority over the natural world are not part of an Aboriginal world view. In various Aboriginal societies it's a commonly held view that there is an integrated relationship. Man does not occupy a particularly privileged place in the relationship with the natural world. I am constantly disappointed and amazed at the arrogance of the non-Aboriginal world view with respect with land and the natural environment. The fact that people think that they can control things, that they can determine what happens to land.

That assumption is very wrong, not only from my perspective, but increasingly from the perspective of non-Aboriginal people. I think that when Aboriginal people look at their own management systems and their own processes of relating to the land, the significance of that premise in which everything is related is consistently there. We have check points for each other. If someone is known to be hunting in a way that is not traditional, that is overly exploitive, the community knows. The community wages disapproval against that behaviour. I think we can't isolate ourselves to the extent that we've bought into our own romanticism about ourselves. There are hard lessons to learn about how we continue to manage the land and our relationship to land in a way that our ancestors have done. It's a hard lesson to learn that perhaps we've learned exploitive behaviours and that we're not being cognizant of the central relationship that we have.

It's very distressing when I hear of stories in different native communities where some native communities are thinking of accommodating toxic waste because they have the land and the ability to engage in those contracts. That is not particularly relevant to our experience, to start taking other people's garbage, to start thinking of it as a way of life, as a source of economic development. Those are hard truths that many Aboriginal people may not want to discuss, but I think it's imperative that we discuss them and that we not relinquish our responsibilities to the earth.

We need to look around us, we need to look in our communities and see evidence of how we've been able to manage the land and manage our relationship to it historically. We need to look into the faces of our old people and to hear them when they tell us not only the stories but their experiences in living with the land. We need to remind ourselves that we have to continue to speak our languages, that we need to know how to make baskets, that we need to know how to fish the right way. That kind of responsibility has been exercised by our grandparents and has manifested itself in the way in which we generally look at the world, that in fact we are part of an integrated whole. We also have to talk about how we can empower ourselves by virtue of that history, our own personal histories. We have to talk about ways in which we can get into managing our waste problems in our communities. We can talk about recycling projects. It's not enough to quote Chief Seattle and other famous Indians when it's convenient for us and not to put the practises into place in our communities. We can't continue to say that we are people of the land and that we have this relationship with land based on reciprocity and accountability if we don't practise that. We don't have to look to foreign governments' colonial systems to give us permission to do this. We can do it in very small ways and I think that many of us are doing it everyday in various ways. It's informal, it's not subject to the terms of an agreement, it's not recognized by any minister or any court in this land. When we go hunting we say a prayer and we leave tobacco before we engage in the hunt. The hunt is a continuing process, it's part of a continuing relationship that we have with the natural world. It's not separate.

We have to look at the ways in which we co-exist with one another. We have to look at the ways in which our languages have been kept alive because that is as much a part of the ecological management of the natural world as it is a part of our survival. There is no distinction between cultural survival and the integrity of the land or the integrity of the natural world. So, when Oren Lyons talks about natural law, he's not talking about the origins of western legal thought, he's talking about Aboriginal natural law which has been here since time immemorial. It was not imported from the Bering Strait. It's something that's indigenous to the Americas. It's always been here and we know that. We have to consistently remind ourselves and affirm that for ourselves and not look for courts or tribunals or politicians to recognize that within us. We have it, we know it, we recognize it in each other when we meet cross-culturally, cross-tribally. We recognize that each other has practises and customs. We recognize each other's laws. So environmental law in its most complete and comprehensive form for me is the Aboriginal world view. As long as we remain committed to that world view I think that we can perhaps share our world view and our experience and our philosophy and spirituality with non-Aboriginal people to the extent that perhaps there will be a merging of our interests, that our common survival and the integrity of the earth for all of us will be there for generations to come. Meegwetch

Prof. Grant: Thank you Brenda. You certainly make the job of the Chair remarkably easy. I didn't even have to pass out a two minute warning - everything was timed to perfection. Thank you for your perspective on an Aboriginal perspective. Moving over now to the environmental perspective of which this section of the program speaks, I now call upon Brennain Lloyd.

Brennain Lloyd: Thanks. When Michelle and Barrie asked me to speak at this conference I really hesitated because it's a field that I could take many routes through, talking about environmental perspectives on Aboriginal land use issues or environmental perspectives on land use concerns, because the environmental movement is so diverse, because there are very many differing perspectives. So I hesitated and I think the thoughts that I gave it were what

would be most helpful in terms of the discussions that we have to go through as an environmental community and also what would be most helpful in terms of those discussions that we have together as the Aboriginal community and the environmental community. I'm not sure that I've succeeded in that but I'll certainly try.

I think part of my hesitation was in accepting the label of environmentalist. What is an environmentalist? I went to a weekend meeting in September with the Ministry of Natural Resources from around Northeastern Ontario where I live. Ministry staff and environmentalists from around the region, and there were rod and gun club people and trappers and environmental group representatives and naturalists and school teachers and quite an extensive array of personalities and perspectives were there and when the report came out from the meeting, the meeting report referred again and again and again to the environmentalists, capital E environmentalists. The Environmentalists said..., the Environmentalists felt..., the Environmentalists thought..., the Environmentalists argued, and it was such a wide range of people, and there we were, Environmentalists with a capital E. All of us. I question that and I question how some of those people who were there as members of the public, as parts of communities, different district offices, people who participated in timber management planning processes, and had been brought together to talk about timber management planning processes and how the public could better work with the Ministry of Natural Resources. I really questioned how some of those other individuals felt about being environmentalists with a capital E because I wasn't comfortable with it and I generally accepted the title of environmentalist with a small e for a couple of years now.

I first came back to Northeastern Ontario where I'm from and where my family's been for a few generations -long in the settler sense but not long compared to the Aboriginal communities in the region. I came back to Northeastern Ontario from being away for a number of years because I felt a need for my place again, for a sense of place, for a community from which I could address all of those social wrongs that were out there in the broader world which I couldn't do from some other country or from some other community. So I came back to northeastern Ontario and first worked in the peace movement, as a peace activist because I felt that was a position from which we can look at all of those very interconnected issues in the most comprehensive way. Gradually over the last several years I've gone through a shift and now work more in what would be the environmental movement, partly because that's where the pressures are coming from our region or most heavily bearing on our region and it makes the most sense to me to work from a community perspective or a regional perspective. So I've gone through that transition but I think the first time that I actually said 'oh, I guess I am an environmentalist' was when there were some, what I would describe as fairly negative interests in our region, were consistently and repeatedly saying that they were going to fight to keep the environmentalists out of Northern Ontario. I knew they were talking about me so I thought 'I guess I'm an environmentalist', but I still think of myself more as a community activist than any other single label, small e or big E.

Now I work with Northwatch which is a coalition of environmental groups across the Northeast. Our groups are very diverse, mostly tiny, community based and district based groups and we mostly work on land use issues. Mining, militarism, forestry, waste management, water quality. Those are the issues that we work on the most and we mostly work from a perspective of the land should dictate and the communities should be respected. I think that we argue quite consistently that environmental considerations have to be incorporated into all economic and social decision making because we see that as being one of the worst causes of the devastation that the North has experienced is that environmental and ecological considerations have been largely left out of all of that social and economic decision-making for our region for at least the last couple of centuries.

Northwatch and its member groups have some experience working with Aboriginal communities, with native organizations and I think that sometimes we've done alright at that, and sometimes we've done very badly. I think that it's caused many of us to look at Aboriginal land use issues and environmental concerns and see how they fit together and see how we can work better together and work better to make them fit together. At this point we're jointly participating in a hearing on timber management planning. Northwatch groups and some native organizations and our aspiration in that instance is to be able to put forward a collective case, put forward a case where we say this is where our interests match. This is where our meeting ground is. This is how we can have these interests intersect or inter-fit. We're mid-process on that and I'm very hopeful, I think all of us who are working together on that are very hopeful we'll be able to deliver a very powerful case and a case that argues for the land and for our communities together.

We've had some cases where our work has not gone so well. I think that we have one instance where the environmental groups themselves became very divided over support for native land rights, support for native land claims and it was perhaps one of the most bitter debates and most bitter and divisive experiences that I've ever been through. Within the environmental community, and if you ask six different people you might get six different versions of this so I'll just give you mine because I wouldn't want to claim to speak for all or even for half of all. I think for

me the experience was heart-breaking because we went into an issue, we went into a discussion with what I thought was a clear agenda.

We were proposing or promoting wilderness protection but that came along with support for a native land claim. It was a long discussion, a long public debate and when it seemed like the crunch was really coming, there was a split in our community, in the environmental community, because some people got scared. They got scared that supporting the native land claim wasn't going to protect the land because the band might lose in court. This might happen, that might happen, and so we should go for a park because that would be something sure, that would be something tangible, that would be something we could get. That proposal was something which literally wrenched the organization and the community apart because many of us felt that we couldn't do that. If we support a land claim, if we support native authority over a piece of land, then it's inconceivable that we could at the same time support another authority being inserted in between.

So it was incredibly divisive and I don't believe in honesty that it's a debate that we've resolved amongst ourselves within the environmental community. I don't believe that it's a division which has healed a rift which I think was created between the Aboriginal communities and ourselves and I think it's one of the areas of greatest regret for very many environmentalists. I think it serves a useful lesson for us all when we set out to walk a common path that we make sure that we really mean it, because a time will come when the question will be put to us again and again and again and if our answer changes, we're in trouble.

To get to the task... so that's how I came to be sitting here today... to get to the task of describing environmental and Aboriginal perspectives on land and resource use, and taking my part of it, environmental perspectives on land and resource uses, I think that we have to acknowledge that there is this great, incredible diversity within the environmental community. I think that the best I could do would be to attempt a cataloguing of environmental perspectives and I think that again there's an inherent danger there of misrepresenting someone else's perspective or misplacing the emphasis in someone else's perspective, but I'll attempt to do it very briefly.

I think that in that catalogue I would classify generally four categories of environmental groups or environmental work. One is what I call, not disrespectfully at all, a pollution perspective. I think that there are a number of groups within our community who work on a single interest or on a priority interest. They work largely in response to a specific problem. They're frequently neighbourhood-based or a larger organization with a single focus and they do very well in their work on that particular area but they do not necessarily buy into a broader agenda. They don't necessarily subscribe to a broader social agenda or even a broader environmental agenda. They work in one area and they do very good work in that area but their concentration is quite focused. I think that's quite legitimate. I think that needs to be supported and encouraged. People have to determine for themselves where their energies are best spent and if it is a single focus then that's completely their prerogative.

I think another perspective is a conservation perspective with a primary interest in natural areas and natural science: wild areas protection and wild values protection. Again, that might or might not be buying into a broader social agenda. It varies from group to group.

I think another perspective is a deep ecology perspective or a gaia angle and I think that that perspective includes a challenge of patriarchy and a challenge of anthropocentrism and a challenge to all those assumptions that we tend to make as an anglo-euro community about domination and about ownership and about control over the land and over each other.

I think then there's a fourth general category and that's what I would call social ecology and I'm making these titles up as I go so they're not carved in stone. Social ecology is more what I would describe as a healthy people, healthy planet perspective. I think its overlapping concerns and very broad social agenda has resulted in partnerships like the free trade fight, constitutional responses, and so on. I think that perspective is probably the perspective which I'm most comfortable in and most familiar with and so my comments throughout will probably be biased towards that perspective. I think that that's the perspective where we have perhaps the best potential and the best opportunity for working together as Aboriginal and environmental communities.

Going again back to the conference and the conference title, 'Emerging Issues on Aboriginal Land Use', I think that Michelle's letter suggests that our focus will be on our difficulties, on what's not going so well, on when we've gotten in trouble in working together as environmental communities and Aboriginal communities. I think that we need to spend a lot of time on that and I think that this conference is a wonderful part of the process of spending time together on that, but I don't think that we're going to be done by tomorrow afternoon. I don't think that we're going to be done by next year. I don't know when, I don't think that we'll probably ever be done, but I think that the most important thing that we can accomplish this weekend is to agree that we have some common ground, agree that

we have some differences in attitudes which we need to identify. We need to name them and then we need to figure out what we can keep and what we really need to chuck out.

So I think while Michelle's letter suggests that there are difficulties and I think that those difficulties are there, for certain, and I think that my earlier description of some of the troubles of my own community have gotten into, I think the difficulties are clear. But I think that there is also an enormous opportunity for collaboration and I think that there's enormous opportunity for us seeing and saying how our interests and our issues cross-connect and support each other and how they are not in conflict. I think that one of those areas where we're seeing that now is in energy issues, in hydro-electric developments and transmission corridors and nuclear waste disposal and proposals for new nuclear reactors and so on. I think that a number of environmental organizations and Aboriginal organizations are working together now because of Ontario Hydro's quite disgusting twenty-five year plan. It's a very negative proposal, very negative set of projects they're proposing but it's had a positive impact in that it's brought us into the same room, into the same discussion and I think that we're finding some common ground there and I think that's very exciting and very important.

I think that the Aboriginal groups... I think the environmental community's perspective is that First Nations are in a tremendously powerful position because First Nations hold moral high ground and because First Nations have indigenous knowledge and an indigenous understanding and they can articulate and say that in a way which the environmental communities can, but not with necessarily the same strength because of our culture, because of where we come from, because we come from a tradition of domination. We're not in as powerful a position, I believe, as the First Nations are. I think that the environmental communities have other assets or other attributes which are also very valuable and which will also be very helpful for us in any common struggles we engage in. But I think that they're different, but I believe that they can be and will be mutually supportive. I think though that there are also some barriers for us and I can speak best of the barriers that are before us as the environmental community. I think that the biggest barrier is going to be our attitudes. I think that the attitudes which will cause us trouble are subtle ones and I think that we're having difficulty in coming to terms with these. I think we're having difficulty in recognizing them in ourselves and we're having difficulty in dealing with them with each other. I think that the environmental movement is largely anglo-european and because of that we come from an anglo-european tradition. It is a tradition, for the last several centuries, of domination. I don't think it's always been a tradition of domination, but it has certainly been so for the last several centuries. When I worked in the peace movement, we looked at questions of militarism and what are the roots of militarism, where does it come from, how do we get rid of it. The best analysis I heard was one which suggested that militarism began when we were first separated from nature. When agricultural societies first emerged, that was our first separation from nature. That was our first domination and we began by dominating nature and that process and tradition of domination continued and grew, and continued and grew and that's part of our tradition and I think that the environmental community or environmentalists and I think society at large, I hope, that we're looking at those again and we're tossing some of that out and we're saying 'no, that doesn't work'. But I think that it is part of where we come from and I think that we have to recognize that and before we can ever overcome something, we have to recognize that it's there.

I also think that we have a barrier specifically in terms of how environmental communities work with native people. I think that it's an overstatement perhaps, perhaps not, to call it racism because I think racism conveys something that is, I think, more rigid than this thread that we have running through our thinking. When I was thinking about what I was going to say today, which was last night, I actually looked racism up in the dictionary because I thought, well, is it an overstatement or isn't it. The dictionary says that racism is a belief in the superiority of a particular race, a prejudice towards other races, especially as a result of this. I don't think that the racism that we must deal with in the environmental community and in our communities at large is a really blatant, outright, 'we believe we're better' kind of a racism. I think it's much more subtle than that and I think it's perhaps more difficult to deal with because of its subtlety. I think that some of the assumptions that have been referred to earlier today, that native wildlife managers won't do as good a job as anglo-european wildlife managers will, I think that that's a form of that subtle form of racism and I think the kind of fear that a lot of people have about giving over control of native authority coming into play, I think that is evidence of that racism, subtle or otherwise. It surfaces more as an 'otherization' or an objectification, what Brenda referred to as a noble savage, I refer to more as the perfect Indian. I think that people want a perfect Indian and I think that that's going to be a problem for us. They don't like it if Indian people make decisions which don't completely match their ideas and so it somehow becomes that they were imperfect Indians instead of the perfect Indians they were expected to be. I think that there's a whole romanticization and so on that goes with that.

I think that out of all these difficulties and dilemmas and barriers that we have we need to travel out of that and what I would like to propose is that we actually look at those things, work them out, as environmentalists, as anglo-europeans, whatever, and that we then, or simultaneously, I think what we need to arrive at is partnership and solidarity. I think that solidarity only comes when we truly understand what our common ground is and what our

common interests are. I think that it arises out of situations where we discover our own individual reasons for wanting to achieve the same goals. I think that we need to have a vision of a community which is made up of all of our communities. We have to have a community of communities. The land must dictate how we live upon it in those communities.

In conclusion, for us as environmentalists, what we need to do is make sure that all of our values and all of our ethics match up. We have to really watch that we don't trade one off for another. If we're going to say we support native rights, we support Aboriginal title, we support indigenous authority, and I think that we should say that and believe that, we have to mean it. We have to be very, very, very straight with ourselves and with others that we don't say it before we mean it. If we're not sure about it, don't say it. Please say it, but make sure you mean it before you do. Thanks.

Prof. Grant: Thank you Brennain, are there questions from the floor that people would like to pose to either the panellists or the chair, if that is your wish? ... Please state your name, sir, and your affiliation, and address your question to one or other of the panel members.

Question: Hi, I'm Brian Miller, I'm a Forestry and Mine Analyst with Indian Affairs in Ottawa, and I have a question to Brenda. This ... you were talking about the eco-centric view of ecological components of land use planning in the Aboriginal community. I'm wondering if there is a debate within the Aboriginal community right now on the subject of traditional versus contemporary land use issues, and also maybe you can talk to the issue of the Nunavut Agreement recently signed up north and if that has any role in how the community is now looking at its planning process. Thanks.

Brenda Small: First of all, I know nothing about Nunavut. I don't know what their agreement entails, so that part's easy... (laughter). The first part of your question actually is quite timely and controversial. I think that there is a debate going on in Aboriginal communities about how to manage the environment and how to continue to harvest. I think that there are gaps in cultural understanding among Aboriginal people about how to relate to the natural world. And I think that that has been created over time because of colonialism. But I am confident that there is an overriding concern for the environment among Aboriginal people, that the debate is not going to be so divisive that it won't create a place whereby Aboriginal people can continue to rely on traditional practices of eco-management systems. I think that some of the people who will be speaking later on, either today or tomorrow, will get into the specifics of your question. And I would much rather that they respond to that, and I'm not being like a typical lawyer in not answering your question, but what I'm saying is that what you should do is probably address that issue to people who are more directly involved. The concern about the debate I think is a legitimate one, and I think it is ongoing in the communities today about the tension between a non-Aboriginal approach to management versus a traditional view of relationship to land.

Prof. Grant: Further questions, please - I'm told by the organizers that we still have five minutes if there are questions for the panel, this would be a good time to raise them.

Question: John Backer: One question I have for Brennain... I think to my view it's not important just to look at the environmentalists and how they need to dialogue with Native people. I think it is a two-way street and I know that being involved in issues in Southern Ontario, this Six Nations Band Council wanted to have this dump and they also came up with... their whole approach to the scheme for the Grand River Canal, they want to use the cash settlement that they get from the land claim and then further the canal that would have environmental damage; and they're being opposed by traditionalists within Grand River. But I just want to... I think that sort of a point that we need to be aware that there is sort of value problems with both communities and if you could comment about that.

Brennain Lloyd: I think that that's a fair comment, John, but I think that I go in trust that there are people within the Native communities who aren't raising those same issues. It's not my role, I don't think, to suggest to the Native communities... I don't know the Native communities, it's not my place to suggest to them how they should put their house in order. I trust that there are people within their communities who are doing that and I think that Brenda has already told us that there are, that those debates are going on within the communities. I don't think that I'm saying that there are no difficulties within those communities, and I'm not saying that we can't raise questions as one community to another. But I think that there are other people to do that within those communities.

Prof. Grant: Brenda would like to respond to that too.

Brenda Small: I think that your concern is a good one and it is a legitimate concern, but my first reaction to your comment is that I think that it's highly intrusive. It's based on the assumption that people from outside the Aboriginal

community and in specific communities, if we're going to isolate this particular community, once outside people start to engage in second guessing that community I think it's a form of neo-colonialism and Brennain was just talking about how people have to be very conscious of that. And the whole point that you raised about questioning people's house and whether it's in order, I would then say that as an Aboriginal person, non-Aboriginal people interested in these issues can put their own house in order and do their own work on the outside in their own communities, and to start to intervene in the specific native community I think is implicitly based on some notion of superiority. And that might be not what you want to hear, but I think that intuitively I'm hearing that the whole idea that we have to watch those Indians because we don't know what they're going to do when they get control of their land, and look what they're doing now, and they can't decide what they want to do... But those issues go to the very heart of why we're here today. And presumably we're going to have a dialogue and I think that it's good that you've raised it, you're a brave person to raise it. I think that we're going to get into this discussion.

Question: That's a good point. One interesting thing is that if a white environmentalist hadn't bothered to reveal this scheme between North York and the Band Council - if she hadn't intruded herself - people wouldn't have known.

Brenda Small: Well I think we're talking about responsibilities and non-Aboriginal people have theirs, and we have our own and as I said earlier I have a confidence in our ability and presumably you're interested in supporting our ability to do that.

Prof. Grant: I'll pass over to the Chair now.

Michelle Swenarchuk: Thank you to the speakers of this panel and to Professor Grant for moderating it. Thank you Brennain for identifying the deficiencies in my communication in English. I thought my letter was oriented towards solutions, but...

Brennain Lloyd: ... it's my first language...

Michelle Swenarchuk: ... mine too... Just a couple of announcements before lunch. Lunch is in the cafeteria upstairs. You take the escalators up here and walk way down that way. On the way you'll pass, on the right, a door. Behind the door the four classrooms where the workshops will be held, and we'd like to try to start them as close to 1:15 as possible, as we're late. Before you all run out though, also there are some gloves and a scarf at the registration desk if someone has lost them. I'd like however to introduce first of all the facilitators and recorders of the workshops, I'd like them to stand up so that the speakers in the workshops can have lunch with their facilitators and everybody get a chance to think about what they're going to do this afternoon. So, Algonquin Park: the facilitator is Alan Roy, and the rapporteur is Craig Boljkovac. Quetico Park: Toby Vigod is facilitating, Zen Makuch will be recording. Moose River Basin: Rick Lindgren, and Christine Beckermann will record. Winisk Park/Webequie, Barbara Rutherford with Karen Campbell recording. Temagami again will be Rick with Steve Johnson recording; Bruce Peninsula: Nancy Kler facilitating over there with Bie Engelen recording; Manitoulin Island: Joe Castrilli, and Michelle Robidoux recording; NAN/Windigo Tribal Council: Tom Clark will facilitate, and Josie Erzetic will be recording. Everyone please have a good lunch and we'll see you I guess all together at dinner tonight.

DINNER SPEECH

Paul Chartrand
Royal Commission on Aboriginal Peoples

Michelle Swenarchuk: Tonight we will hear, Mr. Paul Chartrand who is a Commissioner with the Royal Commission on Aboriginal Peoples. He is currently an Assistant Professor in the Department of Native Studies at the University of Manitoba as well as being a Commissioner of the Royal Commission. He's the son of a Metis trapper fisherman and his wife, and he was raised in Saint Laurent and Winnipeg in Manitoba. He has been a teacher, and has a degree in Law from the University of Brisbane as well as a Masters of Law from the University of Saskatchewan, my home. We've been trading stories about Metis communities in Saskatchewan. He was the head of the Department of Native Studies at the University of Manitoba from 1983 to 1990 and last fall he took a partial leave from the University to accept the appointment to the Royal Commission. He has published on Metis land rights, and on other legal subjects. He is also a keen athlete, playing hockey and baseball in both Australia and Canada, so all of you hockey and baseball freaks can talk to him later about that, and he is now a golfer. He is going to speak to us about the Royal Commission on Aboriginal Peoples, its mandate, how it came to be established, and its activities since last fall when it commenced. Mr. Chartrand.

Paul Chartrand: Thank you very much Michelle for those kind remarks. She asked me for a profile recently, I sent her something generic that I have hanging around in the drawer that I pull out and use for all sorts of occasions ranging from speeches at baseball award dinners to constitutional law conferences.

It is somewhat of a daunting task to come up here and talk to you as one of the seven members of the Royal Commission. It is truly daunting having to do so in the form of a dinner address which is usually expected to be not only entertaining but also inspirational. I tried to get some inspiration for you this afternoon. I went for a walk outside. I wasn't really thinking about the Pierre Elliot Trudeau walk in the snow storm, but all I can report to you is that I got a chill. I am not a funny man so it is indeed quite a challenge. Actually I did here a twitter somewhere so maybe I should try out one of the jokes that actually worked once. Brad is already laughing and he's the only one who laughed the last time I told it so it shouldn't go too badly.

Michelle and I were talking along with some other people here about the good old days - how poor we were, and I said to her well I come from a large family. As a matter of fact there are twelve children in my family, eleven boys and one girl and I was saying well it can be pretty tough. We used to have this one large bed which all the boys had to use, we slept in it sideways - it was pretty crowded. So crowded in fact that if you had to get up in the middle of the night you had to use a bookmark so you could find your place when you came back. One of my buddies said 'well, if you think that's poor when we were little, when my mother knew that the social worker was coming to visit she would smear some lard around our mouths so it looked like we had just eaten'. My other buddy said 'well that's nothing. If you think you were poor, I'll tell you how poor I was when I was a little boy. I was so poor I never had any clothes. My daddy couldn't afford to buy me any clothes. So he didn't buy me anything to wear until I was five years old, and then he bought me a cap so I could look out the window'.

Allow me to begin the substantive part of my presentation by reviewing how the Commission was established. From the beginning the Royal Commission on Aboriginal Peoples appeared to be something different from what had been done in the past. The choice of former Chief Justice Brian Dickson as the special representative of the Prime Minister represented something new. It was the first time that someone from outside government had been chosen to establish the terms of reference for a Royal Commission. The result of the Chief Justice's work, which included wide consultation with Aboriginal people across the country, was a sixteen point mandate, an extremely comprehensive document that has set out the work we have to do. I understand you had an opportunity to examine these sixteen points in a pamphlet that has been distributed at this conference. Incidentally I was telling some of the people that the next run of these pamphlets will look better because we have chosen a logo for the Commission this week.

You will, no doubt, be happy to hear that I do not propose to go through them one by one. It is fair to say, however, that the mandate includes perhaps five main areas. It includes first looking at Aboriginal self-government and how that is to be implemented. It includes the matter of a land base for Aboriginal people, encompassing also the settling of outstanding claims. Third, there is the assessment of the existing legal and constitutional position of

Aboriginal peoples and Aboriginal rights including treaties. The mandate includes examination of the Indian Act and the department responsible for the administration of the Act. Finally, we are required to examine social, economic, cultural and educational matters pertaining to Aboriginal people. The report which the Chief Justice presented to the Prime Minister, which the Prime Minister accepted in its entirety, also gave us the membership of the Commission, and you know that there is a majority of Aboriginal persons on this Commission.

The process by which the Commission was established gave us something which former Commissions and Task Forces lacked and that is credibility in the eyes of the Aboriginal peoples in this country. Our greatest concern, our greatest challenge now, is to live up to this credibility and to maintain the initial credibility which has been handed to us. Not only must we maintain this credibility, we must earn some of our own, both in the eyes of the Aboriginal peoples and also in the eyes of Canadian society as a whole. If we are seen as credible from only one of these two sectors, then we will have failed in our mandate.

How do we propose to go about maintaining and building this credibility? First of all, the work of the Commission must be solution-oriented. We must focus our work not so much on the definition of problems, but on the definition of solutions. Where problem definition is required, it must be undertaken, and I note parenthetically that there have been a number of good studies that have made good, concrete recommendations and we must build upon these. But our research and the dialogue that we establish must focus on solutions. The solutions that we propose must be solutions that come from the Aboriginal people. They must not be solutions that are imposed upon Aboriginal people. Therein lies the importance of the consultation process and of the public hearings.

Of equal importance is the object that the solutions be workable solutions which are acceptable to Canadian society. If we succeed in doing this then we have some assurance that our recommendations in our final report will not simply gather dust on some shelf in a government office, but will be implemented. Chief Justice Dickson was complimented on the timeliness of his report and many have said that the time is right for a Commission of this nature. There is a momentum for change that must not be missed. At the moment, the Commission intends to work towards the goal of submitting its final report within three years.

Let me now move on and describe the progress that has been made so far in organizing the Commission and trying to reach its goals. We have hired a number of directors to take charge of the various components which have been established within the structure of the Commission. We have an experienced Director of Administration who was appointed at the very beginning in September. Since then, circumstances have led to the appointment of a Director of Communications and Co-directors of Research and of Public Participation, this very week in fact. These people are almost all Aboriginal people.

It is expected that the work can be organized to start the first phase of public consultations this spring - perhaps, late in April. In the month of December in this past year, the Commission met with the Governments of all the provinces and territories as well as representatives of Aboriginal organizations across the country. It was encouraging to receive assurances from all sides that these parties are anxious to assist the Commission in its work. We have thus established contacts that will be useful in carrying on the dialogue that will be necessary to meet our mandate.

After the initial round of public consultations, and following a summer hiatus to permit the Commission to assess its plans in light of the results of the first phase of hearings, it is proposed to resume hearings in the fall. The object is to initiate through the process of public consultations, a real ongoing dialogue. A dialogue that will be essential to the development of the Commissions recommendations. We will have to return to communities then. We must not fly in and then fly out and then sequester ourselves to work on writing the report. We hope to be able to visit over 100 communities and to visit places that give the Commission a good understanding of the various circumstances of the various peoples across all regions of Canada. We will go to remote communities. The Chief Justice in his report stressed the importance of going to Aboriginal communities. We will go to large cities. We will go to visit First Nations in their communities. We will go to visit Metis communities. We will go and visit Inuit communities. We will visit those who reside on reserves and those Aboriginal people who do not have a land base and who are excluded from Federal legislative policy. We will go to urban centres to hear from Aboriginal people there. We will also, of course, hear from all Canadians who wish to have input. Since the Commission is interested in hearing recommendations for solutions, we are working right now on the establishment of a significant intervenor funding program that must be put into place as soon as possible.

On the research side, we are working on the development of a thematic approach to our mandate. Thematic approach that should permit the Commission to synthesize the sixteen points in its mandate and to tackle the problems inherent in carrying on multidisciplinary research. Research work that must lead to the work of policy recommendations. That is our response to the unique opportunity that has been presented to us by the

unprecedented scope of our mandate. We are thus able to examine how various issues interrelate. For example, how social and economic factors are linked to the concepts of self-government and a land base. We are organizing a research structure that will ensure an effective voice for the perspectives of women and men, for the perspectives of elders and youth. We are organizing to ensure that the research work considers the historical dimensions of the issues in our mandate. That is one of my favourite themes of course. I have been very interested in examining not only the history of Canada, but also the unwritten and partly written history particularly of the Aboriginal peoples in this country and more particularly, out of selfish interest, of my own people - the Metis people.

Not very long ago I was addressing a group of people in Winnipeg and I was telling them about some research which I had undertaken. It involved going through all the minutes of the meetings of the Northern District of the Hudsons Bay Company which met at Norway House and at Fort Garry later on. I was telling about how my interest was greatly perked when I came across in these minutes a petition which was put to the Council of Assinibois requesting that one Paul Chartrand be released from prison. Well that drove me to the other records in the archives and the court records, and there I discovered that my great-grandfather's brother had been convicted of manslaughter and he had been sentenced to twelve months in prison in Fort Garry. I'll skip all the other really groovy details. I remember that the Archbishop of Ruperts Land did not agree to releasing him and insisted that he serve another three months, so in total he served six months. I wonder about a couple of things. I wondered about the term of the sentence and I discovered that the longest sentence that I found in my fairly brief research was one year. Murder brought a sentence of one year and I was wondering about that. Then I examined the conditions under which prisoners were kept. They received I think a pound or a half a pound of pemmican in the morning along with some water. It occurred to me that a one year sentence under those conditions is probably very close to a death sentence. I also wondered why the Council of Assinibois might be so anxious to release Paul Chartrand from prison. Upon checking my family tree which I am fortunate to have, I discovered that my namesake had twenty-four children and the motivation was to get him out working and earning the groceries for the family because the district Council also raised money to support destitute families. I am convinced that was the true motivation.

I remember one of the people in the audience was Associate Chief Judge Murray Sinclair of Aboriginal Justice Inquiry fame in Manitoba. He told me later that when he heard what I just told you he leaned over to a friend and he said "that Paul Chartrand is on the wrong Commission, he should be on the Commission on Reproductive Technologies."

I remember also my grade eight text book which talked about the Metis people. It was one of the very few things I read in my own schooling about the Metis people. It was a green book and it stated that the Metis had almost disappeared and that the few Metis that were left were all living in St. Antoine, which is now a suburb of Winnipeg and that they were all occupied as truck drivers and that they drove their trucks with the same gay abandon with which they formerly chased the buffalo. That struck me as quite odd. I didn't live in St. Antoine. My whole home community which was 98 percent Metis didn't live in St. Antoine. Very few of us could afford trucks.

In addition to structuring our research component to make sure we include, as the Chief Justice's report makes plain, a good examination of the historical dimensions of the issues in our mandate. We will also structure the research function so as to ensure that we benefit from the unique perspectives of urban Aboriginal people and also of people in the North.

The comprehensive scope of our mandate also gives us confidence that we shall not successfully be brought to court by someone who might believe that we have stepped outside the bounds of our mandate.

All this confident talk must not mask the difficulty of the issues that we will have to deal with. Freud would like this - I notice here that I wrote 'confident' twice in my notes. Some of you are well aware of the way, and I am referring again here to the difficult issues, in which such matters as the economics of self-government have been met or avoided in the past. We are planning to use diverse means to stimulate reflection among Canadians and to build momentum to implement the changes which we hope to discover. We want to have symposiums and round tables in addition to hearings and other consultations. I believe there are rumblings of organizing a symposium to focus on the research agenda for late in March, early April. I understand there is also work starting to get Metis people to do a little quick paper outlining the areas of research as well as outlining the existing resources and the gaps for people who want to do the research.

We have an unprecedented opportunity to challenge myths and to start a fresh and enlightened dialogue. We must find ways to initiate and maintain dialogue between Aboriginal and non-Aboriginal people as you have been doing today. For it is necessary to reflect upon why it is necessary to effect a reconciliation in Canada. We must reflect upon the basic principles that are to guide a new relationship, or to put it another way, to restore or to build the

relationship between Aboriginal peoples and other people in Canada. These questions require non-Aboriginal people to ask how they are to reconcile themselves to the fact that their social and political institutions may not be the best.

Because the mandate is ours, we must face questions like the relationship between our work and that of other processes that are going on in Canada. It has been made clear that the work of the Commission must not delay or negate Constitutional, legislative, or other reforms. At the same time, we cannot avoid the question of how our work is going to fit in the current process of Constitutional reform. We are looking at that question and the decision will depend largely on whether it is thought that we can make a useful contribution or see certain action as necessary given, that our main mandate is concerned with longer term issues that could make a big difference in the everyday lives of Aboriginal people across the country.

In coming to the conclusion of this brief presentation, I wish to stress that I do not minimize the challenges that lie in our path in trying to reconcile interests that have grown during a long time of neglect of the just aspirations of the Aboriginal peoples in this country. Even for a Royal Commission there is no royal road to success. Actually I just borrowed that last line from somebody else's speech. I borrowed it only because it sounded neat. The legal fact is that there are no such things, really, as Royal Commissions, at least in the old, traditional sense where, commissions of inquiry were established upon the authority of the Crown prerogative. You may know, some of you will know, that modern commissions of inquiry, including ours, have a more drab source. Their legislative authority springs from the Federal Inquiries Act.

The prospects for success will, of course, be enhanced by the degree and the quality of participation that we are able to get from Canadians. We want you to participate every step of the way. One way you can do that is by telling the people you know that the success of the Royal Commission on Aboriginal Peoples depends on the participation of all people. We want to be a listening Commission and a reflective Commission. We want to be a forward-looking Commission, one that is committed to dialogue. This evening is only one of the many opportunities that we are happy to have to get that dialogue going. I hope this short speech has been helpful in explaining the work of the Commission, but I am aware that those who attend conferences value particularly the opportunity to carry on a dialogue with their fellow participants, away from the constraints sometimes of structured fora and away from the constraints of after-dinner speakers.

If we succeed in our mandate, I hope we will have helped to bring about a brand new day in the life of Canada. An era when the institutions of public life are structured in such a way that the continuing interest of all Canadians is the interest of Aboriginal peoples and that the interests of Aboriginal peoples are the continuing interests of all Canadians. If we succeed, I hope we will have helped to bring about a country whose national identity and soul has been enhanced by the identity and soul of the Aboriginal peoples in Canada. But we can only help if we can get your help. And I want to finish by saying a few things. I want to say thank you. I want to say merci. I want to say danke schon, especially for you Michelle I want to say dyakuyon. And finally I want to say meegwetch.

Michelle Swenarchuk: Thank you very much. I think we all look forward to opportunities to consult with the Commission. I hope I get to watch when it consults with the hordes of Metis truck drivers in St. Antoine. I think particularly, we wish the Commission well in its search for solutions to all these difficult problems that form part of its mandate. We are here at this conference to look for some solutions in Ontario. Thank you again Mr. Chartrand for coming.

SELF-GOVERNMENT PANEL

Brian Davey
Nishnabai-Aski Nation

Alan Roy
Union of Ontario Indians

Chief Richard Maracle
Six Nations

Mark Krasnick
Ontario Native Affairs Secretariat

Richard Powless
Department of Indian Affairs

Chair
Michelle Swenarchuk

Michelle Swenarchuk: Thank you all for being here. You will have had an opportunity to listen to and discuss various approaches to resolving land use sharing issues yesterday. This morning we are going to move on to discussing maybe the fundamental issue in Aboriginal rights in Canada now, which is the process of moving toward self-government. We are very pleased to have had such cooperation from First Nations Governments and our Provincial and Federal Governments in having representatives here on the panel. We have some changes in the panel members. I'll review their names now and introduce each of them as speakers individually.

Bentley Cheechoo and Joe Muskokomum were not able to come for their organizations but other people have graciously agreed to speak on behalf of those organizations. Brian Davey is the Deputy Grand Chief of Nishnawbe-Aski Nation, he will speak to us this morning. He is fourth to my right. Immediately to his left is Allen Roy, who will speak here for the Union of Ontario Indians, immediately to my right is Richard Maracle who is here from the Six Nations. On my far right is Mr. Mark Krasnick for the Government for Ontario and beside him is Richard Powless for the Federal Government. Brian Davey for Nishnawbe-Aski will be our first speaker this morning. I have asked the speakers to confine their introductory remarks to about 10 minutes length, so that we'll have time for discussion with them from the floor afterwards.

Beginning with Mr. Davey, he is originally from the Moose River, the Cree community there and he is a graduate from Trent University in 1981 where he studied political science and native studies. He began work with NAN in 1984 as the Research Director, then worked as their Senior Policy Advisor and last summer, in 1991, he was elected as their Deputy Grand Chief.

Brian Davey: Thank you very much. It's a pleasure to be here this morning, a nice bright cold morning. I'll try to be quick and give you a brief historical overview and give you some sense of where we're going with self-government negotiations and share some of my insight on the constitutional agenda that will hopefully continue some time in the very near future on Aboriginal rights and self-government. Historically speaking, prior to 1905, for those of you who are not familiar with the territory that we come from in Northern Ontario, our southern boundary is the height of the land. It's the ridge that goes across east-west Ontario and north of that height of the land we have forty-six Nishnawbe Aski communities, 30,000 people there abouts on- and off-reserve. Mostly OjiCree, Cree, Ojibwa mixture. They all signed the Treaty in 1905. At that time when they were signing the Treaty it was their understanding that they were entering into a Treaty of co-existence: the understanding was to share the land and its resources and acquire the services that were being offered by the Queen at that time. They accepted reserves, of course, where these services would be delivered. That was the understanding, and interestingly enough, the word for reserves in our language is "ashwinigan" which means "leftover". Usually it's land that does not belong to any family. It's usually the gathering spot for families that come together during the summer months to talk conservation,

various ceremonies. These are areas where they come together and trade, and discuss hunting territories and things of that nature. And of course marriages, and different types of ceremonies have occurred in that area. Come fall, they either went back to their traditional lands, the family lands, and began the hunt. It was cyclical and continued to happen that way.

The family territories were fairly extensive. For example, my traditional roots, the roots of our traditional territory is on the east side of the Harricana River, which is up around the Hanna Bay area in James Bay. That area must have been close to 80 or 100 square miles. Perhaps even more than that. I don't have a firm understanding like my elders do, but generally speaking that's where our family is situated. (You are probably wondering, how did he end up with the name "Davey"? Shortly after contact, the churches, Anglican churches, Catholic religion and so forth, of course had difficulty pronouncing our Indian names and they also considered them as pagan, so they started assigning these nice little names like Davey and Westley and MacDonald and so forth. That's why many of us end up with names like that.) Each family territory of course had a head person. They were basically the ones that provided the regulations in consultation with other brothers -- it was patrilineal, brothers, uncles, aunts, grandfathers and so forth all lived in a certain area. Shortly after treaty time, if it became difficult for our grandfathers to travel to the traditional territories, they remained in the reserve. Eventually the children remained in the reserve when schools were struck, and eventually residential schools came into being and many of our children went through that system.

1905 came along, and of course people were very glad to see the Treaty Commissioners because in some cases they were suffering from various epidemics - measles, chicken pox, and they saw the Treaty Commissioner as a helper - as Crown help. But they also understood many other things besides all these services. All these services were being promised by the Queen, and it was fairly difficult as to why everything was being promised. Their understanding of course was to share the land, and that was fine. Of course, they didn't have translators, they couldn't speak English, they didn't have their own lawyers, and if you read the treaties now, it doesn't say "sharing" at all. It says that we extinguish everything under the sun - lakes and you name it - we extinguish rights, privileges, the written text of the treaties.

It even says that our rights to hunt, fish and trap are subject to regulations that are made from time-to-time by the country, and it also says that if mining or lumbering or any other non-native activity comes into the area, that prevails over our livelihood. These are some of the things that concern us today. We have to live with this legacy. We have to reverse that fraud, that unconscionable fraud that occurred back in 1905, and the adhesions in '29 as well, when Ontario's northern border moved from the Albany River northward to the Hudson's Bay, James Bay area.

So that's a very brief historical overview. What are we trying to do today: the Nishnawbi-Aski Nation, like I said, is 46 Chiefs, they meet in Council, they make decisions, and then we act on them. We have staff, we have an organization, and we try to do the best we can. Of course the problem is always resources. We are trying to move on these issues that are very important to our people. In '73, this is when the organization was formed, and in '77 we declared our nationhood so to speak - where we had 46 communities come together called the Nishnawbi-Aski Nation. That was reaffirmed in the Thunder Bay Pact in 1980. In '86, I believe it was, we signed a Memorandum of Understanding with the Federal and Provincial Governments. The purpose of that Memorandum was that it was a commitment by all parties to negotiate issues relating to self-government. It had its difficult moments, it still has its difficult moments, but some progress was made of course, and the issues that are most essential to these negotiations are lands and resources, regional governments, policing, social services, corrections, things of that nature as well. We are in the process of considering the development of various principles that would govern the negotiations over lands and resources. Hopefully, at the end of the day, we will have a framework which will establish certain principles, and will establish the powers of the First Nations. It will establish what our role is, what Tribal Council's role is, how this will be delegated out. We will have a general sense of what its going to look like in the North.

It's very difficult for mining exploration companies at this time. It's very difficult for mining companies, forestry companies in general, because there is no certainty on the land when they go North today. They get a work permit from MNR, and that doesn't mean a damn thing because you can get several people from our communities to come to the site and say you have to leave, I'm sorry, even though they may have got a work permit from MNR. So there is concern from Mines and from MNR that they want certainty. They feel that if you have a map with all the rules in place regarding the North, and who approves what work permits will have to be debated, but its good for overall development. That is the way it has been presented to us from time-to-time.

These are some of the issues that are being discussed. The area of regional governance is something else that has to be pursued. It's the larger picture. It's like the constitution of Nishnawbi-Aski Nation and the role of the First Nations themselves within that - how do they develop, how do they evolve, how do they structure their powers in

such a way that it lines up properly. How do they determine how the overall constitution is going to be settled in the final analysis.

I didn't have time to touch on the constitutional agenda, but perhaps later I can. Thank You.

Michelle Swenarchuk: Thank you Brian. Our next speaker will be Alan Roy for the Union of Ontario Indians. Let me say, first of all, thank you to Alan for working closely with Barrie and me in devising the program for this conference. Alan is the Environment Director and a consultant to the Health Program for the Union of Ontario Indians. He has been in that position for 14 years. Formerly, he was Environment Director at the National Indian Brotherhood for 6 years. He was appointed to the Environmental Assessment Board as a part-time member in 1987. He is a former advisor for Canada to the Man and Biosphere Program of UNESCO in Paris from 1972 to 1973. He is a fisheries biologist with degrees in that field.

Alan Roy: I'm going to speak about this subject from a technical point of view as a technician in an Indian organization. I'm going to try to give you some different concepts for self-government that are being explored within the territory of the Anishnawbeg Union of Ontario Indians. We started preparing for this discussion or these concepts in the early '80's. Some of us at the Union went down to the United States and toured some of the First Nations and Tribal Councils to see what they were doing in the way of self-government. We came back to Canada and looked around and tried to look for examples here and tried to stimulate some discussions amongst First Nations and Tribal Councils on where they wanted to go for self-government.

It breaks down into 3 categories in my mind. I'm going to outline them very quickly for you this morning. The first one of course, is the land claims, where First Nations or Tribal Councils are trying to establish a nation-to-nation relationship with the Governments of Canada and Ontario. And would, under the land claim, anticipate a jurisdiction over a large area that would be inclusive of all activities related to life within the First Nation.

The second category are examples of sectoral programs that First Nations are attempting to take over. We have seen these work in the United States to the point where, for instance, health care would be totally delivered by a Tribal Council. One example that comes to mind involves a Health Board that is appointed by a Tribal Council that represents seven First Nations and 20,000 band members in the Mojave Desert. That Health Board has devised a five-year directional plan and that directional plan is interpreted by a Director and Assistant Health Director for an implementation organizational plan for one hundred and fifty health staff, and they would deliver both treatment and prevention. It would be a very different delivery system from the surrounding California society. We've noticed that in some cases the non-Indian part of the State or the province are attempting to access these programs that are quite different. They're based on a different need and a different philosophy and a different organization. Essentially, that relationship would involve a grant system from both the Provincial Government and the Federal Government in Canada, and it would be - the burden of planning, designing and implementation would be in the area of the First Nation, and it would be very little that a province or the Federal Government would say about the design of that program or the implementation of it. But it is only one sectoral area and it doesn't deal with justice or economic development or whatever, it's just one small aspect of life within the jurisdiction.

The third grouping I want to talk about relates to small First Nations, a concept that they're exploring in the Lake Superior region of the Union of Ontario Indians. These are very small First Nations with, in some cases, less than one square mile of reserve land. They've chosen to explore the idea of entering into Memorandums of Understanding with the Provincial Government on a territory, on resource allocation and management of resources within a territory outside the reserve's boundaries. For the most part it's supposed to represent a territory that relates to the traditional land use of that particular community.

Some of the concepts that have been discussed but not yet negotiated conclusively would be right of first refusal, co-management of resources, some type of relationship with third party user groups within that particular territory. The MOUs could represent in some cases self-sufficiency economically for a First Nation to move forward with further self-government principles. If we look at a forestry operation, it could represent a dozen to two dozen jobs a year and revenue to the community in the order of a couple of hundred thousand dollars. In the case of a small hydroelectric facility, once the capital is paid off, that venture could bring in half a million to one million dollars a year revenue. It's enough revenue to represent self-sufficiency for, say, further economic development in that particular community. However, the last thing I'll say about the third category is that First Nations are now anticipating policy development and criteria that would judge whether a development would be acceptable or not within that particular territory, both for their own First Nation and any other developer that moves into that area in a co-management type of concept. So those are three technical - for lack of a better word - classifications that occur to me as a technician when we're looking at examples of self-government in this area of Canada. Thank you.

Michelle Swenarchuk: Thank you Alan. Our next speaker is Richard Maracle of the Bear Clan of the Mohawk Nation and he'll be introduced to you by his friend Danny Beaton.

Danny Beaton: I would just like to say that Chief Richard Maracle is a Chief for the Mohawk people in the Grand River country. The French call us the Iroquois, that's a French word. English call us Six Nations, we are Hodehosaunee Onkwehonweh as real human beings, and my Chief is hereditary by blood and by Clan Mother system. And he's here to speak for the people.

Chief Maracle: I am Chief Richard Maracle from the Grand River clan near Brantford, and I come here to try to find out what is this First Nation all about. They have never approached the Confederacy Chiefs which is Chiefs. I have heard of a lot of Chiefs that have run around saying that they're Chiefs but I don't know where they come from. I don't understand them. I have never been able to understand them, because in order to become a chief, you have to have a Clan Mother, and you've got to become doled into the Confederacy to become a Chief. But there are so many that I have heard that have run, the first thing they do they say "We are Chiefs", even to the Assembly of First Nations. That's what they say. They come to the Grand River and they sit and they talked, they never got no place because for the simple reason is the Confederacy's Chiefs never will accept this self-government. Self-government is annihilation to our way of life. We do not have no jurisdiction over this Canadian Government. This Canadian Government does not have no jurisdiction over us. All our treaties and arrangements and agreements was made by Great Britain, not by the Canadian Government.

As they tell me that Canadian Government is pushing, paying the people, the different Nations to push this project through to say First Nation self-government. Now that will never work because we have been self-governing from the beginning of time. Let's not forget who we are. Let's not take something just because there's a few dollars in it for us, no I don't want that. I want to think about my children, my grandchildren, great-grandchildren, children with no faces, which have never been born yet, that are coming along, where are they going to go? And what are they going to do when the time comes, when there's nothing here for them? We have already granted the people, the European people that came into this country, we gave them all our land, the use of the land. We didn't give it to them, we give it to them to use. That's what it's all about. It's not something that's bought. You cannot buy the land because the land does not belong to us either, but it does belong to the great Creator of Earth and we must think about this. Understand that there's no other way out but to stand fast and to stand with your Creator of Earth. That is how the Confederacy Chiefs live. That is Confederacy, that is Chiefs. We don't want to sell anything. That's why we say we will not accept self-government in any way. The Six Nations people are here on a completely different footing than any other Nation of Indians in the whole North American continent. So this is why I say be careful what you do and where you step because if you don't, you're going to fall into that hole that they're digging. The Confederacy Chiefs, the Government don't send us any money and say "Here, you work with this money to contribute to your way of life". What we get, we get through donations. We don't even get paid when we counsel, because we counsel for the people, not for ourselves. I thank you very much.

Michelle Swenarchuk: Thank you Chief. I hope we can discuss these questions later again as well. Our next speaker is for the Government of Ontario. Mark Krasnick of the Ontario Native Affairs Directorate. He has a background in Constitutional Law and he's been head of the Ontario Native Affairs Secretariat since 1987 with responsibility for land claims negotiations. He's also been involved in developing and implementing a self-government strategy on behalf of the Government of Ontario and in implementing a corporate Ontario policy regarding Aboriginal people within Government. Mr. Krasnick...

Mark Krasnick: Thank you very much Michelle. I thought I would possibly start where Brian finished by saying that he didn't have the time to get into the constitutional discussions. I thought that it might be helpful to begin there and then spend a few minutes talking about the debate yesterday as reported in the paper between Bud and Brad around where is the law at today, because I think that it raises important questions which are necessary in resolving many of the issues before us. In terms of the constitutional discussions and specifically relating to the entrenchment of the right to self-government, which is the Federal proposal, or entrenching the inherent right to self-government, which is the provincial proposal, where we're at today is that the Federal Government has put a set of positions on the constitutional table and those will amend the Constitution of Canada to recognize a right to self-government, and then specifically there will be mention of jurisdictions that will be exercised by Aboriginal peoples. It's not clear from the Federal text who will exercise those powers and the discussion we just heard is part of what will have to take place and be resolved before the right is exercised, but it is clear that some of the jurisdictions that will be listed in the Constitution include such things as the administration of justice, health and community services, and lands and resources. And it's the inclusion of lands and resources which means that Aboriginal communities, still to be defined, will have the power to make laws respecting lands and resources. And the issue that we have to discuss is over what territory will those laws be made and what will be the breadth and scope of those laws. But I think ... and all of us can have our own views on how the Constitutional discussions this year will end, but all the

commentators are saying now that there will be a self-government clause contained within the Constitution and therefore some serious thought has to be given to how the term lands and resources will be interpreted in the future.

The Federal proposal - just to go on for a second - will leave to the courts the question of determining the extent of that power. True, in what Ottawa has suggested that won't happen for ten years, and hopefully in their view it will be the subject of negotiation and agreements. But at the end of the ten year period it will be for a court to really balance the power which flows from a jurisdiction that the province has today, ownership over lands and resources in Section 109 of the Constitution, with the power that will be exercised by First Nations. So that's the broader context in which negotiations over governance are taking place.

The legal question that concerns us today with the present Constitution - and you heard Professor Morse talk about it yesterday - is really the debate over what governance powers over non-reserve land, not over reserve lands but non-reserve lands, flows from the concept of Aboriginal and treaty rights. It's clear that the courts have said that there is a priority for the sustenance use of animals and fish by Aboriginal people over other users. It's also clear that in deciding what the take of those resources can be, concepts such as conservation must be viewed as a primary factor in determining what's available for communities to take. So that's not at the present moment disputed. What is disputed and what has not been resolved is whether or not from that power to have a priority over access to resources, flows the power to make laws and rules respecting those resources. And I think what Professor Morse is saying, as I read him, is that what flows from the cases before that have come out of the Supreme Court is the power to make laws over first, membership of the First Nation or community concerned, and then secondly, over types of resource utilization that can impact on or make it more difficult to exercise the right. Whereas the position that Governments have taken is that the regulatory power remains in the Government. What changes, is the need of the Government to justify what it's doing and to ensure that there is clear articulation about why a government is making decisions. So it's that type of dispute which I think is key now to understanding why there are different concepts of where we are today, and it's that type of dispute that has led to what we call negotiations of co-management. The position that the Government has moved to, and I think this is reflected by many governments across Canada, is that there is a recognition that Aboriginal people - either because of the nature of the treaty process, the lack of understanding of what was happening at the time the treaties were signed, or just the need to recognize that modern day society requires you to read treaties in a very different way because of industrialization and because of very different access to resources in this century than there was in previous centuries, requires that a new type of relationship between Aboriginal people and non-Aboriginal people be struck. And in striking that type of new relationship, there must be more recognition of the right to protect communities from industrial interests, whether it's forestry or mining or what have you, and secondly to ensure that those communities benefit from the lands and resources that come up against their reserve boundaries so that there's some capacity of communities, whether it's through small hydro projects or through tourist operations or through access to logging, to benefit from the surrounding resources and keep and retain some control over those resources. And in terms of the concept of co-management, what the Provincial Government is talking about is really working out regimes, decision-making regimes, which will allow Aboriginal communities and non-Aboriginal communities together, to make decisions concerning the areas that surround and incorporate the reserve. And so that's the type of co-management philosophy that the Government has been articulating. It doesn't come to grips with some very basic questions about the meaning of treaties and about land claims. If it's found, as Brian said, that there's been a fraud committed, and that's a question either of law or it's a question of making the case to Ministers, and making the case publicly that at the time the treaty was signed there wasn't the type of understanding that was required, then that's a much different question and it just means that the territory that's concerned has to be viewed in a totally different way. But until that determination is arrived at, the present philosophy is let's look at new regimes of management to give communities more control over decisions that are made in the territory not only where they live, but the territory that they've traditionally used and the territory which people still inhabit in a way that the elders and those people from previous generations have inhabited. So with that, I think that's my ten minutes and I'll wait for questions if anyone wants clarification. Thank you.

Michelle Swenarchuk: Thank you Mark. Our final presentation in this panel will be from Richard Powless who's here on behalf of the Federal Government. He's been a student of Native Affairs at Trent University. He's currently Acting Director for Community Negotiations for self-government in the Federal Department of Indian and Northern Affairs, and he's been there since 1988. Between 1986 and 1988 he was a Self-government Negotiator for the Department. Before going to the Department he was a Director of the Social Services Council of the Indian Association of Chiefs and Councils of Ontario in Toronto.

Richard Powless: Thank you. What I'm going to speak about today is one Federal initiative on self-government which is called the Community Self-government Negotiations, an issue which I've been involved with for the last five years. I'm not going to talk about the Federal Constitutional initiatives because it's not something I've been involved

with or am current with in terms of what's on the table, and what's being proposed, or where those talks and negotiations are at.

The term self-government is a nebulous term at best, it has many definitions. On the one end of the spectrum, you have something akin to complete and total sovereignty in an international sense, and on the other end of the spectrum you have something akin to a municipal government status. And then you have everything in between those two definitions, and there are examples of all types of self-governing arrangements in the world within that range of definitions. The Community Self-government Initiative is an initiative that attempts to advance one of the middle definitions of self-government. It was launched in April of 1986, partly a response to the Penner Commission Report on Self-government which was conducted in 1983 and 1984. The Penner Report called for advancement of self-government on three fronts. It called for advancing the constitutional recognition of self-government, it called for advancing a legislative recognition of self-government, and it also called for advancing a policy and administrative definition of self-government within those existing programs and policies that already existed. On the constitutional front, we had the series of First Ministers' Conferences, the last one ending in May 1987, and we have this new round of initiative that's going on which hopefully will result in a constitutional amendment on self-government. In terms of the legislative change, this is where the Community Self-government Negotiations process comes in. What this really is about is negotiating new self-government arrangements for Indian communities, and here I'm talking about largely reserve-based communities - which will replace the existing Indian Act and replace and transfer those authorities and those powers which the Federal Government now exercises over Indian communities and can transfer them and put them in the hands of Indian Governments in those communities.

As I said it's not a response to the fuller definition of self-government, it's not a response to the inherent right. I think the idea there is to have those types of negotiations and discussions at a higher level, at the constitutional level, you're talking about fundamental change between Governments there and if the Canadian and Provincial Governments want to recognize a nation-to-nation relationship then it's fundamental that they do that in the Constitution. So I said the end goal in essence is to negotiate these new arrangements. The idea is to come out and put some practical examples of self-governing arrangements in place. We know that one of the problems during the First Ministers' Conferences was provincial concerns over what self-government means and there were fears that the definition would be too extreme or that it would replace jurisdictions, or that people could go to court and exercise jurisdictions. So one of the ideas was to try and get some working examples in the field. The arrangements that are being negotiated are without prejudice to Aboriginal and treaty rights. And they're without prejudice to the outcome of the Constitutional discussions. The negotiations, as I said, primarily deal with on-reserve, in essence it deals with those authorities and jurisdictions that were exercised by an Indian Government on reserve. But it also allows for negotiations of off-reserve where the Provincial Government is involved in those discussions, and we have examples of those right across the country.

Right now we have twelve initiatives involving about twenty-two Indian communities across Canada in an advanced stage of negotiation. In this next fiscal year we expect up to three pieces of legislation to be tabled in Parliament that would in essence replace the Federal legislation for those communities. I want to turn now to the issue of this conference in terms of how self-government may affect Native land use. The intention in the negotiations that we're involved in is basically to turn over as much control as is possible to Indian communities. On-reserve that means virtually almost all control, and we're talking control over land use, we're talking control over land management, we're talking control over resource management, and we're talking about control over things like environmental protection. Off-reserve negotiations are ongoing and really will depend on the willingness of all the parties, especially the provinces, but I'm very optimistic about that because you have three new NDP Governments who are saying some good things about how far they're prepared to negotiate. My expectation is that we're going to see a wide range of regimes out there, agreements and arrangements that will allow for, in some cases, in some areas, exclusive Indian jurisdiction, Indian control, Indian resource management. In some cases we're going to see co-management agreements and arrangements for areas contiguous or surrounding reserves and traditional land areas. And in some cases we're going to see a continuation of existing practices where Provincial ministries are managing resources, etc.

As a final comment, I just want to say that I've been involved in this for about fifteen years and I've just seen dramatic changes from where we were fifteen years ago. I never would have thought that we would have seen Provincial Governments, especially the Ontario Government, saying that they were prepared to negotiate on the basis of an inherent right. When I think back to the previous Bill Davis Governments and the discussions ... Brian was involved with those as well, we had them back then, it's just come full circle. So I'm very optimistic, I see the willingness there and I think it's just a question of getting down to it and getting into it and starting those negotiations. Thank you.

Michelle Swenarchuk: Thank you to all our speakers. This is quite a... of course it's a huge subject, and with time limits people only had an opportunity to touch the tops of it. It's your turn now so we're happy to take questions, please go to the mikes so they'll be taped. If no one else... well I think I'll start off with... I'm sorry, yes, Danny Beaton wanted to say something further with regards to Six Nations.

Danny Beaton: Since my Chief never took up the ten minutes, I'd like to speak for a couple of minutes and be very brief. He's very concerned about what's been happening with the Constitutional talks today because he feels that he hasn't been represented completely or anywhere near the way he's been taught from his elders and chiefs. Richard's eighty years old and a lot of knowledge has been passed on to him. It's important for people to know that Richard's a Chief for - belongs to the Iroquois Confederacy, the Hodehosaunee, and that Government was formed more than five hundred years ago, before Europeans came here. It's important that people understand that the chiefs from Hodehosaunee feel they haven't been represented honestly and completely by elected chiefs and that they have taken their power away. I've sat in Longhouse meetings now for just over two years and I understand the process from the Longhouse and no problems are solved until everyone agrees, everyone has to agree, there's nothing passed overnight and so that's an example of how problems are solved. There's a consensus with the Longhouse people and they have an affiliation with all the Nations, Cree, Ojibwa, Hopis, Navajo, Apache, Aztec, they have the same mind, one mind with a spiritual foundation, with Mother Earth and Creator. And right there there's some problems there because they still maintain a lot of the principles and ethics of the old chiefs. So I think it's really important today if the elected chiefs and this AFN wants to do something, I think it's important for the people to know that they should be in consultation with the hereditary Chiefs and that's a very important factor that you should be taking in your notes, that there's hereditary Chiefs here that have this knowledge and this wisdom that's been passed on and you should never forget that, and never forget that Iroquois Confederacy Hodehosaunee, the United Nations bases their Constitution from that. And that many many Governments were formed from that consensus, from that one mind, and clan mothers never forget that the backbone of our Governments is from the women. The way it's supposed to be, that the women are included and not left out. So I hope that I added a little bit to what the Chief was saying and I'm sure he'd be glad to answer any questions that he can to share with you.

Michelle Swenarchuk: You certainly did, I'm happy to take questions now from the floor. Could you please tell us your name and affiliation when you start out and could I ask everyone please to limit your questions and comments to about two minutes so that we can give everybody an opportunity.

Question: First of all I'd like to say that the question I'm going to pose is as a member of a Treaty area and a member of a specific community, and not as a representative of the Indian Government who provided my expenses to come down here. I want to be very clear about that. Charles Wagamese, Wabauskang First Nation, the Indian Affairs call us White Dog - no they call us English River, and somebody else calls it White Dog, and we call ourselves Wabauskang, so you have your choice. The last one is preferred by us, or if you're going to be correct the last one is the one.

I'd like to pose a couple of questions to both the Federal representative and also the Ontario representative. I had a phone call from a friend of mine who's in the environmental movement out in British Columbia. I haven't had a chance to talk back to him yet but the early indications are that there's a high level of dioxin and furons in the English River system which flows past a couple of communities in our area and affects our community as well. That paper mill is several hundred miles off our reserve area and, put in another context, it's also outside of our traditional land use area. The question that I have is this: when the Federal Government restricts us to handling affairs on our own reserves, or shanagon or fishing station lands, and the Provincial Government says that we have to depend on them, as of the moment, for their regulations to protect us, how does that fit with this kind of situation where you have somebody who's detrimentally affecting the health of our lands and our people from outside of our jurisdiction according to your present definition?

And the other question that I have is to them as people, because we sometimes hide behind this thing of government. Government is simply just a human activity between people, and I think we have to start to begin to realize that, that relations happen at that level. So I would like to ask them as individuals what kinds of things that they could give me, to reassure... or some message that I could take back to my community to say that, they from their positions, given their commitment to their Government, what assurance can I take back to my people that something is going to be done about this.

The last thing that I'd like to say is that we were one of the communities who were affected by mercury pollution and continue to be, we won't see the effects of that until it's too late and the Provincial Government's position has always been that they deny that there is such a thing. Meegwetch.

Mark Krasnick: Well, I guess a couple of attempts at a response. The first is that it should not matter in terms of whether the water flows through a First Nation or whether it doesn't as to the cleanliness and the safety of the water system, and therefore I think that you raise two questions: one is can we make sure that Provincial and Federal - if that's the case - environmental laws in areas outside of your territory are such that your people are protected, and I think the answer is clearly yes, and secondly can we design a co-management regime which allows for some influence over the broader types of decision-making, industrial and environmental decision-making which takes place which has a downstream impact on your community and I think the answer to that is yes as well. But I think in terms of a specific answer to your first question, it is - there are in place rules and regulations and enforcement capacity to make sure that those types of concerns are investigated and dealt with and stopped and I'm sure that if that's brought before the Ministry of the Environment, that's the type of investigation they'll commence. I guess that's about all I can say on that.

Richard Powless: You know, since the environment is shared by everyone, I guess it points to the need to have all the parties involved in these types of agreements. If you've got to get agreements and commitments from all levels of Government, that have and share the same standards in terms of the Federal, Provincial and Indian Governments, that's one of the things that we've been trying to do in these negotiations, is try to get those types of levels of agreements and it doesn't do anything for White Dog because it's already happened and it's in the past, but I think it points to the future in terms of trying to make sure that we have commitments and those are firm in terms of agreements and in term of legislation, so the protections are put in place to protect communities like yours and others in the future which might be affected by them.

Michelle Swenarchuk: Can I just make a comment on that question? I think that's one that should indicate immediately why all of us need to be in this room together because problems of pollution, pollution regulation or prevention, are problems that affect all of us and environmentalists should be, and are, very concerned as well about those problems, whether they're on lands subject to Native claims or not. I think that's a problem that all of us should be working together to resolve.

Charles Wagamese: I think it took us six years to establish recognition by the Provincial and Federal Governments that there was mercury pollution in the English-Wabagoon system, and it was incumbent on the Indian organizations to do a lot of monitoring and a lot of political lobbying with those two levels of Government to get that recognition. There is no recognition right now in the English-Wabagoon system for the levels of dioxin and furons in that particular system. The reason that we're concerned or that we have any knowledge about those levels of toxic chemicals in that system is because of the work that's being done in about eight different areas of British Columbia where waters have been closed from contamination by pulp mills and it's mainly because people outside of Government have been looking at these things and raising the profile of the issues.

In the context of self-government, in the future we're going to have to have a great deal more capability as technicians to build briefing papers for the political leaders within the First Nations constituency in order for those leaders to negotiate and come to grips with the way the Provincial and Federal Government deals with monitoring of the environment and policing the environment. There was a straightforward denial of the contamination in English-Wabagoon system in 1973, flat out denial. I was involved in the system, I know. The only reason that particular situation was raised was because of a graduate student at the University of Western Ontario and he was forced out of Canada because of the kinds of profiles that he raised about contamination of the environment and it was only because of the Indian organizations involvement in the mercury pollution in Northwestern Ontario that the situation was raised to the level that the Federal and Provincial Governments started to deal with it. I think again, if this kind of situation is going to work where self-government is a reality in Canada and that self-government is going to protect the constituency within the Indian jurisdiction, there's got to be some technical capability on the part of the First Nations to monitor and protect themselves and put their leadership in a role where they can negotiate a settlement with the other two levels of Government in this country.

If I could just take the opportunity to make a last personal comment, is that I don't believe the Federal and Provincial Government when they say that they're going to make these regulations that are going to protect us, they've never proven that in the past. I think the only way that that's going to happen is when the Indian people, their rights under Aboriginal and treaty, are recognized so that we have a direct say in how the economy is managed there. So I would like to just reiterate that point of view that that has to happen, the people in this room have to begin to see that in the same way. I don't believe that we can rely on these people to protect us. (Applause).

Michelle Swenarchuk: If I can just follow on that, I think that a lot of environmentalists feel exactly the same, that what environmental regulation we get, we get because public groups, residents and people concerned across the province get the information, do the analysis and lobby and lobby and lobby, and we're never satisfied with what we get as a result of that either, we think we should have much better standards, just as you do. More questions?

Question: My name's Harry French, I wanted to ask a question of Chief Richard Maracle. I don't know if his friend can answer for him, but I'll start off with my second question, it's about self-government; it's been mentioned many times. Since there are variations of self-government, as the speakers have been saying, would such a thing ever exist? Complete self-government would be able to prevent another Oka type situation that happened a year or so ago. And the question I was going to address to Chief Maracle was, since Canada, as far as I'm concerned, still hasn't cut all its colonial ties to Great Britain - witness Brian Mulroney running off to speak to the Queen so he could appoint I think it was twelve extra Senators to push through the Free Trade Agreement - it might have been the GST but I think it was the Free Trade Agreement - simply to get more people in the Senate, to make sure that Bill went through. So I'm just wondering if Great Britain would recognize people like Chief Maracle and his Nations to still negotiate amendments or renegotiate the old treaties. Because he doesn't seem to recognize the Canadian Government, and as far as I'm concerned, the one we have right now, I'm 100% behind him.

Michelle Swenarchuk: Let's direct the first question to Brian Davey, as a representative of Native leadership here. Do you want to just repeat your first question please?

Question: I said that various forms of self-government had been mentioned by the speakers. If a situation of complete self-government was to materialize, would that prevent an Oka-type situation to ever happen again?

Danny Beaton: First of all I would like to say that myself or the Chief we don't belong to the Warrior Society. We're peaceful people, trying to be peaceful people. So if there's any idea that we belong to the Warrior Society we don't. And what has happened in Kanasatake and in Oka, we're very concerned about happening again and I think that over time, we will be working together, we will put our ideas and all ideas together for self-government and we already have been a Government for over five hundred years now. So I think the AFN is now starting to recognize our Wampums and Great Laws and things are coming together and I hope that they start coming to our Chiefs, and when that starts to happen, you'll see things evolve a lot quicker.

Brian Davey: One of the things that I'm always stating when I ask questions on self-government is that we have to come to a point, a position in time, where our communities have to feel the successes and failures of our own decisions. And if we continue to have status quo which is what you have today, that will continue to lead to violence over land use outside of reserves or imposition of laws in communities; you will continue to have that clash, you will continue to have support for militant action within communities. A perfect hotspot that's brewing is Northern Quebec, including the Moose River drainage basin. You have young people who have better ways - they think they have better ways - of dealing with the situation. The control, if it rests, eventually under the auspices of self-government, with our First Nations, with our people, and their leaders, be it elected or hereditary, it's entirely up to them how they wish to do that but if the control is there and they make decisions on behalf of their people, they're going to have to live with those decisions, whether they're right ones or wrong ones and they're going to have to be accountable to their people. Right now you don't have that: our leaders are not directly accountable to the people because very often we cannot make the laws or make decisions that we feel our people justifiably need. The laws are imposed upon us. The Constitution says, 91 and 92, the Governments say the list is exhaustive, they're all there, and the Federal and Provincial Governments have the powers, none belong to the First Nations. If any powers belong to the First Nations it's because of some kind of delegation, and that's got to change.

Michelle Swenarchuk: Other questions?

Question: Hi, I'm Jake Brooks, I'm with the Independent Power Producers Society of Ontario. I'd like to raise an idea for anyone that kind of flows from self-government. How about the idea of an Aboriginal Ontario Hydro, kind of the sectioning off of those parts of Ontario Hydro perhaps that are on Indian lands, and control and management of those resources and perhaps development of more appropriate resources.

Michelle Swenarchuk: Well, that's a nice way of putting the problem. Brian, do you want to start with that, and then Alan?

Brian Davey: There are political realities that we have to deal with in the province of Ontario. There are several different First Nations and several different affiliations amongst those First Nations themselves. This is certainly an area that falls within I think the jurisdiction of the First Nations communities, I think. That's the ideal, to have it fall within that jurisdiction, and obviously it doesn't at this point. But to consider something such as that, as for a province-wide Aboriginal Ontario Hydro, I mean that's extremely difficult and would probably never happen. So I would prefer to keep it within the context of the areas that you come from, perhaps only that way it will work...

Question: Or maybe organize on watersheds, or regional ... it's not just totally local, power projects usually have effects beyond one immediate area...

Brian Davey: ... it certainly does, for example the equity system between Northern Manitoba, Northern Quebec and Northern Ontario affects the whole area, it affects... and there are discussions or people communicating back and forth in the Aboriginal sector on issues such as hydro development and I agree...

Alan Roy: I agree with Mr. Davey, I don't think that such a corporation would be feasible politically. However, I think there's some merit in discussing some type of technical developmental council or commission, or something that could enhance the concepts of small hydro-electric or other types of co-generation or power production from an Aboriginal point of view, we're ripe for First Nations to talk to each other about trends and policy and developmental criteria for these types of projects in Ontario.

Michelle Swenarchuk: Next question.

Question: Hi, my name's Heather Ross, I have a question for Mark Krasnick. When you were talking about co-management, you put it within the context of decision-making, and you suggested you were in the framework of decisions around First Nations either benefiting from off-reserve development, or being protected from the adverse impact. And I'm wondering if it's also on the table in co-management agreements that First Nations, for example Sandy Lake, would have the authority to say "No, we don't want this".

Mark Krasnick: Yes, it's ... I think when you take and you consider the concept, there are... and that's why the question of determining territories becomes so important, is that there are definitely cases where the... and I think Brian just alluded to it in maybe a bit of a broader context where communities have to be able to say that "we just don't want the project" and I don't think that they should have to give reasons, I mean they have a political system of determination and they should be able to make those choices. Where they can make the determination has got to be the subject of discussion and agreement but once that discussion and agreement is in place, then clearly there will be territory where a community can say that.

Michelle Swenarchuk: Any other questions? We're a subdued group this morning... oh, here comes another one.

Question: Paul King-Fisher, I'm with the Temagami Comprehensive Planning Council. My question is for Alan, with regard to your travels through the States and I was curious to find out any thoughts you might share with us about the models for co-management that you might have observed and what some of the challenges and pros and cons and difficulties were experienced with some of the U.S. experience.

Alan Roy: The difference in the States is that some of the co-management agreements, say for half a State, that involves a State park that's been under the full jurisdiction of a Tribal Council, the White Mountain Apache or some of the areas that the Navajos control - it's based in legislation, and there's the Self-Determination Act also in the United States that is the basis for a lot of the sectoral takeover of programs by Tribal Councils of First Nations. We don't have that in Canada and so what it's proceeding on now are individual negotiations both for sectoral programs like Health Transfer, or Memorandums of Agreement or some of the land claims negotiations that you've seen in the Northwest Territories. We just don't have the underpinnings in this country, nor the recognition by the two levels of government in any formal way that facilitates vast negotiations or agreements for self-government. It's all pilot projects. I mean that's what Richard does on a daily basis. And to a certain extent Mark Krasnick has tried to pioneer discussions in his way of looking at self-government, and it's different all over the country.

Question: Do they have any examples of tripartite U.S. Federal, State and American First Nations bodies such as, for example, in Ontario Wendaban.

Alan Roy: What they do is the feds in the States turn over grant money to First Nations to build their infrastructures, and the First Nations for the most part enter into agreement with the State, or the State tends to back off from a jurisdiction on a territory, big territory, much bigger than we would experience here in Canada. They recognize that in some cases Tribal Councils... for a lot of reasons it's better for the Tribal Councils to control a State park, or control the management of resources within a territory.

Question: So in terms of operationalizing something like that here, obviously you're saying that there's a much longer history of that in the U.S., both I guess arising out of case law and so on. What would be the key factor in your mind that would assist moving toward that? You were mentioning technical assistance before, I mean is that probably one of the most fundamental aspects - ensuring that there are the experts available so they can proceed on a basis - for determining decision-making?

Alan Roy: Personally, my agenda would be to learn from small pilot projects, small Memoranda of Agreement where a lot of jurisdiction and authority is turned over to a First Nation to demonstrate management of resource extraction. And I believe that if that happened, Ontario and Canada would learn a lot. They would see a different system of management, a different set of criteria, a different set of philosophies toward development that would in the long run help Canada and Ontario look at different ways of doing things. Because obviously, in this country, we have to do things differently very quickly. And I've run out of options of looking for examples of how to do things in a different way. But I think we still have not explored the way First Nations would do things if they were given a chance. And I think that to a certain extent some of the things that Mark has tried to do in Ontario could lead to some demonstrations of some very, very interesting concepts. We have a forestry project in this province that clearly demonstrates to me some really good conservation principles, and they're not profit-orientated, they're employment-orientated. So we've learnt a great deal, I think, from the Gull Bay Forestry Corporation on the west side of Lake Nipigon. And there's lots of other things, too. We've built a hydro-electric project that has virtually no impact on the environment; yet that will generate substantial revenues for a First Nation to make them economically sufficient in the long run, maybe...

Question: A run of the river facility?

Alan Roy: Yeah.

Question: Great, thanks very much.

Michelle Swenarchuk: Alan, is the problem here lack of technical examples, or is the problem here political will?

Alan Roy: Political will.

Question: Steve Kishevitch, also with Independent Power Producers Society, although this is not a hydro power question. It's directed to Chief Maracle. I wonder if he could elaborate on his objection to self-government. I'm not clear whether it's an objection to some technical meaning of that word, or if it refers to the division, if I can use that word, between traditional chiefs and elected chiefs? We've heard here that there are several technical meanings that can be applied to the term self-government, and I'm wondering if any of those are likely to result in the kinds of conditions where you can arrive at the kind of world you want to see.

Chief Maracle: I think the difference is with the self-government. Maybe I should outline my way of life all the way through, with what I know. I didn't say enough a while ago when I was talking, but self-government is a determination to annihilate all North American people. Once they sign the papers they forget them again. We have had this go on and on, from time-to-time. Now the Six Nation People, as I say, have Treaties, arrangements and agreements with, not the Canadian Government but with Great Britain. That is where all is. And you say self-government... self-government is what we had from the time of life, who knows how far back it says? We don't. I myself don't know. Neither does anyone know. But I know what self-government they're trying to put through. The Government is trying to put self-government through so that he can grab the rest of what's left. It's a big story where he butters the bread really good, puts a lot of jam on it, and he says "Here you take it." Tomorrow morning, he says, "well you've had your feed, now get out." That's what self-government is all about. And nobody can say it's any different because they do say it, they do say it because the Government grants them so much money to push this idea through to all-nations. But the Confederacy people have rejected it, because they are a government. The Confederacy Chiefs are a Government. The Great Law which we follow, and the Great Law wasn't made by man, but by the Creator of Earth. And as long as we follow the Great Law, I don't think that there's a government in the whole world that can overcome what we carry. We can never die as long as we believe where the power is. There is no government on Earth that's more powerful than what the Creator is, and that is where we look to.

We have Clan Mothers that set the Chiefs, not only one, but we have a family of clan mothers, which choose one man out of all these women, their sisters, cousins, nephews, brothers and everything all together. They choose the Chief out of this here bunch and when they choose one, then they decide if he is capable of going ahead with what they want. And they appoint the woman who is to be the clan mother, and who is she going to choose? It is up to her. It's not one of these things where you can walk into an office and a man will say, "Well you're a Chief." No, it's a great thing that's behind it. It's a great honour to be a Chief. Now a Chief is something that you've got to be honest with the people. Be true with the people so that you may lead. Now with Great Britain we have what they call the Two Row Wampum Treaty. The covenant chain with which we shook hands - not me but my forefathers - who shook hands with Great Britain, they used a chain. A lot of people say why did they use the chain to shake hands? He says, when we shake hands, if I hold on to one end of the chain and you take the other end, if you go to pull me over into your boat, I can let go. If I go to pull you, you can let go. So I can never bring you over onto

my side. Now the Two Row Wampum says two lines: On the outside that is this wampum; one says, you govern your people and I'll govern mine. You make laws for your people, and I'll make laws for mine. That is what the two lines are, that separates the two nations: that's the North American people. That is how it's supposed to be. But the people have got one off to one side, because there was money over here, there was money over there. So they were grabbing for this and grabbing for that and they don't know where they're at today. They're lost, they can't even think what self-government will do to them today if they accept it. It's a great thing to try to stop and think, what this self-government is all about. And what I see is that it's going to hurt the people completely. It's all right for these people up in the North, that have little wee tracts of land where they take self-government. That's what's happened, that's where they start from. It didn't start from here. When Bob Rae came to Grand River land to talk, he talked to the so-called self-government nation people, they had a conference there. He didn't go to the chiefs, to the body where the power lies, on the Grand River land the majority is Confederacy. The Longhouse people. That is the religion followers. And this is what they follow, they follow the Creator of Earth the way he has given the law how you should live and how you should travel and how you should conduct yourself. It's a wonderful thing when people can understand what it means but the majority of people don't understand it. They mock it, a mockery of the whole thing because they don't know ... I think that that would answer what you ask, I thank you.

Michelle Swenarchuk: Thank you Chief Maracle. This will be our last question, go ahead.

Question: Brian Miller. I'd like to kind of continue on the theme that Chief Maracle was discussing. One of my interests is, "Is there a common definition of what self-government is within the Native community?" And also, because so many of these agreements seem to be ad hoc when they're coming together, what is the future of First Nations collectively in trying to deal with this at the political entity level, like the AFN or the NCC, and what becomes their role in this whole self-government process? I open that to anybody.

Brian Davey: I'll try to take a shot at it. Well, there's a number of principles that seem to thread through most First Nations in Canada. First of all, it seems to be the majority opinion anyway that ... maybe I should back up and try to answer this as quickly as possible. Prior to the Constitution, prior to even contact, there was... the inherent right to govern yourself was always intact, that is provided to you by the Creator and that never goes away. It always remains with you, but it's been suppressed over the years through legislation, through someone else's imposition of laws and so forth. And there is a faction of course in Canada that says that even if you enter into the Constitutional discussions you are compromising your inherent self-government right, and that view is to some extent still held today by many. And the Chiefs back in, I think it was 1982, made the decision to go ahead and agree with putting rights in Section 35 of the Canadian Constitution and some people believed that was wrong but others said we have to do what we can for our children. So here we are with a Constitutional document that says we have certain rights, we say that the whole box is full of our rights, Section 35 has the rights all there. What's common throughout all First Nations across Canada is that the powers reside with the First Nations, everything: we have the legislative capability for everything. And the Federal and Provincial Governments on the other hand will say no, there's got to be some overrides, similar to what you may have in the United States, but in the United States you have complete overrides. The First Nations within the United States have the powers to make laws anywhere but it becomes meaningless and an exercise in futility if the Congress can override anything you enact, and to my understanding I think they can even delegate that to State Governments, which can override First Nation laws. So we all have that strong belief, most of us have that strong belief that the laws start with us, start with our families, and it's going to be different - of course, it's going to be more different in the south than in the north, depending on the approach, depending on... like, southern Ontario you look all around your reserve, it's all fee simple. It's very difficult to talk about land and resources off-reserve. In the north you don't have fee simple around your communities, it's miles and miles of...(tape change)

... are contiguous, the reserve boundaries are contiguous to FMAs and other land use developments. So it's more difficult for them to exercise full control over lands and resources off the reserves, whereas in the north it's a little easier. Those are some of the difficulties that we encounter so, yes, there are commonalities where we would talk about exercising our control over all aspects of our lives on-reserve. It's off-reserve that you begin to have problems.

Michelle Swenarchuk: Thank you Brian, and I think we'll adjourn this session now, we're just a little bit behind schedule. Please all come back at 11:15 a.m. from the break and we'll have the workshop reports. Please don't drift away, I hope we can all learn from hearing reports from the workshops from all the other areas. And a very sincere thank you to this morning's speakers.

WORKSHOP REPORTS

Algonquin Park - Alan Roy

Quetico Park - Zen Makuch for Toby Vigod

Moose River Basin - Rick Lindgren

Winisk Park - Webequie First Nation - Barbara Rutherford

Temagami - Rick Lindgren

Bruce Peninsula - Nancy Kleer

Manitoulin Island - Michelle Swenarchuk for Joe Castrilli

Nishnabai-Aski Nation: Windigo Tribal Council Negotiations- Tom Clark

Chair

Michelle Swenarchuk

Michelle Swenarchuk: This is an opportunity for all of us, because we couldn't all go to the workshops, all of them, to have a sense of what was discussed, and hopefully, some directions for moving forward that have come from the various workshops. To report on Workshop Number One, which was Algonquin Park and Algonquin, I'll ask Alan Roy.

Alan Roy: The panellists in that particular workshop were Tim Gray, Greg Sarazin and Peter Ward. They represented three different perspectives on the future management of that park. The Wildlands League was one representation, another was a commercial business interest, and the third one was the First Nations. There were about 30 people in the workshop.

What I have done is summarize the commonalities between the three perspectives and then I have summarized the differences or disputes, and finally, in the way of a solution, I have a resolution to read out to you for consideration.

The commonalities: All three parties agreed that the ecosystem must be protected - that it was an important ecosystem; that conservation must be observed; that logging must be probably more limited within the area; that there were too many user groups now being catered to by park management; that Ontario and the Algonquins are the two negotiating parties; that the Algonquins are entitled to some type of just settlement. Those are the commonalities.

The differences: There is still dispute over who will eventually own the park, or own the land that the park is in; there is still dispute over mechanized methods or relevance of hunting; there is still dispute over how much hunting actually occurs within the park and at what times in history hunting activities occurred; there is still dispute over the exact nature of the negotiation process and what constitutes consultation and information flow of responsibilities. The problem that the group seemed to hone in on was the information flow and the negotiation process.

What I'd like to do now is just read out the sample resolution that the panellists considered in a discussion amongst themselves:

Whereas all three panel speakers, as well as the workshop participants expressed a problem with the information flow and consultation process in relation to Algonquin Park; and whereas these points of view expressed by the panellists and participants that media articles on Algonquin Park have not accurately reflected the various positions on the Park during the negotiation process, be it resolved that the Ontario Government will discuss the problem of public consultation and associated issues with the negotiation process. Further be it resolved

that these conference organizers agree to find an independent group, such as CELA, that could petition the Ontario Government to fund a stakeholders communication meeting forum for the purpose of discussing issues and to articulate the consultation process that will contribute to, and dovetail with, the negotiation process between the Ontario Government and the Algonquins of Golden Lake.

I don't know how we are going to handle resolutions, but that is a draft that was brought forward by the group.

Michelle Swenarchuk: I don't think most of the workshops formally developed resolutions. What I suggest is that we accept it as the considered views of the participants in the workshop as advice to all of us. I guess I take it as advice to CELA, and I think we can certainly say that we will be happy to discuss with the people involved in that workshop whether we can be of any assistance in working forward on these problems. That would be my proposal for dealing with it Alan.

Alan Roy: That sounds reasonable.

Michelle Swenarchuk: Thanks for the extra work. Workshop Number two was the one on Quetico Park, and Zen Makuch from CELA will report on that one.

Zen Makuch: There were three panellists, one of which was Shirley Peruniak, another was Steve Jourdain and Lloyd Burrige. Essentially, there are a couple of items I want to identify first, explain what was done in the group and then offer several solutions that came forward.

Two remarkable events occurred about a year ago, one of which broke deadlocks and a lot of very bad feelings that had been built up between the Lac La Croix First Nation and the Government. In the legislature, Bud Wildman stood up and offered a public apology to the people of the Lac La Croix First Nation for past bad actions by the Government. That seemed to break the deadlock and create some good faith in terms of a future cooperative relationship. What has followed out of that is a number of negotiations around several key issues. I'll speak to them, identifying some of the negotiations and where some headway has been made.

The second event which was very important was one in which access was granted to the Guides Association of the Lac La Croix First Nation to a number of lakes, and that hadn't occurred for many years previously. Steve Jourdain, in particular, is of the opinion that there can be some cautious optimism in terms of the future relationship between the two parties. Shirley Peruniak began the discussion by providing a slide presentation which offered a great deal of detail of the history of the region. One which accurately outlined a relationship which was coordinated and complimentary at first and eventually resulted in subjugation and ultimately expulsion of native peoples from the area which is presently known as Quetico Park. Steve tried to add a humanist perspective onto all of that and led into the note of cautious optimism.

At this point, I'll speak to some of the solutions that were raised by both Steve Jourdain and Lloyd Burrige of the Provincial Parks Council. Steve in particular spoke of the absolute importance of developing self reliance and self respect within the community once again: the sense that reliance on outside Governments was not the way to think about rebuilding the community. He moved on to talk about the cautious optimism that I just spoke about, in terms of a new partnership and new cooperation forged between his people, the Government and various non-Government organizations, interest groups such as the Friends of Quetico Park. The key issues really stem from access to the park. It's Steve's opinion that the Sparrow decision and both Treaty #3 head down that road. That's what is being negotiated right now, is access. There is a concern about the monoculture of the village, a monoculture that is expressed in terms of mechanized guiding being the only source of economic activity with any kind of rewards. Next, seeking the right to trap and fish in the park is something else that's being negotiated. Lloyd Burrige in particular speaks of the necessity of enhancing relations with the MNR. So there is a sense that all groups are working together and there will be solutions coming forward, some similar to those which were initially proposed in terms of greater access to the lakes of the region for hunting and fishing purposes. That's the substance of the report.

Michelle Swenarchuk: Thank you Zen. We will now hear about the Moose River Workshop from Rick Lindgren of CELA.

Rick Lindgren: Thanks Michelle and good morning. I had the pleasure of chairing the Moose River Workshop. As you can see in the agenda, our participants included Chief Randy Kapesesit and Brennain Lloyd. The workshop focused on Ontario Hydro's proposals to develop and re-develop certain hydroelectric facilities within the Moose River Basin. That proposal has been supported by some non-native communities but it has been opposed by some

environmentalists on environmental grounds. A coalition of First Nations is also opposing the proposal on environmental grounds, and also on the basis that it will interfere with the exercise of Aboriginal and treaty rights. In particular, the First Nations coalition is concerned that the hydro plan is inconsistent with the coalition's vision for the future of the area. The coalition is quite concerned that Hydro's plan will in fact undermine the existing economy and the existing lifestyle of the First Nations in the area. The coalition is also concerned about the lack of cumulative impact assessment, both within the Basin and across the whole broad area of James Bay and Hudson's Bay - there are a number of other facilities like the Moose River facility that are being proposed. The overall impact has not been assessed to this point.

If I could summarize the coalition's position, it is that they don't want to see the Moose River Basin turned into an energy colony for the south, and I think that was quite an apt term that was used there. To achieve that end, the coalition has been working with or trying to work with other groups including environmental groups to prevent that from happening.

Aside from the concerns that are specific to the hydro plans, the speakers discussed a number of larger and more fundamental issues. In particular there was concern that the whole planning process. The whole environmental assessment process is plagued by poor or non-existent consultation and communication. Simply put, the people most affected by the project have simply not been able to participate in any real way in the decision making process. In fact, the people throughout the Moose River Basin have not had an opportunity to decide whether or not they want the proposal that has just been presented to them. More recently, there has been a commitment to undertake co-planning within the Basin. No one is really clear what that means, but its possible it might resolve some of the concerns. However, to be successful, the participants thought that the co-planning approach has to meet three conditions; it has to do three things. The first is that co-planning must involve all communities, both Aboriginal and non-Aboriginal. Secondly, the approach or the process must be broad enough to deal with all of the concerns, all of the issues, all of the objectives of the various communities. The process cannot be arbitrarily constrained by terms of reference that have been developed in Toronto, or at the Ontario Hydro building on University Avenue. Thirdly and finally, it was stated that co-planning has to recognize that there is going to be different degrees or levels of participation as amongst the various parties. In other words, co-planning has to recognize that First Nations have a constitutionally protected right to be there and to participate. That cannot be said of some other stakeholders in the process. The co-planning process has to reflect that principle and it has to give First Nations a real and meaningful decision making power. That's the summary of the workshop.

Michelle Swenarchuk: Thank you Rick. Now with regard to the Winisk Park and Webequie First Nation Workshop, Barbara Rutherford will report.

Barbara Rutherford: Good morning. The panellists in this workshop were Fred Jacob from the Webequie First Nation and Dennis Murray who is Geraldton District Manager for the MNR. The Webequie community is approximately 550 Ojibwa natives located approximately 400 kilometres north of Geraldton on the northern point of Eastward Island, Winisk Lake where no white people hardly ever go. They have been settled there since at least 1900. We were told by Fred that although the Government says that they signed the James Bay Treaty in 1905, they have found evidence that they did not in fact sign.

Apparently, with some consultation, in 1966, the Winisk River Indian Guide Territory was established. The Webequie understanding was that was going to protect their land for them in the future. In 1968, without any consultation at all, the Provincial Government established the Winisk River Provincial Park, which included the Winisk River and the area previously identified as the Guide Territory. In other words, the Webequie First Nation people woke up one morning and found themselves smack right in the middle of a Provincial park, with all of the restrictive regulations that range from no smoking to no hunting, no fishing. Since that time, they have been actively trying to resolve the situation. There wasn't any apparent justification for the park. The MNR representative couldn't tell us why it was established in the first place and in fact he admitted that it was a major mistake.

The Ontario Government also acquired the lands in 1912 from the Federal Government under the express agreement that they would recognize the rights of the Indian inhabitants in the territory. The Provincial Government's actions probably are contrary to the treaty, if it applies, and probably are an infringement of the Aboriginal rights of the Webequie people under the Constitution. Yet the Webequie First Nation have patiently been talking to Governments for years and not even an agreement to agree has been signed yet. The Webequie want recognition of their homeland and self-determination. They have negotiated in good faith with Government but it is hard to know whether that good faith has been reciprocated. They have considered becoming a reserve but the Federal Government has only wanted to pay for three square miles at some ridiculous price like \$16 per square mile whereas the area in question is worth about a million dollars.

In the workshop, the MNR representative presented the Webequie history, and their "prehistory", and presented the Government's maps of the Webequie First Nation territory. A couple of members in the workshop commented on an inappropriate value laden terms that were used such as "prehistory". Fred Jacob of the Webequie told us that his people's traditional area does not match what the Ministry has designated on their map. Major areas of contention are a lake and the first rapids. The discussion centred around recognizing the Webequie's inherent right and title to the area, and the inappropriateness of the Ontario Government's dealings with the Webequie.

The Webequie will willingly share their land and are open to co-management. Unfortunately, it appears that the two sides are speaking at cross purposes. The Provincial Government is still speaking of protecting the area for the Webequie, and perhaps providing park warden jobs. It seems like the Webequie are speaking about two canoes, whereas the MNR is speaking about one canoe with them in the stern and not even having to paddle. The MNR won't consider giving title to the lake because traditionally they just don't do that. They also said that they can't just extinguish the park because of regulations even though the creation of the park seems to have been somewhat arbitrary. And finally, they say they can't sign an agreement to agree until the Federal Government deals with the reserve issue. Half of the elders don't believe Fred when he tells them of the Government's dealings because they know that they never gave away any of their rights.

Happily, the Webequie are still willing to talk and are in the process of negotiating with both Governments, and we wish them an expeditious resolution to the obstacles to their rightful title, without having to resort to the courts because it appears that they have a fairly clear legal claim.

Michelle Swenarchuk: Barbara, was there any discussion of roles that any of the rest of us could play in resolving those disputes?

Barbara Rutherford: No, there wasn't.

Michelle Swenarchuk: There it sits. I guess at a minimum, we could all be going to MNR and nudging the Minister who spoke to us yesterday saying something's got to be done here and done quickly. Some of the reasons advanced for why these negotiations aren't moving anywhere don't sound very persuasive to me. Perhaps at a minimum some lobbying support from the rest of us could be of assistance to the Webequie First Nation people.

I'll ask Rick now to report on the Temagami workshop.

Rick Lindgren: Again, you can see in the agenda that the participants included Terry Fiset, Rita Moore O'Sullivan and Bruce Hodgins and it was quite an interesting session. To start off the workshop, all of the speakers provided their perspective on the past and present uses of the land and resources of the Temagami area. We heard about the tradition of Aboriginal use of the area; we heard about certain industrial uses like logging that have occurred in the area; we heard about recreational uses like canoeing. The speakers also briefly discussed some of the conflicts that have occurred in the past. We heard about the filing of the Band's caution on title to the land. We heard about the impact of the caution on the local municipality. We heard about the Red Squirrel Road, the blockades and the arrests; about the park expansion and some of the other things we have all come to know and associate with Temagami. The message that emerged from all of that was pretty clear and it was agreed upon rapidly and readily by all of the participants. And that is - there is a clear recognition that both Aboriginal and non-Aboriginal communities must work together on these issues. Everybody stressed the need for better education, better communication about the issues. In short, the message was that we all have to understand each other's concerns and objectives and we have to recognize them as being legitimate.

The speakers also stressed the need to use and retain the accumulated local knowledge. There is a great deal of consensus on the fact that the local people, both native and non-native, have accumulated a vast amount of wisdom about the land and about the resources over time. That has to be used, and in particular, the knowledge inherent in the elders has to be used and consulted. One of the speakers mentioned that there is also a special role and a special responsibility for women to ensure that all of this gets done.

The panellists went on to discuss the Wendaban Stewardship Authority which was established last year and the idea was to develop and implement something called shared stewardship. There are twelve members of the Stewardship Authority - six from the Band and six representing Ontario. Right now the authority covers some four townships. There was some concern that area might be too small to manage on a sustainable basis. We also heard that in the beginning there was some difficult times getting the Stewardship Authority off the ground. There were some rocky times, for sure. But, I think it's fair to say that there is now a large degree of optimism about the value and about the future of the Stewardship Authority. I think the main reason for the optimism is that the Authority includes

primarily local people trying to find appropriate local solutions, local ways to co-exist. At the same time, I believe it was recognized that there is a role for non-local groups and people to get involved, particularly with respect to the land that's going to be falling outside of the area that will at some point be under the sole control of the Band. The speakers also mentioned the need to coordinate the Stewardship initiative with other ongoing initiatives, including the bilateral talks that are aimed at resolving the land claim. Finally, it was stated at the very end of the workshop that under the shared stewardship approach, you have to recognize that the Band is not simply another stakeholder like anglers and hunters and naturalists and canoeists. They have Aboriginal and treaty rights which are constitutionally protected and this has to be reflected and recognized in the stewardship process.

Michelle Swenarchuk: Thank you Rick. Nancy Kleer will now report on the Bruce Peninsula Workshop.

Nancy Kleer: The panellists in this workshop were Chief Kahgee of Saugeen First Nation, Mr. David Loftus of the Owen Sound Ministry of Natural Resources, and Mr. Martin Parker, formerly Secretary of the Federation of Ontario Naturalists, and still involved in that organization. The presentations were in relation to several... basically two issues relating to the Bruce Peninsula. Before the panellists actually began their presentations, David McLaren, who works for the Saugeen First Nation introduced the presentation with a slide show that set out the nature of the claims of the Saugeen Ojibwa First Nation. Before he did that however, he identified what he saw as being the solution to the issues and he expressed it in very simple terms. He said first of all, recognize rights; secondly, having recognized rights, return jurisdiction so as to ensure an economic base for the First Nation; thirdly, this in turn would lead to a return of sovereignty.

Two main issues were discussed in relation to the Bruce. The first was in relation to fishing rights for the Saugeen Ojibwa First Nation. The fishing areas for the First Nations in the Georgian Bay and Lake Huron areas have gradually been decreased over time by MNR decree to small areas around Cape Croker reserve and around the fishing islands and in some places in Lake Huron. Fishing negotiations have been going on with the MNR, and the Saugeen Ojibwa First Nation for approximately five years, I think. There are three main goals to those negotiations. The first is to ensure the conservation and growth of the commercial and sports fishing industry. Secondly, to restore to the First Nations their fishing areas. Thirdly, to create a viable economic base for the First Nations. The MNR's presentation by Mr. Loftus focused only on the fishing rights issue. The second issue of land claims, I'll get to later. He didn't address that.

The MNR, for the purpose of its negotiations with the Saugeen Ojibwa have recognized that there may be a valid claim to fish commercially in this case, and they are proceeding on that basis - that of course is quite different from what the Government's interpretation of the Sparrow decision is which is basically an Aboriginal right to take food for personal and other uses, but not at all extending to commercial fisheries. It's a kind of unique case. Mr. Loftus' presentation also included some frankness with indicating that the MNR recognizes that there is a lot of anger on the part of the First Nations in the area and what he called a major credibility gap.

As Chief Kahgee explained, the negotiations are at a fairly advanced stage now and consist of two main parts. The first would be a two year interim agreement which would give access to 250,000 lbs. of whitefish as a start. Following that interim agreement there would be a five year co-management plan. He explained that there was a lot of frustration on the part of the First Nations with the failure to reach a resolution over what is a relatively simple issue, given the scope of what arises out of a full consideration of the self-government issue. He mentioned that the two communities are thinking about putting their fishing boats in this summer despite an agreement. I don't know whether they will do that or not, but they wish to avoid the confrontation and it's largely a reflection of the fact of the frustration of the negotiations not going anywhere, or not going anywhere quickly.

What was interesting about the presentation in relation to fisheries negotiations was that it hasn't reached the public eye. Largely, the MNR takes the position that they are representing the interests of the constituency, not the First Nations of course, but everyone else. And they are proceeding on that basis. The other point of note is that the agreement being negotiated on pertains not, as I said earlier, to fishing for communal and ceremonial purposes but to commercial fishing rights, and I think that's an interesting point.

The second issue discussed first by Mr. McLaren and also by Chief Kahgee relates to the land claims of the First Nations territory. The claims pertain to breaches of two Treaties of 1836 and 1854. I won't get into the details but just mention a few of them: mismanagement of trust funds, failure to provide fair market value for surrendered lands, a unique question about whether or not in fact indigenous rights were extinguished by the surrender. Generally speaking it relates to a complete failure of trust on the part of the Government. The areas affected by the claim also include lands within or surrounded by the national park at the north end of the peninsula. Mr. Martin Parker with the Federation of Ontario Naturalists didn't express any opinions on this potential issue. Generally speaking, Mr. Parker's concern was in relation to existing issues of cottagers coming in who plant what he calls

"petunias in grass" and so destroy the existing unique ecology of the Bruce. And he recognized that the reserves on the peninsula had in fact been most affected amongst anyone in preserving unique ecological features of the Bruce.

In conclusion, the two issues relate to fishing and to land claims but neither of these issues have generated conflict except between the First Nations and the Provincial Government that they are negotiating with. You should also note that these land claim negotiations are just beginning. The Federal Government is apparently at the table, but they are at a very beginning stage, and largely they are going to be talking with the Provincial Government as I understand it.

Michelle Swenarchuk: Thank you Nancy. I have the task of reporting on the Manitoulin Island workshop. The speakers at this workshop were Patrick Madahbee, the Chief of the Sucker Creek First Nation, Honorine Wright from the Manitoulin Heritage Project and Tom Farquhar, a reeve of Carnarvon township. The key theme arising from the presentations by the three speakers had to do with the difficulties around questions of land use and the environment. These are not primarily difficulties among island residents, but between islanders and Federal/Provincial agencies.

One real concern has to do with the lack of cooperation by senior echelons in the MNR, and this has seriously strained relations with Manitoulin's native communities. The Chief spoke about a sting operation conducted by the MNR conservation officers over a period of two years which was not only costly, but involved harassment and intimidation of native people. He pointed out that MNR conservation officers were applying overzealous interpretations of the Interim Enforcement Policy, which he described as MNR's response to the Sparrow case. The deer hunting sting contrasts with the reality that only relatively few deer are killed by native people in Manitoulin in comparison with the over 3,000 deer taken off the island each year by hunters from outside the community. In light of that disparity, he questioned the MNR's commitment to conservation.

On the other hand, examples of cooperation amongst islanders include the Friendship Treaty signed in 1990 by the mayors and chiefs of Manitoulin, pledging cooperation on common island problems and the Manitoulin Municipalities Association's support for native land claims recently settled with the Provincial Government. However, again, the major problems exist as between the First Nations and the MNR relating to conservation issues, the sting operation which we discussed and also the question of privatization of shoreline lands versus keeping it as the public domain. In describing visions of the future for Manitoulin, the speakers expressed a common concern for maintaining their current way of life and protecting the land. There seemed to be a consensus in the view that economic development can be beneficial, but not if it disrupts island communities' ways of life. Coming cooperation subjects include developing solutions to problems of waste management so it appears that within that workshop we see some commonality of work between the local residents, native and non-native. MNR is a problem.

Our last Workshop Report will be done by Tom Clark, with regard to the Nishnawbe-Aski Windigo Tribal Council Workshop.

Tom Clark: Our panellists were George McKibbin from Ecologistics, he's an environmental planner; Frank McKay from Windigo Tribal Council, he's the Executive Director; and Bill Taylor from the Ontario Native Affairs Secretariat. It was a fairly technical workshop. We went through four examples of the agreements that Windigo has worked out. Just to go back a bit. Frank gave us a quick explanation of the origin of the agreements. I hate to call it the same old story, but it was definitely a story of no consultation with First Nations, no benefits to First Nations prior to the agreements, certainly from their point of view anyways. After a number of bad experiences, Windigo started to use the threat of environmental assessment and this seems to have cleared the minds of some proponents to some extent. The agreements are between various proponents of land use activities -- Ontario Hydro, several mining companies, some of the ministries of the Ontario Government, and the First Nations of Windigo and Shibogama Tribal Council. Each agreement is between one proponent and the communities involved and the tribal council involved. They are all quite different setups.

We had four examples. We had a draft Land Use Planning Board agreement that will soon be signed. We reviewed the structure of this. Its 50% native membership and 50% government. Its an interim board, so to some extent its an experimental agreement. We had an example of a License of Occupation between Ontario Hydro and Osnaburgh First Nation. This was one of the less successful examples - there were some compliance problems, I think. We had an agreement between Placer Dome and Osnaburgh regarding a gold mine. This may be one of the first agreements with a mine to compensate for loss of hunting and gathering opportunities. The fourth one was an Agreement of Terms and Conditions surrounding a Timber Management Plan between Windigo and MNR. This stipulates the makeup of the planning team, translation services, visits to reserves for special consultation and more

things. This is not the Memorandum of Understanding between NAN and MNR -- it is a special one with Windigo, as I understand it.

I think it is important to understand where these agreements fit in the universe of legal documents, because I'm not a lawyer and I get a little confused with this stuff, so it won't hurt to go over it. Frank McKay put it as a practical solution to land use problems at the community level. These are defensible legal documents that are binding on the parties who sign them. Their legal status may still be determined but they certainly have a large moral weight if nothing else. The bigger questions of treaties and self-government are really not dealt with in the documents and there is no feeling that they compromise any of the aspirations to self-government. How they fit in with the district land use guidelines is not particularly clear, but the panel seemed to feel that they would be complimentary rather than contradictory. The one timber agreement that we had was interesting because of its relevance to the Class Environmental Assessment, but that is still an open question. But the terms and conditions of this agreement were actually presented to the Environmental Assessment Board hearing the Class EA.

Some of the pros and cons of the agreements. Environmentally they require proponents "to protect and enhance environmental quality and the character of each planning area". That's a quote from the land use planning document. We felt it was helpful to look at these agreements on a continuum basis of protection and consultation. On one end we have no consultation, no protection, which from the vantage of the First Nations was the case not too long ago. In the Timber Class EA, the terms and conditions of Natural Resources, there are really only two points which deal with native people -- one regarding heritage areas protection and the other one is simply something saying that self-government is an unknown situation right now. So the Class EA is not particularly helpful.

At the other end of the spectrum we have the ideal, which is comprehensive land planning and ecosystem management by NAN and the Ontario Government as two Governments cooperating -- and we are not there yet. That's not what these are. This is somewhere in the middle. There are some environmental and social benefits which are derived from the agreements. The agreements are not particularly goal oriented. They deal with things in a very case-by-case manner. They do get the First Nations closer to the initiation of projects so that there is greater flexibility in project design. One of the interesting things that may come up from these is the possibility of environmental groups entering into agreements with Windigo First Nation for protection areas. Environmental groups are as capable of doing this as industry is. That would certainly make a lot of people sit up and take notice.

I think the feeling of the participants was that this was some move along the road to self-government. The agreements are very concrete -- it helps them deal with today's situation. We need more explanation of environmentalism and native rights. The Windigo agreements should expand on these as we learn to paddle together.

Michelle Swenarchuk: Thank you Tom. We have a little time left for questions and discussion if any of you have something to raise.

Question: I'm Jay Nuttall. I'm with the Ministry of Transportation but I'm just talking as myself right now. One of the things I noticed in the two sessions I was at... and didn't come up an awful lot and hasn't come up through a lot of the plenaries... is how do you educate out beyond the First Nations and the Government bodies that are involved, and some of the third parties that are already educated. How do you deal with the conception of the ordinary Ontarian - that something that he has an interest in (or she) has been taken away from him, or is in danger or maybe threatened. The public education component is something that doesn't seem to be addressed an awful lot and I was wondering if anyone had any comments on that.

Michelle Swenarchuk: My comment would be that one of the primary goals in our mind in convening the conference was to make this a step in public education. I think that has been successful. I think people have had an opportunity to learn a lot about the complexity of some of these issues, the history, and the various approaches that are already out there to resolving some of the situations. I hope that all of you will go home to your communities and do some more education. I think if people have proposals for ways to continue that, I think all of us should try to do that.

Question: My name is Harry French. We have constantly been reminded, both days, here in the lecture hall and in the workshops, to speak up and give your name because this is being recorded. Is this simply for CELA's benefit or will transcripts be available for people that want to have a record of this conference, because some of us are not very good notetakers, or in my case have very poor memories.

Michelle Swenarchuk: At this point we don't have the funds to publish transcripts but we certainly want to do that. That's the reason for having it taped. I think we already have a means of transcribing yesterday morning's tapes,

but we are going to work on that. That is part of the educational purpose of the whole conference. I can't tell you when its going to happen but it will.

Question: My name is Grant Wedge. I'm the Executive Assistant to Bud Wildman. Having heard Michelle say at the end of one of the reports that the MNR is the problem, it is with some trepidation that I even open my mouth given that my Minister is both Minister for Natural Resources and responsible for Native Affairs. More than that, one of the themes that has come through in the discussions that I heard, is the need for more communication. But I can tell you that when I attempted to do that in Huntsville in July with the Deputy Minister at a public meeting about Algonquin Park, I was booed off the stage by the citizens who weren't interested in hearing what a political hack from Toronto would have to say about that issue.

I want to say that for Bud personally, he regrets not being able to be here for the rest of the conference after yesterday morning's opening. I don't know whether for most of us in this room, knowing the kind of person that Bud is, he in fact would have wanted to be at every one of the eight workshops that were being held yesterday afternoon. I want to say that in many ways this conference, with the kind of leadership from CELA, the participation of the people who have been here, is exactly what Bud had wanted to happen. The eight workshop reports that we just heard from this morning, Algonquin Park, Quetico, the Moose River, Webequie First Nation, the Temagami Negotiations, the Bruce Peninsula, Manitoulin and the Nishnabai - Windigo experience. Those eight are only examples of more than a hundred individual claims or issues that are the matters that the Ontario Native Affairs Secretariat, Natural Resources, and in fact, all across the Government we are having to deal with. I want to say that the messages that are coming out of this conference are ones that, I think, are being heard by a number of people who can make some changes. I want to acknowledge that from our office, the political office of Bud Wildman, and his assistants, we have had more than eight of our staff, and they are not all here today, but I want you to know that they have been here with you and I think for them it has been an incredible learning experience. We have Sandy Wabegijig and Carmen Jones-Davey who are Bud Wildman's Aboriginal Affairs Special Assistants - they were here. We have had Sheena Weir, who does our contentious issues, Sean Murray, who does our communications, Marty Donkervoort who does forestry policy, Rebecca McKenzie who does other natural resource policy issues, along with Pat Roberts who is the new Executive Assistant with David Wininger, and Glenn Fraser who is our Parliamentary Assistant in Natural Resources.

Those individuals were here listening. In addition, we have had more than a dozen civil servants, and I was particularly pleased Alan, with the remarks that you made today. I'm not sure that its known as much right now, but it is one of the few public opportunities I will have of thanking Mark Krasnick, the Deputy for the Ontario Native Affairs Secretariat, who quite shortly will be leaving us to go and do work in British Columbia. Over the last five years, through his leadership, there have been a number of things that the Ontario Government has been doing. The new Government, the Bob Rae Government has been trying to make substantial changes. But Bud Wildman or Bob Rae don't do that on their own. Political staff don't do that on their own. And I want to say that a number of the civil servants who participated in the panels, who have been in the audience, are the people who very much are going to be part of the government-to-government relations that change the way things have been done in Ontario for too long.

In that regard, I want to say that there are three challenges that have come out of this conference. Over and over again, I realize the depth of the problem. For us, after the signing of the statement of political relationship in recognizing the inherent right to self-government, recognizing and respecting treaty and Aboriginal rights. Its not a simple issue. I know in some of the reports it sounds like there are simple answers, but I want to say, genuinely, for us there are many new directions and initiatives we want to take. But over and over again, it does not happen quickly, but the commitment is there to change.

The second challenge is that of public education, information, communication, consultation. There are many times, when in our office, the demand is for us to do something immediately to change something that is wrong, that should never have been done that way. But then there is another pressure, which is before we make that change, how much consultation and communication do we have, and who else do we involve. So again I say that one of things Michelle that, I know all of us on the Provincial side have taken out of this is the need for us to be more open, more inclusive about that process for our part as Government.

I want to pick up on what Charles Wagemese asked the panellists, in a personal sense, what are you doing, what can you do. Those of you who remember Bud Wildman for 15 years in opposition - I want to share that some days its still hard for him to believe that he is a Provincial member of the governing party and making public policy decisions. For myself, I used to work for Treaty #3, the Chief of Ontario office as a policy analyst back in the early '80's, and I still can't believe that I am now, on what I remember having defined then as being the enemy side. In a personal sense there is always the contradiction and challenge of making sure that what one is doing personally

is moving the agenda and not being part of the problem. But it is one that all of us as human beings working in the Provincial Government, whether we are ministers, political staffers, or the civil servants do face on a personal basis. Its in that regard that I must say that I know, in the ways in which I can, the scepticism, the mistrust, the anger that is legitimately felt about government. Sometimes I think that its impossible - we are not going to be able to make the fundamental changes. But in conferences like this, hearing elders, chiefs, Aboriginal community leaders, environmentalists, activists, public servants coming together, and its been more often than not in the conversations in the hall that there is some better appreciation of what we need to do and how we can begin to do it.

I really am left at the end of these two days, Michelle, with a sense of hope that there is an opportunity for some change. Its on that basis that I want to assure those remaining here today that the messages that you've given have been heard. They will be taken back to the Minister and the Government on the Provincial side. I am hoping that all of us, in the places that we work and struggle are able as well to take the messages back. To Michelle and to CELA, I say congratulations for the efforts that you have had in organizing this and we are looking forward on the Provincial side to providing further assistance to continue exactly what has begun through these two days. Thank you.

Michelle Swenarchuk: Thank you Grant. Well Grant has done my summation for me, and has of course added elements that I wouldn't be in a position to add. I thank him for that. I hope that it has been beneficial to all of us to learn more about the complexities of these issues all over the province, and to learn about some of the approaches that are being taken by people, locally and in government circles to resolving them.

I have many thank yous to give with regard to this conference.

First of all to Barrie Maxwell who organized it with her usual extraordinary organizing abilities. Again to Alan Roy for helping Barrie and me in planning the program particularly. To all the CELA staff who supported it so enthusiastically including with their time this weekend. To the volunteers both to CELA and specifically for this conference who helped us. To the Ryerson staff who made it all happen smoothly here. To the Ministries of Natural Resources and Environment and the Ontario Native Affairs Secretariat for providing funding. Of course to all our speakers who allowed us to have these discussions. And the most important to all of you who came to share in them and learn and contribute. Thank you all very much and safe journey home to everyone.

ALGONQUIN WORKSHOP

Tim Gray
Wildlands League

Greg Sarazin
Algonquins of Golden Lake First Nation

Peter Ward
Ad-hoc Committee to Protect Algonquin Park

Facilitator
Alan Roy
Rapporteur
Craig Boljkovac

Alan Roy: I'm your facilitator for this afternoon, and to my left is Craig Boljkovac, our recorder. I'll ask you to speak up because he's got an integral mike. I'll also ask you to identify yourselves so that it'll be recorded on tape. I'm more interested in your affiliation than your actual name, but if you just want to give your name that's all right too. To my right is Greg Sarazin, Chief Negotiator for the Algonquins of Golden Lake, and to his right is Tim Gray, Wildlands League, and finally Peter Ward, a lawyer operating out of Bracebridge, who is familiar with the Algonquin Park situation.

What I'm going to ask the panel to do is articulate their particular perception of the claim and the negotiations that are going on within this geographic area. I'm going to ask them to make a concise perspective so that you can relate to the differences from each of the groups. I'm going to then open it up for discussion for all of you to question the panel members. From time-to-time I'm going to try and summarize, if necessary, and articulate the differences between the positions as a problem solver. Eventually as a group I would hope that we would move it towards some common ground and solutions, and we might even be able to move it to some resolutions, draft resolutions for the plenary session. The job that I have is to try and keep the discussion going and from time-to-time summarize it. When I'm summarizing it I'm doing it more for Craig to make notes because eventually we've got to report back to plenary in a five or ten minute summary of what we're talking about here. I would hope that if we get to the point of talking about solutions and a possible resolution, that is what I'll focus on when I give the summary at the plenary. Are there any questions before we start?

The order of presentation in the panel will be, Peter Ward will go first, then Tim Gray from the Wildlands League, and finally Greg Sarazin from the Algonquins of Golden Lake.

Peter Ward: For those people who aren't particularly familiar with the park, let me start by saying that Algonquin Park is an area of about 3,000 square miles, it's been a park now for 98 years, and it attracts 270,000 people a year. Potentially it's the only significant portion of recreational wilderness in southern Ontario. The real issue around the land claim is the reassertion by the Golden Lake Band that they have a land claim of some 14,000 square miles - roughly everything from Ottawa, north of the Ottawa river, running west about two-thirds of the way through Algonquin Park through an area to the height of land, then south down towards the St. Lawrence River. So in terms of Algonquin Park - and the park is clearly the focus of my particular concern - there is about 2,000 square miles of parkland encompassed within a 14,000 square mile land claim.

Now in addition to the claim there's an assertion of an Aboriginal right to hunt and fish in that area. If I can just digress for a moment, let me say that I was really impressed by this morning's sessions, and I was particularly impressed by the second session this morning. I did have some notes and I've basically thrown the notes in the garbage, so I am going to digress. It seems to me that an awful lot of the second session this morning had a lot to do with philosophic positions and where those philosophic positions came from, how they evolved. Let me indicate that Algonquin is very important to a large number of people, myself included. Ms Small told a story this morning. Now I'm going to tell what I think is a great story.

In 1972, I was spending the winter in the park, and I was there for a week between Christmas and New Year's by myself. And I think I was probably the only person in most of the park for that week, and one night it was about 30-35 below. I decided I was going to take a walk. I put on some snowshoes and I walked four-and-a-half miles down Smoke Lake, and four-and-a-half miles back. And if anybody has ever been out when it's that cold, you'll know the ice moves and cracks and makes all kinds of wonderful noises, and the trees were cracking and it was one of those nights with a really dark, dark blue sky and a big full moon. And some time during that walk I realized that in one sense I was the most important thing there, because all that I was perceiving was being perceived by me. By the same token I realized I was absolutely and totally insignificant. If I disappeared through a hole in the ice, nothing, but nothing would change. Somehow, that comment I think shapes a lot of my perspective. It's a paradox that I'm quite comfortable with.

Algonquin is an important place to me. For the last 22 years I've spent New Year's Eve in Algonquin Park. I do have an affinity with the land and that's what becomes contentious. As far as I am concerned and as far as many people are concerned, the notion of mechanized hunting, the notion that potentially there will be motorized access to a winter fishery, those sorts of things are simply incompatible with my view of the land as a park.

Now we heard this morning that harvesting is part of the Aboriginal way of life. I don't doubt that, I don't dispute that for a moment. Where I have concern is there doesn't appear to be any room for an area of land with no harvesting. Perhaps even more importantly, there doesn't appear to be any room for an area of land that isn't opened up to mechanized access. And frankly, I find it absolutely incompatible with park values the notion that anyone could be using mechanized vehicles to carry on a hunt in an area where for 98 years there hasn't been hunting. I find it incompatible with any sense of park values where potentially in an area of some 3,000 square miles you can now go in the winter and hear virtually nothing, you could go and find snowmobiles. Those are the sorts of things that I find difficult. So the issue really is a philosophic issue, you can call it a spiritual issue if you want to. That's where I have problems. I have particular problems because the Government to date has focused on making major concessions in the park as a way of addressing or redressing a claim. And again I repeat that the land that we're talking about in the park is 2,000 square miles of a 14,000 square mile claim, and yet the entire focus and all of the major concessions have taken place in a park, in a piece of land that I and many others think is somehow very special, it has a very special designation and should in my view remain very special and very different. Clearly I could go on at great length, I was told I had five minutes and that I think is my initial comment and should give people a suggestion of my position.

Alan Roy: Thank you Peter.

Tim Gray: I'll just give a bit of background on the Wildlands League and our involvement in Algonquin Park. In 1968, the organization was formed to try and bring some changes into the current logging practices that were going on at the time. If anyone can remember back that far, there was a variety of companies operating the park and basically they were destroying all the natural values of the park. So, originally it was a battle against one particular industry.

Through the seventies we were involved in the development of a master plan for the park, zones in some areas were set aside for the forestry industry. Our perspective on the current debate is that we don't feel that conservation is being recognized as the most important value of Algonquin, nationally and internationally this is being recognized. In the discussion this morning, there was a question raised about where do park values fit into conservation, how is conservation defined in terms of the park? And the respondents, both Prof. Morse and the Minister of Natural Resources did not really address that question. They talked about, if you have a thousand moose, how many could be shot? If we had x number of fish in the lakes, how many can be allocated to non-Natives, how many can be allocated to Natives, being that the Supreme Court has made a decision on who has first access to the resources etc.

But the core question of where do parks fit into overall land use strategy wasn't addressed. I think that's something that we all need to discuss because it isn't a new concept, it's not something that is unaccepted by the ecological community. I mean, we're seeing more and more that if we don't have a two-pronged approach to conservation, that is core protected areas and surrounding stable use on the rest of the land base, then what eventually happens is that we lose populations that we're trying to conserve. We damage our plant populations, we damage our forest communities, and we eventually end up with problems with our wildlife populations. And this has been demonstrated over and over again in places where we've allowed resource extraction within these isolated areas.

If we're going to have a sustainable land use plan for the Algonquin Region, then that has to include a core protected area, and Algonquin really is, as Peter mentioned, the only wild area left in southern Ontario. Now it's not as wild as perhaps a lot of people would like to see it as, and we have a lot of problems with current activities that

are going on in the park that have nothing to do with hunting; we've been in opposition to the increased expansion of logging in the park for years.

All of these are having a detrimental impact on that environment and part of our concern with hunting in the park, with motorized access, is that the past uses of that park made it so that those kinds of activities can be more destructive than they would be if it wasn't an area that had been so opened up. There's 2,000 miles of logging roads in Algonquin Park. That means that motorized vehicles can get to go anywhere within that park without any sense of the future. And if we don't sort of back up and say okay, we've got this area in the Algonquin region, a lot of urban development, a lot of recreational development, a relatively high human population, these demands on the resources and industry in terms of logging and pulp production, the mining industry, if we don't step back and say we need a protected area and that we have to keep extractive uses out of that and restrict them to a sustainable level on the rest of the land base, then we're going to get into a situation we've seen in other areas of the province, in other areas of Canada - we don't have any protected areas, we've lost a lot of the population of animals that were once there we've lost the forestry industry, we no longer have a huntable wildlife population, we've lost other predator-prey relationships. Rondeau Park indicates what happens when we let things get to the point where ecosystems begin to break down.

So I guess I'd really like to see the discussion come around to talking about where parks do fit into an overall conservation plan. I'll leave it at that.

Alan Roy: Thank you Tim. Greg?

Greg Sarazin: The Algonquin Golden Lake land claim and how it first came to land use particularly with Algonquin Park, is fairly complex. There's a lot of things to take into account and too often public opinion is being driven by various opinion holders that do not take into account the entire situation and very often they do not convey the entire situation. This morning I found was a very good start, it led up to this afternoon's discussions very well. Some of the comments that were made by Bud Wildman and by Professor Morse were very appropriate. They seem to put things into a context very well.

The Algonquin land claim was based upon an original occupation of Algonquin territory, which is the watershed of the Ottawa Valley. That is well documented, nobody disagrees with our original occupation of that territory. The way it's put in modern context is our original occupation, but to use the European term - we see it in modern terms as well - as ownership: we treated that land as though we owned it and we protected it, and we used it as though we owned it, and we respected it.

When the Europeans first came to this continent, they made nation-to-nation agreements with the Nations that were here. At some point through our history, the nationhood was dropped and they started referring to us as bands, and that remained our... demeaned our sovereignty. However, as Bud Wildman had mentioned this morning, the nations that were here were sovereign, we had our own political structures, our own social structures, our own legal structures, etc. We were an organized society, we had our territory, and we were nations unto ourselves and we acted accordingly.

Throughout history, since European contact, there was any number of agreements that reaffirmed this, and at least twenty-three times from 1772, the Algonquins have petitioned the Governments of the day for recognition of our rights, that specifically were enshrined in the 1763 Royal Proclamation. Now that Royal Proclamation has never been repealed, it's still in effect today, and as such remains the law of the day. And that Royal Proclamation basically said that the Algonquin people's lands would not be taken from them or alienated in any way without a full and voluntary surrender by the Algonquin people. Now since we once owned the land, and to the present day we have never given up that land, voluntarily, we have never sold that land and received compensation for it, nor, contrary to popular belief, have we been defeated in war; therefore, logic holds that that land must still belong to us. As well as that, the Ontario Government has recognized that we have the inherent right to self-government, and as was discussed this morning. That inherent right has not been taken away, it still exists, although it has been suppressed and repressed throughout history. But it's still intact, it's still there. Land and rights then are both intact up to the present day. Most recently, in 1983, as I mentioned earlier, there's at least 23 different times since 1772 that we've put our concerns forward to the federal Government for resolution. And we've always had promises from the Governments that our concerns will be taken into place and will be dealt with fairly. However, they were just words. And even up until 1983, our latest disposition, many people asked me why are we bringing this claim forward now? And we say we're not bringing it forward now, we've been bringing it forward consistently for over 200 years. It's just only now that we're sitting at the negotiating table with a Government negotiator within this country, and negotiating something that has been suppressed and repressed, but never taken or never extinguished. It's still there. The Algonquins of Golden Lake have about 14 years worth of research and a stack of documents that are

about 4 feet high, and we wouldn't be involved in this land claim process if we didn't think the research was giving validity to our land claim. And we're sitting at the negotiating table with the province of Ontario now, as Professor Morse had mentioned this morning, not because of some political will, although the political will is there; that's not the only motivating factor why we're at the negotiating table. We're there not because of political will, as much as because of legal right. And it's our view that the Ontario Government has taken the responsible position sitting at the negotiating table, rather than risking litigation.

So with all of that being said, I just wanted to come to some specific comments about Algonquin Park specifically, and land use with that. Our claim was put forward and what we're negotiating right now and what we're attempting to put into place is a framework agreement that would guide the process. And certainly in that framework agreement we want to recognize certain values that will guide the negotiations as we go. These are values that we have conducted ourselves by for the entire process. And those values are honesty, openness and trust, fairness and reasonableness, respect for all living things, courage and commitment to do what's right, and generosity and willingness to share. And in the resolution of our land claim, we hold those values very (tape inaudible) those are very important, and they're uppermost in our minds and we will take the modern context into account when we are pushing for any settlement.

Specifically with Algonquin Park, and as was mentioned earlier, there's no argument, there's no question that Algonquin Park is beautiful, depending on where you are, in the eye of the beholder, you will see that particular beauty. Our claim stems from an ownership that comes from some time before the park was created, and there is some question, particularly in our minds, whether or not the creation of Algonquin Park was even legal or appropriate given that the ownership of the land question was not yet resolved, even though it was something that was on the books for over 220 years. (tape inaudible) because we were looking for recognition of our rights and justice for Algonquins. We have committed to protect the rights of third party interest groups and we don't see why groups such as (tape inaudible) specifically, the ones identified here or represented here at the table today, the Ad Hoc Committee to Save Algonquin Park. The first question that came to our mind when we became aware of this particular group was, save it from what? We've always come on record as saying that we wanted to preserve Algonquin Park and we wanted to make it better at the very best and at the very least, it would be the same: that the park would always remain a park for the people of Ontario, and indeed the world; it would be preserved and enhanced if anything. Certainly we're looking for justice and we've always been on record as saying that we don't want to create injustice because we're seeking justice ourselves.

There's a perception of Algonquin Park and what Algonquin Park is right now that is inaccurate to say the least. Algonquin Park is not a pristine wilderness. Over two-thirds of it is actively logged. And with all of that logging going on, we don't know how one snowmobile driving through there is going to make a whole lot more noise than dozens of skidders and logging trucks driving through there all the time, and men with chainsaws cutting trees down year round. Like the logic just doesn't quite hold there.

When we're talking about hunting within Algonquin Park, it's very controlled. We're committed to conservation, sustainable yield, whatever. That's coming from a common understanding of what that is, (tape inaudible) our food hunting requirements governed by conservation and sustainable yield. To say that there's been no hunting within Algonquin Park for 19 years is inaccurate to say the least. There's two townships that right now are under license for hunting by (tape inaudible) the Ontario Government licenses hunters in there. There's something like 80 hunt camps within those two townships, and about 600 hunters that are associated with those hunt camps. That's the non-Native hunting that's in there, not to mention what poaching goes on. And as far as Algonquin people exercising their rights is concerned, we did all the research that we could, including current land use research, and we have found that as far as anybody can remember, the people have hunted within their traditional territories including Algonquin Park. The Algonquin's food harvest within what is now known as Algonquin Park has continued for at least within our most recent memory, as dictated by our current land use research. And then if you go through the records, you will see that that particular hunting and trapping and fishing has gone on beyond that particular most recent memory.

As I mentioned earlier there are 2,000 miles of logging roads in there. Those logging roads are there for a reason, that's for logging. It's very much in use. When it comes down to Algonquin hunting, in a particular hunting agreement that was signed recently, we have (tape inaudible) pursuant to Algonquin law, we regulate our hunting and we have passed Algonquin law and Algonquin laws are enforced. And those Algonquin laws provide for a particular season, as the Ontario system does. And as well as that, it provides for a restricted area, although the area is much larger than the two townships that the non-Native hunters go - we feel that it's much more conservationally sound, to spread out a little bit of hunting over a large area as opposed to very intense hunting in a small area. And even at that, the entire Algonquin harvest last year was something like five to seven moose, and out of Algonquin Park specifically there was five moose; yet, the non-Native harvesting out of Algonquin Park was

like 45 moose out of two small townships. And I'm only bringing this up because I feel that the Ontario public is deserving of all information, very often what's published is partial information and it's very difficult to make an informed decision as to where your sympathies may or may not lay without complete factual information and that is what the Algonquins of Golden Lake are committed to doing. As those numbers become available and as the resources become available, we will be publishing complete factual information so that people can make up their own minds as to what should or should not happen.

The reference I suppose to Algonquin Park being special to people because they've been associated with it any number of years, we can say that the Algonquin people have a very special role because our association to that particular piece of our territory in particular for (tape inaudible) goes back two millennia.

Alan Roy: Peter, did you indicate you wanted two minutes to respond?

Peter Ward: Yes, just a short response and then I want to open it up.

Thank you. First off, let me be crystal clear, the ownership of the land has not yet been resolved. On November 28th of last year, I received a letter from Bud Wildman advising me that further historical research had to be done and that the Ontario Government was committed to further historical research. I'm sure Mr. Sarazin is aware that further research is going on. There has been no ruling on the validity of the land claim. The next comment I'd like to make is, Mr. Sarazin asked rhetorically the question stated: One of our fears is that in some original work of Mr. Sarazin, he made reference to economic self-sufficiency. Well, our figures frankly suggest that the Park loses approximately \$3 million a year. So if the park is going to give the Golden Lake Band any form of economic self-sufficiency, the question is how and one possible way that they can achieve self-sufficiency obviously would be to develop. That's all I'm going to say about that.

The other question would be, perhaps save it from hunting when you ask save it from what. Mr. Sarazin says the park is going to be enhanced and frankly I fail to see how it's going to be enhanced by mechanized hunting. Again Mr. Sarazin makes repeated reference to food hunting, and I would ask rhetorically why not outside the park? A reminder: there's 12,000 square miles of claim area that don't involve the park. And if an Aboriginal food need can be met in that area, then why must the park be on the table? Mr. Sarazin then suggested that I'd said there's been no hunting in the past was false, well frankly the 43% of the park where hunting is now being carried out under an interim agreement is an area that hasn't been hunted for 98 years. I can see full well that there has been hunting in the two southern townships. For those people that are familiar with the park, there's a bit of a panhandle. Clyde & Bruton townships in the south has been hunted since 1961 but that area was added to the park by Special Act of the Legislature and the deal was that non-conforming uses would continue. That hunting is being phased out by this Government, having recognized already the recommendations of the Parks Council that hunting does not belong in a Provincial park. So I stand by my comments that in the area that has now been opened to hunting, there hasn't been any for 98 years. In terms of historical fact, there's no question that Mr. Sarazin and I disagree on what some of the historical facts are, and perhaps more importantly we disagree on what an analysis of those facts would mean. Suffice it to say the Federal Government hasn't yet commented on the validity of this particular claim, the Federal Government has just provided us with an index of their research material. The index is 60 pages long. This is not a simple question, it just plain isn't. So what comes of this I hope sounds right because I intend it to, is a certain criticism of everybody moving very quickly to make special concessions in an area where the claim hasn't yet been resolved.

Alan Roy: Okay I think that puts a perspective on different positions. I sense in fact three different positions here, and instead of allowing Peter and Greg to go back and forth, I want the audience now to either ask questions or give their own perspectives - we're into a problem statement at this point. So I open it to the audience. Please identify yourself.

Question: Greg Nadjiwon, Chippewas of Nawash: I'd like to revisit some of the comments this morning, because there was a mention of a philosophical view. And it really isn't a philosophical view, like my last name in Ojibwa is Nadjiwon??? which is a direct relation to the land: it means an eddy of water. So we take our names from our surroundings.

Peter, you said that you'd had a (tape inaudible) you were taking us through that night you went for that walk and that set of philosophy for yourself, and you said that it was like a spiritual event, and it must have been a beautiful time. But I can't turn around here to all the non-native anglos, the French, the Dutch, the English, the Hungarians, the Polish, and ask them to cease to exist on the spiritual places of our ancestors. I can't ask them since the five hundred years that Columbus had supposedly discovered this country to get on the Nina, the Pinta and the Santa Maria and go home. I mean there has to be some kind of compromise and acceptance and respect.

There has to be a respect for the Native people, the inhabitants of Turtle Island. There has to be a respect first and foremost of our philosophy of life and life giving and the balance, before you push your philosophy on us. We've had to go through years of oppression, and I ask you and this country who says to the world: multicultural, the protector of rights - the protector of rights? When my mother had to go to a residential school and was beaten for speaking her language, that's the protection of culture right? That's a sin. When my mother had her talisman torn from off around her neck, because that was the worship of false gods, that's a sin. Now I think Peter, when you address your philosophy and your spiritual well-being, that you give consideration to First Nations' philosophies and spiritual well-being.

Peter Ward: Can I respond?

Alan Roy: No, I want to get (tape inaudible) save it up, keep it in mind, I want to get the audience, let them bring out their own perspectives. Anybody else? If there isn't, I'll turn Peter loose. Yes, Constance.

Question: My name's Constance Marlatt: One of the differences I hear is that in the Aboriginal perspective, the relationship with the natural environment is one where man has a place in the natural environment, where man interacts with the natural environment, whereas the non-Native environmental perspective when I hear it, seems to be one of either exploiting the natural environment or looking for a pristine environment and setting it aside. So that's one of the differences in perspective I hear (tape inaudible)

Alan Roy: Next speaker? Anybody have any perspective or questions for the panel? Then Peter, if you want to respond to the first speaker, go ahead.

Peter Ward: With great respect, I have absolutely no intention of trying to impose my philosophy on anyone. I'm the sort of person who is very much committed to some concept of unique individuality. I really believe that all of us are incredibly unique individuals. I think there are differences of opinion between individuals and I don't perceive groups or classes of people that have a really great sense of unanimity. What I was trying to get across, and I perhaps didn't succeed very well, is that Algonquin is very special to a large number of people for very different reasons. And if I can tie that in a little bit with the last comment, I think you've identified a real source of the problem.

Essentially what I'm trying to suggest is: isn't there a place today in land use planning where you can reduce human impact? Because if you look at human history, we now have technology which didn't exist several hundred years ago. We now have the ability to do all sorts of things in the environment, which we didn't use to be able to do. And now, can we not have areas set aside as parks where there is absolutely limited interference with that environment? That I think is important for all of us.

I read with great interest this morning a handout - Project Indigenous Restoration 1992 and I looked at the third paragraph, "The younger generation today expresses clearly a sense of helplessness with the degradation of the environment. Students learning and working with Native people though are filled with hope and a reverence for life. It is not coincidental that in these times of a greatly growing concern with this planet's physical, ecological health, there is also an expanding awareness and respect for the spiritual and physical bonds (tape inaudible)", etc. etc. Well somehow, when I read that paragraph, frankly I personally cannot reconcile the values that are expressed there with the desire to take four-wheel drive vehicles or all-terrain vehicles or snowmobiles or whatever, and go into a Provincial park and hunt. I just can't do it. Maybe somebody else can, but I can't. And that may be the real nub of the conflict that I have. Particularly, I have a great deal of difficulty when this area that I call a park is such a small portion of the claim. Why can it not have some special status, and why can't other kinds of activities take place in the rest of the claim?

Alan Roy: Okay, I'm going to open it up (tape inaudible) there was a speaker, or a question over here (tape inaudible) but I want to (tape inaudible) I'd ask the audience to address (tape inaudible) Peter has pointed to not only hunting as a problem, but he seems to be focusing more with mechanized availability associated with hunting, and he keeps coming back to the total claim area versus the small area of Algonquin Park. Greg has put a perspective on that, and Tim has put a perspective on protecting a park from logging operations. So again, articulate your problem statement as precisely as you can in relation to the panellist.

Question: It seems to me that there's a cultural (tape inaudible). It's a part of their history, you know what I mean? Who's culture are we talking about? It seems to me if we're going to deal with Algonquin Park as an important part of the Provincial parks systems, we should deal with not only Ontario-Anglo-European Ontarians, but with Natives as well. And I'm also (tape inaudible) I'm not sure... I'd like to ask a question as to what extent (tape inaudible) I thought there were provisions for control of access to the park with motorized vehicles and I'm

also curious about outside the hunting situation, is it the resource management inside of the park which might possibly make a need for hunting in Algonquin Park for the Golden Lake Band to satisfy its needs?

Alan Roy: Okay, Greg do you want to respond to that ?

Greg Sarazin: Okay, specifically around the ownership of the land, particularly Algonquin Park not yet being resolved, that's a fair statement. We're looking at a resolution of it, but it's going to resolve one way or the other. I think the perception is that we're assuming that Ontario owns it and we're trying to claim it back from their ownership, but I think that whole question is up in the air who owns it. Does Ontario own it or do Algonquins own it? And the challenge is to come up with some way to respect each other's rights in the meantime until that ownership is resolved. We challenge Ontario's ownership of it, and if that ownership is in question, then their right to make decisions about the use of particular lands that they don't even own or they may not own is something that has to be taken very much into consideration. And particularly when it comes around to the Ontario Government's commitment or their belief or what they're saying about believing in Aboriginal people's inherent right to self-government, and we're talking about controlling, regulating one's own people in one's own territory. Land ownership is up in the air and what we're talking about is changing, how do we bring this together in modern society, that respects all peoples rights, the Government particularly, about research having to be done, and it was only last week that we found out that the Government actually did require that more research from their perspective had to be done. At that point what they were coming up with, they didn't know one way or the other.

As far as economic self-sufficiency, deriving from Algonquin Park, that's erroneous in that we talk about economic self-sufficiency in the context of the entire Algonquin land claim which has been pointed out is 14,000 square miles. We're talking about a land claim over 14,000 square miles that will provide economic self-sufficiency, not economic self-sufficiency to be derived from Algonquin Park. And I wish people would quit saying that the only way we can get economic self-sufficiency from Algonquin Park is to develop it, Algonquin real estate, commercial hunting and fishery etc, and we're on record as saying that that will not happen as far as Algonquin Park is concerned, that's just not in the cards, we wouldn't do that, we respect the land too much to do that.

We are talking about why should there be hunting in Algonquin Park, not specifically whether or not there should be hunting in Algonquin Park. The question is what about the right to make those regulations, the right is there to hunt in Algonquin Park by the Algonquins if the Algonquin Government so deems it. Right now the Ontario Government has the right to regulate hunting within Algonquin Park for Ontario citizens if they deem it so. The Ontario Government retains that right to make those regulations for Algonquin Park. We retain that right to make those regulations about Algonquin people hunting within Algonquin Park. And we question Ontario's right. We're talking about respect here on a nation-to-nation basis about land use and about people's rights, and the right to make those regulations for people.

The hunting within Algonquin Park is being phased out: well that's in 19 years. The agreement that is in place right now is for one year. And of course that hunting is now over. So we're talking about apples and oranges, here, the two things cannot be compared - a one year agreement on hunting, and that particular agreement recognized that Algonquin law would provide hunting in Algonquin Park and Algonquin law has ended hunting in Algonquin Park as of January 15, 1992, and that there is no other agreement in place that recognizes hunting and trapping, although as I've stated before Algonquin hunting in Algonquin Park has happened for millennia, it will continue to do so.

We're talking about why mechanized hunting within Algonquin Park? Well, we don't call it hunting, we call it harvesting, we're talking about interaction with wildlife? Well, the wildlife that are within Algonquin Park, on the land, we see that as a food resource. People say it's unfair to the moose, because it's just standing there and you drive up and shoot it, well what about the beef cattle that are being raised by the non-Native people, they raise them and at some point in their life they slaughter them. What about that veal you get, that thing's born (tape inaudible) or chickens or any other domesticated animal? So as far as we're concerned the resources of the land are part of our food chain, part of our culture, part of our heritage. We go out and we get a moose and we eat that moose, and it doesn't matter to that particular moose how it gets to the table. If it takes a person ten days to go out and get it, or if it takes one day to go out there, that moose is still just as dead and it's still going to be eaten. And it makes a whole lot of difference to those who are food hunters, how many times you have to go out there to get that moose, because it impacts on the resources that we have available to support a family. That's a part of our culture, that's a part of the way that we interact with wildlife, and if we use it as our food source, and it's not a sports hunt. We don't go out and play with our food, we go out and we get it and we eat it. And when we do so, we burn tobacco for the animal, and that shows a reverence for the wildlife. But it's something that we interact with nature, it's a whole different perspective, it's not a sports hunt, it's a food hunt.

And as far as we say harvesting as opposed to hunting, in much the same way as what about mechanized logging? People would suggest that we have the capability now to hunt in a way to harvest wild animals in a way that technology didn't dictate a hundred years ago, well we have a way to harvest these trees now that technology wasn't available a hundred years ago. So as far as the Sparrow decision is concerned and the fact that the rights are not frozen in time, we are at the (tape inaudible) the same type of thing as that people suggest that if we're going to exercise the rights that we had a hundred years ago, that we should use the methods of a hundred years ago, that's ridiculous. If people are going to be harvesting trees, then maybe they should be doing it like it was done a hundred years ago as well. That doesn't make much sense either. We're talking about going and getting moose, they say well why in Algonquin Park, and our answer to that is very simple. Because that's where the moose are. You're not going to go some place and hunt where there aren't any moose or there aren't very many of them in a conglomeration, or where it's not very likely that you're going to get a moose. You go where the moose are, you get the moose and bring it home and eat it. And that's the fact it's not sport, it's not fun and games, it's serious business, a food harvest, and why do we do it within our lands? Because we have the right to do it within our lands.

Alan Roy: Okay, this lady and then Allan.

Question: Janet Sumner, Pollution Probe (tape inaudible) I'd like to (tape inaudible) and one of the things that disturbs me is that we've only got Algonquin Park left as a wild space in southern Ontario why is that? Why are we now saying "Look, don't touch this, it's the only wild space we've got left?" I have a problem with that. I think that is very racist. The other thing that I'd like to address to Mr. Sarazin is; has the Algonquin Nation about the land claim considered going to the United Nations with the land ownership, and the reason I suggest that is because there's a band in the States last year that went to the United Nations on human rights issues because toxic waste sites had been sited on their land, and they talked about it being genocide. And I wonder if rather than going to a Canadian court and asking them to rule on something that is between the Canadian Government and the Algonquin Government, if you've sought a Government or a third party to rule on something like that? (tape inaudible)

Alan Roy: Are you expecting some of the panellist to (tape inaudible) which one?

Janet Sumner: Mr. Sarazin.

Greg Sarazin: With regards to the question about the United Nations, it becomes a very fundamental question as to what Aboriginal rights are, what Algonquin title to the land is, what the current legal status is, what the current political status is, and of course the likelihood of getting a hearing at the United Nations and what the world view of Aboriginal peoples within countries concerned, and it's a very fundamental question that we ask ourselves. Are we talking about Aboriginal title within the Canadian Constitution, or outside the Canadian Constitution? And this is a stumbling block I believe in the Constitutional talks, about whether or not we are even a part of Canada. As I say, it's a very fundamental debate that must take place. For instance, about Algonquin land: if we (tape inaudible) if Canada disappeared today, would Algonquin rights still exist? Would there be an Algonquin Nation, would there be an Algonquin territory? Once there is a settlement, if Canada disappeared, would there be something called the Algonquin territory? (tape inaudible) It depends, and it's a very fundamental question and we have been (tape inaudible) in fact addressing (tape inaudible) fleshing out that idea, to see what the implications are, looking at what the implications are (tape inaudible) some of the implications. There are many more implications of course that require fleshing out and examination, there are mechanisms (tape inaudible) so that is something that we have considered and we are pursuing developing the options towards that.

And as for why do people think that the Algonquins screw up Algonquin Park, 14,000 square miles of our claimed territory, we have our own opinions on why people think that way, and it's quite varied but there are some very specific reasons I think (tape inaudible) that we all share but they're not entirely appropriate but there are various stereo-typical images of Native people. Those things are something that haunt Canadian society, or just can't seem to be able to escape the fact that Native people are at the very bottom of the totem pole throughout history for whatever reason. And hopefully in Canada, the defender of human rights and the multicultural society, you would think that those types of perceptions would not exist here in Canada. We find they're very much in existence and they very much drive how people deal with Native people and their perceptions. For instance, the Indian Act and Indian reserves, for instance, like Indians don't even own that land, it's owned by the Federal Government. I have a house that I've poured a lot of my life's labour into, yet when I go to the bank I can't get a mortgage on it or anything because the Federal Government owns the land that it's on - worthless as far as that goes and the Indian Act itself is something that is very restrictive, it's oppressed Native people throughout history. It's the way society is, and (tape inaudible) people, in particular the courts and politicians and society as a whole in reviewing the recognition of Algonquin rights have to open their minds and take a very objective look at

things and look at things from a different perspective - hey why are Indian people treated this way, why is there a special Act that's oppressing and repressing, and telling us who's an Indian and who's not an Indian? And how in the world (tape inaudible) with the old Indian Act, how in the world can somebody become a non-Indian just by marrying somebody? Suddenly you're not an Indian any more, you're something different. It's just poof, you're an Indian, and poof you're not an Indian, and the Governments were able to do that to Indian people and that type of mentality continues on through the modern society. The Indian Act is still there, there are still difficulties in the Indian Act and how the Federal and Provincial Governments deal with the Indian people and that whole perception of who Indian people are and what they are for instance is pervasive in society and it's going to take generations to change that. But this particular conference and the subject that we're dealing with are things that will move in that particular direction to give Indian people back the recognition that they're living (tape inaudible) that they have the respect of their culture and their heritage, that is acquired and inherited and it can't be taken away (tape inaudible) It's still there, it just needs to get the respect of modern society to look and to actually see it, to look beyond (tape inaudible)

Alan Roy: I'm going to turn it to Alison, and next the gentleman in the red sweater, and the fellow in the green shirt. I'll ask you to continue to clarify this perception of the three different panellists and address your questions specifically to panel members.

Question: Alison Kerry from the UMA Engineering and although I hear differences between the two of you, I also see similarities, and that's what I'd like to talk about because everybody says they want the park and that they want conservation and preservation of the park. I think irrespective of who owns the land and I think the Algonquin land claim must be settled, but to me it almost doesn't matter who owns the land, I think what we should talk about is where are our common values of conservation (tape inaudible)

Alan Roy: Who do you want to lead off?

Alison Kerry: For Greg (tape inaudible)

Greg Sarazin: The Algonquins of Golden Lake are on record and we confirmed today that we have committed to upholding the wilderness and natural values for Algonquin Park. We're on record as taking the position that we want to be sure that Algonquin Park is preserved as a park. And we are on record as saying that conservation is uppermost in our minds, public safety and respect for private property and all of that stuff is uppermost in our minds. We have values that will guide us in all of our negotiations, specifically about Algonquin Park, honesty and openness and trust and (tape inaudible)... dealing with various interest groups in an open manner and speaking with them about the concerns, facing the concerns and considerations when we deal with the land use problem or any other problems that may be perceived or may come up as things move along (tape inaudible). We want to be fair, we want to be reasonable and we've demonstrated that in all of our dealings and particularly with conservation and the Algonquin logging we've laid out limits based on conservation and safety, respect for all living things, generosity, willingness to share, all of those things. And as far as Algonquin Park is concerned, there's a lot of use that goes on there right now and we don't want to encourage any abuse that's happening there right now. It's something that requires the (tape inaudible) we just talked about. It's much too simple to say, if you're going to get Algonquin Park, what are you going to do with it? It seems like a simple question but it's not such a simple answer. You can't answer it in five minutes or less.

Alan Roy: But we'll let the other two panellists try (tape inaudible)

Greg Sarazin: You can't just write it down and say here it is: here, here's a plan for Algonquin Park. But what we can say right now is that these particular issues have to be fleshed out, find out that you can agree on, the very values that will guide you closer not the least of which will be an interaction with other interest groups and say what should happen here and what shouldn't happen here, and who has rights here, and who doesn't have rights here, or what are those rights, let's define those rights and let's work together to show some recognition for each other's rights and preserve and protect Algonquin (tape inaudible). So you're absolutely correct that there's probably more that bring us together at this particular table than things that divide us, and perhaps some of these, and I'm not entirely sure what the reasons are that (tape inaudible) but I'm sure we... but we can be accommodated some how some way.

Alan Roy: Peter and Tim, can you address the common concerns now?

Tim Gray: I think that there's a lot of room for agreement on most issues, from what I've heard Greg say and a lot of the positions they have on the park are very similar to ones that we've held for a long time. I think one of the problems in Algonquin though is there are too many interest groups and the management there has been by

interest groups and that there really hasn't been a perspective taken on what that land base (tape inaudible) that it is the only remaining semi-wilderness wild area left in the province, will be preserved to function as a wild ecosystem (tape inaudible). The way that we've manipulated the forest there, the way that we've allowed fish stocks to be depleted by overfishing, (tape inaudible) that is because the Government has been forced to cater to interest groups. It's never taken the perspective that protecting the ecosystem is the priority for that park. And we're still not taking that today. We've still got too many logging interests, too many recreational demands, too many this, too many that (tape inaudible) and we need to back away from that and look at it as a form of protected area. And I guess my only addition to that is that we can't always take human resource needs as the priority, for that piece of land in the Algonquin region. There are a lot of people living throughout that whole area and obviously there's going to be resource extraction and hunting and motorboat fishing and the whole bit, in a lot of that area so we really need at least the core part of that area aside so we can let the process just go as it would without being interrupted. And I don't think anyone now can dispute the fact that the way that we live, all of us, has a high capacity to impact the environment, the way we all go about our business, whether we log, whether we hunt, whether we fish. We just have to have some areas set aside, we take the best (tape inaudible) but whoever ends up owning the land, whoever's going to be the manager, I mean it's very confusing right now, this jurisdictional control of the land is very, very confusing. It would be nice if it could be resolved, it would make things a lot easier to know exactly who you need to talk to, to start going forward.

Peter Ward: If I could just go back one step, there were a couple of comments that sounded perhaps as though people who disagree with the Aboriginal point of view were automatically labelled as being racist. And if that was the tenor of those comments, then frankly I really resent it because I take the position that I have a great deal of respect for Mr. Sarazin, I respect him enough that I can disagree with him. He can just plain and simple be wrong as far as I'm concerned and that doesn't automatically make me a racist. I can disagree with Mr. Kavanagh and no reason to call me a racist, I simply may disagree with him.

Having said that, as you were asking your question, or before you asked your question, I was writing: there are many ways in which the claim may be resolved without opposition. Some people may be familiar with a press conference that I gave in Toronto on the 15th of June, and on that day our organization was on record as putting forward many ways in which the claim could be resolved without opposition, and that's documented as a matter of public record. I can think of all kinds of ways, and I would love to be working on those ways, because I would be far happier doing that probably, than doing what I am doing. Having said that, there are still clearly differences, and I don't know frankly how we get, knowing the differences, get to the resolutions. Greg says he's committed to upholding wilderness and natural values. Bud Wildman says he's committed to upholding wilderness and natural values. Where I have a problem is motorized access to the interior of Quetico, our only wilderness park, is not my way of maintaining or upholding wilderness and natural values. Hunting in Algonquin Park is not in my way of thinking maintaining or upholding wilderness and natural values, particularly when that involves travel on these 2,000 miles of logging road. I'm not for a moment suggesting necessarily that logging is upholding wilderness and natural values. What I am trying to suggest is that for the last couple of decades, park management has moved towards being less intrusive, less exploitive, more towards setting aside a natural area, and frankly I see mechanized hunting, mechanized fishing if you want to call it that, a step backward. That's what I have difficulty with. The park earns all kinds of revenue. Now I'm probably going to be criticized for being paternalistic if I suggest any kind of solutions, but anyways, the park does earn revenue. It collects revenue from stumpage, the sale of timber, it collects revenue from permits, if there was some suggestion that all of that be turned over to the Golden Lake band to invest, do with it as they saw fit, no problem. If there were all kinds of other ways to think about achieving greater economic prosperity, all sorts of ways, I could see very happily working towards those solutions, advocating for those solutions.

Alan Roy: The fellow in the red sweater.

Question: Two observations. From sitting back here, I don't feel that there is a spirit of cooperation (tape inaudible) The other observation I guess from about a year ago (tape inaudible) (balance of question inaudible)

Peter Ward: Thank you. Frankly I don't know at this point whether there is any indication that there has to be (tape inaudible) I can indicate that (tape inaudible) I have a difference of opinion with Mr. Sarazin, there's no question that he and I would disagree on fundamental questions, you've heard that here today. I hope that there are many areas where Mr. Sarazin and I agree. Having said all of that, also don't be under any illusion: I have a disagreement with the Government of Ontario, I specifically have a disagreement with the Ministry of Natural Resources, that's been the focus of my criticism, and frankly I think in many respects they may be to blame for what is pulling our two sides apart. Why do I say that? I say that in one (tape inaudible) there's virtually no public consultation although we've continually asked for consultation. We've continually asked for information, some of which we've had, but I'll tell you that we've had to resort to the Freedom of Information Act to find out all kinds of

information about what's going on in this process. One of the problems with negotiations, the Government negotiator has repeatedly said we're not going to tell the public what our position is, because that's giving away all our cards. One of the reasons that we're concerned is that we have no idea what's on the table. When we've met with Bud Wildman, when we've met with the negotiator, what are we told? We're not going to tell you what's happening, but we can tell you the entire future of the park is up for negotiation. Frankly I find that really uncomfortable. I think if this process were more open, and were more public, everybody would be more comfortable. Recently there was a meeting in Huntsville, and I and others said repeatedly, there has to be public consultation. The response from the Ontario Government was we don't have enough time to bring the public up to speed on all these issues. We don't have enough time to explain where Aboriginal rights come from. We don't have enough time to tell people what this is all about, therefore we're only going to meet with a small group, with a select few. That to me is a large part of the source of this problem. So yes, there's no question that one of the things that we have tried to do as an organization is get people appearances. And if you've ever heard me speak before, one of the things that I've always said to everybody listening is get involved, learn what's going on, this is important, don't ignore it. Take a position, but take an informed position. I don't claim to have all the answers and I don't claim to have all the information but I certainly claim to invite people to look at what's happening.

Alan Roy: Okay, before I open this to you, Peter's starting to talk about a solution here, and the last speaker alluded to a solution (tape inaudible) I'd like to hear from the other two panel members specifically on the solution (tape inaudible) well, solution perspectives (tape inaudible) any response to what Peter's talking about as a problem, but he's illustrating a possible solution as well, or part of a solution.

Tim Gray: I've mentioned before that we have problems with the way that (tape inaudible) where the jurisdiction is right now in determining what appropriate uses of the land in Algonquin region (tape inaudible) if the land claim is settled and the Golden Lake Band gets jurisdiction over that area, if that's the way it works out, that still will leave the Ontario Government involved in virtually exclusive control over a lot of the rest of what we consider the Algonquin region, most of the area that's in the Ottawa Valley watershed, which excludes a lot of the western portions of the area. So we'd like to be able to figure out where we can fit into this process. I heard this morning that the Governments have been told by the Supreme Court that their Government must negotiate with Native communities on a Government-to-Government basis. They're also under an obligation to put forward the rights of the Native people, as an advocate, as part of the responsibility. We are still trying to figure out where we can fit into that as a conservation organization and where we can give our advice, we can give some of the expertise that we've developed in the past, in our experience in other areas, and I guess that's what I'd like to sort of, and that's to be able to leave from here and to know where I can tie into the processes of developing management schemes for the Algonquin region, where our organization can fit in and how we get together in future to do that.

Alan Roy: I would like to hear Greg (tape inaudible) can you specifically address what Peter and Tim are talking about in relation to the negotiations process, jurisdiction and sharing the information of the positions that are going on in relation to this issue?

Greg Sarazin: What we're getting down to here is some sort of resolution of the conflict or the problem (tape inaudible) or whatever it is. One of the things that we are very much in agreement with is some sort of I suppose working together from a common agenda - like agree where you can agree and work together to resolve the differences that are there. We want to take a reasonable approach consistent with the values that our Government has (tape inaudible) it seems reasonable to us that if there are places where you can agree, conservation, safety and wilderness values, what have you, if you can't agree on what they are, lets start a process (tape inaudible) We believe that there is, as the gentleman earlier stated that, certain documentation has no place in the public eye because if you give one side, it gives an incomplete picture for instance; (tape inaudible) and we believe that the (tape inaudible) way to deal with this kind of situation is to get factual information out to the Canadian public, in as much as possible, and as objective as possible (tape inaudible).

Alan Roy: Specifically, to the gentleman in the red sweater and Peter: is there any room for observation of the negotiation process? I'm interpreting what you said but I'm hearing that because they can't see the process, because the process isn't shared, there isn't a spirit of cooperation. Is there room for observation - not participation, observation?

Greg Sarazin: There are two parties at the negotiations table right now: the Ontario Government and the Algonquins of Golden Lake. The Algonquins of Golden Lake, we represent the Algonquin Nation, the Algonquin people from Golden Lake, the Ontario Government is at the negotiations table, their constituency is the Ontario public. And we don't presume to speak for or to have any decision-making power over the Ontario people, particularly in as far as negotiations are concerned. And we would not permit the Ontario Government to have any jurisdiction or authority or any say over who from our side we involve in the negotiations (tape inaudible) there are two parties at the

negotiations table, and we won't be negotiating specifically with interest groups but we will negotiate with the Ontario Government. As far as observation is concerned, the Ontario Government has the ability to (tape inaudible) amongst their constituents or groups within their constituents, determine who might or might not observe (tape inaudible).

Alan Roy: From your perspective there's room for the Ontario Government to look at that question?

Greg Sarazin: From our perspective, the Ontario Government are the ones that that question should be asked of.

Alan Roy: Gentleman in the red hat.

Question: Paul Jones, Chippewas of Nawash: question inaudible

Alan Roy: back corner (tape inaudible)

Question: Alfred Beck, Federation of Anglers and Hunters: (tape inaudible) I want to address a few points and raise (tape inaudible) I feel a lot of people in this room and a lot of people we talk about have that feeling that Mr. Sarazin (tape inaudible) The other problem I want to make is sports hunting (tape inaudible).

Alan Roy: I'm going to summarize here because I think I hear a very well articulated problem, and I think I'm hearing a suggested solution. The articulated problem is that the two interest parties at the table that are not at the negotiation table do not understand what is being discussed, nor do they understand the outcome of a particular negotiation. A possible solution to that would be a resolution addressed to MNR to take on the responsibility to share the outcome, share the information that comes out of negotiated processes with the Algonquins. It would be the responsibility of MNR to take care of their own jurisdiction, and they would leave the question of information sharing within the Algonquin jurisdiction to the Algonquin. Is there any feeling about what I've said so far? I'm sorry, were you going to address the point I'm making now? Okay, I'll come back to you. Richard?

Question: Richard Powless: (tape inaudible)

Alan Roy: Okay, and you want to address the same point?

Question: Barton Fielders, negotiator with the Provincial Government: (tape inaudible)

Alan Roy: Panel members, are there (tape inaudible) can you respond to this?

Peter Ward: For eight months we've been telling your negotiator Howard Goldblatt, we've been telling the Minister of Natural Resources exactly what we want, and exactly how to do it, and in eight months we've got nowhere. And one of the things we've been saying is don't meet with a small group of invited people and tell us that's public consultation. And we've got nowhere. All we've done, we keep meeting and meeting and meeting and we discuss process, process, we got nothing.

Alan Roy: Tim, do you want to respond?

Tim Gray: Yeah, I guess our experience with trying to get input into the position the Government is developing was very similar to what Peter has had (tape inaudible) but we don't feel that any of the values or any of the things that we can really bring to add to the discussion have been included because basically we're not talking two days before we sign an agreement about developing a position to take to the Algonquins, we're talking about a done deal (tape inaudible) and I'm hearing the same feeling with the discussions that are ongoing now with the fisheries. We had a meeting back in November with Ontario Government officials and I forwarded comments (tape inaudible) and never received a reply (tape inaudible).

Peter Ward: On Monday night there's a meeting in Huntsville to discuss the hunting and fishing agreement. Last week there was a meeting in Toronto. My understanding is that Mr. Sarazin and Golden Lake's position has been received by the Government in some sort of printed form. This meeting on Monday night is by invitation only. I asked could we see what the Native position is before we go into the meeting? Apparently not. We know what Ontario's response is, but we don't know what their position is. And when I say Ontario's response, we know what the variety of options are. Well frankly, that's not very helpful. So we're all going to show up Monday night, we're going to spend two hours and we're going to spin our wheels and get nowhere.

Question: I still don't hear anything specific - you're criticizing a process, and I acknowledge that there's a whole lot of room for improvement in some of the processes we're engaging in. What are the specific recommendations, I'm asking that.

Alan Roy: Well I think it's obvious that they're looking at a steering committee to discuss some type of guidelines for the consultation process, and that the Government has to strike some kind of (tape inaudible) and I think that could be reflected in the resolution if it's the wish of the group. I have a speaker down here, I still have someone in the back, but are you addressing this particular issue?

Question: Cathy Dwyer-Smith, I'm Assistant Negotiator to that guy over there, and in Temagami we've been involved for a long time. And I hear a lot of similar things today to what I heard in the last five years and if it's an informational problem with each side. It's the problem of the Government and I work for the Government. However there is something going on in the Temagami that is really positive (tape inaudible)

Alan Roy: And what format, what mechanism are they using to talk to each other?

Cathy Dwyer-Smith: Well they're phoning each other up, can we meet this afternoon? And it works well.

Alan Roy: Do you want to respond?

Greg Sarazin: It seems that there is a bit of a problem with communication and consultation with the Ontario public, the Ontario Government, what have you. And there seems to be a bit of a misunderstanding of the process that leads to this conflict that's happening and the question around how negotiations happen, like you're referring to the document, the position for the Government, it's not necessarily a position saying this is our position, it's not necessarily position of negotiation, it's more of negotiating from commonality, and saying here is an option that is put before the Provincial Government, and it's my understanding that the Government will review that particular option and get back to us with other options and from there perhaps we'll come to some sort of commonality and come up with another option that might lead to some sort of negotiations based on public consultation that happens. But I can also see that the Ontario public has to share some of the responsibility for the (tape inaudible) and getting consultation into what is happening in that all too often, some segment of society would take certain information and blow it all out of proportion, whether consciously or unconsciously that's what happens. For instance recently we submitted an option on interim land disposition to the Provincial Government. Somehow it got leaked to the Ontario public, somebody within the Ad Hoc Committee did that and without clarifying some of the things that were in there, suddenly it was blasted all across Ontario newspapers saying the Algonquin Golden Lake Band is trying to do this, they're trying to do that, they're trying to do this, everything was way out of context. And all of that could have been saved simply by a phone call saying "Hey, have you got this document? Do you mean this, do you mean that?" clarify the issues, and from that respect then you start talking about rather than creating non-issues, it's just frustrating and it doesn't do the Algonquins any good, but it doesn't do the Ontario Government any good and it doesn't do the Ontario Government any good to be debating and running off about all kinds of misconceptions or things that just aren't real. And so there is that particular difficulty with consultation, how consultations take place, and what the negotiating process is all about. Like I say we're talking about building options, and negotiating primarily from commonality as opposed to we state our position, they state their position and we fight it out and whoever wins wins.

Peter Ward: Greg, if we as an interested third party are going to have a meaningful input into helping the Ontario Government develop their position with respect to the fishing agreement, is there any reason why we shouldn't have any idea what your position is, and what you support as an option, does that make any sense to you that we wouldn't be told by the Government what your position is?

Greg Sarazin: My understanding of that is, I'm presuming that you know everything there is to know about the Ontario Government's consultation strategy, and it's my understanding that they are coming forward to the Ontario (tape inaudible) where they will present various options and add other options from the floor on fishing. And as far as I'm concerned, there is no done deal (tape inaudible)

Peter Ward: That failed to answer my question. My question is there isn't any reason why we as a third party shouldn't know what your position is before we go into this meeting.

Greg Sarazin: Well I just think that a lot of our position is already articulated, and at some point perhaps there is the need for your party and the Algonquins to meet together to clarify these issues and our concerns. I think that (tape inaudible)

Peter Ward: But if it's there in documentary form now, is there any reason why we shouldn't be able to see it, before we tell the Government what we think about their position?

Greg Sarazin: Perhaps only one of the inability to work together, to take things out of context, the confrontational approach that (tape ended) but to go beyond that, we're looking at creating a whole lot more problems than would otherwise exist.

Peter Ward: What I've said all along is let's let everybody put the cards on the table and frankly, I still don't see the cards.

Alan Roy: Are you addressing this point?

Question: Bruce Sandilands, I'm with the Ministry of Natural Resources, and I'm on an Ontario Government negotiating team for this specific land claim. In regards to consultations, the specifics of the interim hunting agreement and I want to go back to that (tape inaudible) Federation of Ontario Naturalists and the Anglers and Hunters all had copies of an earlier draft of deer-hunting and moose-hunting agreement which had exactly the same elements that are in the final draft, which includes the notion of an Aboriginal hunt in Algonquin Park. So I get a little bit defensive when I hear of a lack of consultation. I think what the root problem was in this particular issue, and believe me we received more letters on this particular issue than on anything that I can think including Temagami. There was no lack of clarity on the part of third parties about what their position was with respect to hunting in Algonquin Park. What we were facing was a fundamental dilemma and a decision the Government had to take with respect to (tape inaudible) On the one hand you had the park advocacy position shared by others, of a protected space which included no hunting; on the other hand, you had the view of the band and all the legal imperatives which go along with Aboriginal rights and land claims and so forth, driving the Government. It was decision time, it was not consultation time. The Government chose, through the fear of litigation or in good faith, the Government took the position that they were going to sign a deal that permitted hunting in Algonquin Park for the first time in 98 years. So we're talking here about consultation and in this particular instance we had a specific claim, a specific geography and specific issues of hunting or not hunting in Algonquin, couldn't have been any clearer (tape inaudible) Having said that, I think it's important that with regard to the hunting and fishing agreement to expand the circle (tape inaudible) ..better job of consultation (tape inaudible)

Peter Ward: Let me ask Bruce a question, and this is important. Bruce, you having made those comments I feel that I have to ask you this. I know that you have the Band's position on paper with respect to the fishing agreement. I've been invited to a meeting in Huntsville on Monday to discuss it, I know that I asked you if I could see the Band's position before the meeting. On Friday I received a fax with respect to the Ontario Government's response, I'm told that I can't see the Band's position. Now frankly, that is unacceptable if I am going to have anything meaningful to say to the Ontario Government on Monday night. Otherwise, I'm wasting my time being at that meeting.

Alan Roy: Go ahead and respond if you wish to (tape inaudible)

Question: Bruce Sandilands. Yeah, first of all I'm not the Ontario negotiator. It's like any other negotiation: when you receive a position, you have to have respect for the party that will negotiate, and when we receive positions, we ask the band is there something we can share with third parties or not? And it's really up to the band to tell us no, you're not to share this, it will be considered a conflict, you can discuss with third parties a specific proposal that's out there, you have to respect that.

Peter Ward: That's not what I understood Mr. Sarazin to say. Mr. Sarazin said once the Ontario Government is involved, it's up to the Ontario Government to inform its constituents or not. Surely then it's the Ontario Government's decision what it's going to say to us. Let's not blame Mr. Sarazin for (tape inaudible)

Alan Roy: Well look, let Greg respond now.

Greg Sarazin: Well first of all, Bruce's earlier comments about the hunting agreement that was signed and that permitted hunting in Algonquin Park for the first time in 98 years, Bruce should know better than that, that's (tape inaudible) . The Ontario Government doesn't permit hunting in Algonquin Park. Hunting within Algonquin territory comes from an authority higher than the Ontario Government, and that's the authority of the Creator and that's something that is inherent to Algonquin people, and all our agreements indicate that the Ontario Government recognize that hunting was taking place and that the Algonquins were regularly hunting there.

Chief Richard Kahgee
Saugeen Ojibwa First Nation

David Loftus
Ontario Ministry of Natural Resources

Martin Parker
Federation of Ontario Naturalists

Introduction
David McLaren
Saugeen Ojibwa First Nations

Facilitator
Nancy Kleer
Rapporteur
Bie Engelen

As far as consultation is concerned, that there is a responsibility on all parts that adequate consultation take place, particularly with their own constituents and their own representatives. However, it's quickly becoming evident that some consultation is (tape inaudible) to happen across their own constituents and their own representatives only for the matter of clarity and to make sure that the issue gets adequately resolved. And as I mentioned earlier, as far as having access to specific documents for third parties, the third parties themselves share some of the responsibility, and the reluctance of the parties to share documents so that they be taken out of context or to harm certain parties with (tape inaudible) being representative of something that they're not. Those particular things are very sensitive, particularly when you're talking about public opinion in the process, and how the Ontario Government responds to public opinion and the political system that we are in (tape inaudible)... that we must be very careful about that because as mentioned earlier, we're not talking about positions that are open and put forward in as much as we're talking about options. And until we're talking about some sort of option that has some sort of substance to it, personally I don't see the relevance of putting an option forward in the paper so that somebody can say "Well this is their position, this is what they want to do, this is ridiculous". Like the Native People's Circle on the Environment, for instance, it wasn't even made yet, it was a draft, and there was so much slanderous stuff out there in the media about Native people's demands. It was a Government-sponsored Native People's Circle that (tape inaudible) and even at that the comments were taken out of context, like the last part, the respect of the environment by all parties, that part was left out very craftily by whoever was making the report (tape inaudible) There's got to be openness, but that has to go hand-in-hand with honesty and trust by all parties, and in order for that to happen, all parties have to be honest, all have to be open, honest and trustworthy. And on that particular case, I don't see how. I mean it would be unbalanced if we were completely open and gave away everything and the other interest groups took those and used them as they saw fit. And particularly Peter, with your particular group, I have great difficulty in the way things are reported, and I'm sorry to say but that's so, and I think if anything is going to come out of this it will have to be resolved by all parties (tape inaudible) be honest. If we're going to be open we have to be (tape inaudible) and it all comes hand-in-hand.

Alan Roy: Well, we're out of time, but if you want to take a shot at a solution based on what's said, take a shot.

Question: One really simple comment (tape inaudible) I'm just wondering if the three people would be willing to make that resolution Greg Sarazin's asking for because I think you made (tape inaudible) about honesty, and I'm wondering if Peter Ward, as a representative of your group, you'd be willing to go back to the group and make a resolution that in fact they will make every effort they can to put things in context, and if they have problems (tape inaudible) It seems to me that that's one of the fundamental issues (tape inaudible)

Alan Roy: And with the parties I'd go beyond that, would there be an opportunity for the parties to meet irrespective of the negotiation process, a forum within your area to discuss issues on a routine basis? Is there a willingness for something like that? Call a steering committee or whatever?

(tape inaudible)

Alan Roy: I'm going to take the liberty of asking the three panel members if they could sit together and try and come up with a resolution for the plenary based on this idea of better communication patterns.

Peter Ward: To answer that first off, as far as I'm concerned what we have published as far as I know is factual and honest. Clearly we have a point of view and clearly there are differences of opinion. One challenge that I would throw out to everybody else involved, the Government included, at least we publish material and at least we got it out there in the public domain. In terms of sitting down and trying to work out some resolution, I'd be more than happy to sit down and try to work out some kind of resolution. I don't know how or when or what we're going to do.

Alan Roy: It would have to be done this afternoon, at any strategic time that the three of you could get together and talk about it. I'll be with you. But that seems to have surfaced as one of the main problems in this particular area, the communication. And I'm afraid that is all that this particular workshop has been able to address. Thank you very much for your participation.

Nancy Kleer: I'm Nancy Kleer and I'm the facilitator for this workshop on issues in the Bruce Peninsula. Our panellists: to my immediate right is Martin Parker, he is with a variety of organizations. His current position is Town Clerk of the town of Port Elgin. However I understand that he is very involved with the Federation of Ontario Naturalists and has been secretary for their board. He has been involved in a number of other organizations including the Lake Huron Tourist Committee and the Grey Bruce Tourist Association and I don't know if you are currently involved in the Advisory Committee on the Niagara Escarpment Commission.

In the middle is Chief Richard Kahgee of Saugeen First Nations, I don't have a resume for him so I'll let him explain his background later. On the far right is Dave Loftus, he's with the Ontario Ministry of Natural Resources in Owen Sound and he's presently the Fish and Wildlife Supervisor, and his responsibilities include management of fish and wildlife resources in the district and supervision of law enforcement staff for the District.

Before the panellists give their presentations, I believe David McLaren who is associated with the Saugeen Nations is going to give a bit of a presentation, perhaps you can introduce yourself.

David McLaren: The band has hired me as the land claims co-ordinator and facilitator and it's been my job to pull together information and some public relations materials for the bands in order to level the playing field a bit between the bands and the government negotiators. So we've got quite an array of materials back to back here, if you haven't picked them up now, you'll have to wait until the end of the class [laughter].

All I'm going to do is to try to go through about two hundred years of history very quickly because especially for non-native people, it seems to be about the easiest way of giving background and getting people to understand what Native people are bringing to the table. They bring years of land claims and some very trying times.

It's interesting that the conference is called 'Sharing the Land' because one of the things I think you'll see from this presentation is that Native people have been sharing the land now for hundreds of years. The question is not so much how are Native people and non-native people going to co-exist and share the land - I think that when you get down to the nitty-gritty of negotiations, right down at the very bottom when it comes to signing on the line, the question is really going to be how much are we, non-native people, willing to share to return jurisdiction and to recognize the rights of First Nations. So how much are we willing to give up? Rights, jurisdiction, sovereignty and economic base are the key words that will be thrown around. And for me, after sitting in on negotiations for both land claims and fishing, the solution to this sort of problem is not that difficult. All you've got to do if you're a Government or if you're non-native, is to recognize the rights, and once you've recognized the rights, all you've got to do then is return the jurisdiction. And if it's fishing, and you've recognized the Saugeen Ojibwa right to fish for trade and commerce, then you return jurisdiction so that they will have some say over their resource. And that will

lead to a return at least of sovereignty in one economic area. But if you're returning jurisdiction, then you have to return jurisdiction that has some economic benefit, or otherwise there will be no real sovereignty. So recognize rights, and return jurisdiction so that there is an economic base created.

Slide Presentation...

Do you want to adjust the lights?... Now this is the traditional area of the Saugeen Ojibwa before the surrenders. It takes in about 2 million acres of land in south-west Ontario, including the whole of the Bruce and about a million and a half acres south of the Bruce, all the way down to Goderich on Lake Huron, over to the other side of Owen Sound, and down almost to Orangeville. Now we're talking about the fishery first of all. Not only did they have that territory for hunting, but they also had the territory right around the Bruce all the way down to Goderich and Maitland River for fishing. That's the traditional area of the Saugeen Ojibwa.

The nature of the aboriginal fishery was a society with an economy organized around a very abundant fishery. There was no lack of fish. The mainstays were whitefish, sturgeon and herring. Sturgeon at the time of contact grew to four and six feet, and were plentiful enough to feed whole families. You won't find sturgeon at that length any more in the Great Lakes.

Each fishing area was protected by the family head. Surpluses were traded for Huron corn and also went into the U.S. along Native trading routes. Fish was traded with English fur traders. So there's a history of trade of fish for commerce. The Natives knew very well who owned their lands and their fisheries. This is a quote from Chief Minevana: "Englishmen, although you have conquered the French you have not conquered us. These lakes, these woods and mountains were left to us by our ancestors. They are our inheritance and we will part with them to none. He, the Great Spirit and master of life has provided food for us in these spacious lakes and on these wooded mountains."

Question: What did Minevana think about how Native people didn't actually own the land, that it was kept in stewardship...

David McLaren: Yes, but when push came to shove, they knew exactly where their territory was. The Government itself recognized Native rights, and in fact it recognized that the fishery belonged to the Native people. This is a report from a guy by the name of William Whitcher, Department of Canadian fisheries: "I find that the Government officers, Indian agents and special commissioners have spoken and written of these fisheries as belonging exclusively to the Indians. Official publications style them as their fisheries. The Indians have been led also to expect rents and profits from the leasing of fisheries, even around the very islands in dispute. Mr. Gibbert has himself described the fisheries and islands as theirs. Others have assured them that the whites participate there only by sufferance." About the reference to Gibbert, since this was a report on his death, Gibbert was a fisheries officer for Lake Huron and Lake Superior and it was his job to make room for a non-native fishery around the middle of the 1800s. He did so with quite a bit of enthusiasm, so much enthusiasm that he began to rent islands without first checking whether they had been surrendered by the Natives. This finally got him into a lot of trouble up in Manitoulin, and it ended with his death.

Non-natives were coming into the area, into the Saugeen Ojibwa fisheries, basically just sailing in and taking the fish. At the very beginning, islands were leased to non-native fishermen, and the lease money was returned back into the Saugeen Ojibwa coffers: yet another indication that the Government recognized the islands, (which were the basis of both non-native and Native fisheries in those days), and the fisheries around them were the property of the Saugeen Ojibwa. But the first Fisheries Act back in 1857 continued the encroachment. It was a licensing system based on a common law notion of the public right of way over waters and fish, and that ignored the Native concept of territory. In other words, according to white law, non-native fishermen could now come in thinking that it was their right and put down their nets just about wherever they wanted.

The leases that the fisheries officers were giving out made the fishery land-based, which again ignored the nature of the Native fishery because it too was land-based. The islands served as basically a huge extension of shoreline for Natives who were then and still are shore fishermen, and the Act was used finally to diminish the Native fisheries. Nowhere in this legislation or any other legislation is the Native right to fish in these waters spoken of, let alone denied. The Saugeen Ojibwa protested the Fisheries Act, and they banded together with other First Nations and this is the petition that they sent into the Government. "The Lakes Huron and Simcoe Indians petition against the fishery law and state that when they surrendered their lands to the Government, they did not sign over all the fish."

Eventually however, the conflict between Natives and non-natives was so great that the Government decided to set up what they called protective licenses, one on the east side of the peninsula where the Cape Croker reserve is today, and another one over on the west side, where the Saugeen reserve is today. It's just a tiny spot of what they

used to have on the Saugeen side and a larger area over at Cape Croker which included Hay Island and Griffiths Island.

Now, this is how MNR carves up the fishery today, and you can see that the only area left to the Saugeen Ojibwa is a small postage stamp area just off the coast of the Nawash reserve. It's partly in management area 5.6, and very partly in 5.3. Area 4.4 is where the fishing islands are now, although the fishing islands were once surrendered, most of them have been returned. And yet there is still no recognized fishery in Lake Huron. Fishing islands form the backbone of the Saugeen Ojibwa Fishery.

This is how much the Natives are able to get out of their licensed area in a year's time. As I showed you before, this is only really areas 5.3 and 5.6, a small fraction of the area of the Bruce fishery.

In recent years they were able to glean roughly \$18,000 worth of fish. Now the value of the combined areas 5.3 and 5.6 for the non-native industry is over \$350,000. In fact if you take the value of the total Bruce fishery it's well in excess of \$2 million.

The license that the Saugeen Ojibwa used to work under really gave access to the fishery to roughly ten or fifteen fishermen. That \$18,000 has to be split between ten or fifteen fishing families, so there's a real economic need to gain greater access to the fishery. There is about roughly ten or twelve non-native fishermen active in the whole of the Bruce Peninsula fishery. So now you have some idea of the need for negotiations with the MNR. There is a right that has to be recognized and jurisdiction which has to be returned in order for the Saugeen Ojibwa to make a viable living from the fishery that was once theirs. So restore to the Saugeen Ojibwa what was never surrendered to provide them with a viable economic base, based on the traditional way of life, and to ensure the conservation and growth of the commercial and sports industries. The first commitment that the Saugeen have made during negotiations, is to conserve the resource. The second one is to negotiate for a greater share of that resource, and the third one is to ensure that the sports fishery in the area is either protected or enhanced. They recognize that the sports fishery is quite an economic boom to the area, and they don't want to see that diminished.

Now we're going to go back to land claims and again this is the traditional area of the Saugeen Ojibwa. The first major surrender was in 1836, and that surrender included about a million and a half acres south of the Bruce Peninsula. It was some of the very best land according to Sir Francis Bond Head, the person who negotiated the surrender, some of the very best land in that area. In the Treaty of 1836, a million and a half acres were surrendered to the Crown. There were some vague promises of proper housing and assistance to enable the Saugeen Ojibwa to become civilized and to cultivate the land. Now the term "assistance to enable you to become civilized" is interesting. Back in those days, it meant a plough and a bible. But the Supreme Court has said that treaties must be interpreted in the light of modern day. They are evolutionary documents. They evolve with the changing times, they're not stationary in time, and today anyone who wants to become civilized needs an education, and I think it's quite reasonable to expect that this promise should be upheld by the Federal Government. "The Great Father engages forever to protect the land from the encroachment of the whites" (well, they did for about ten years anyway).

The treaty also recognized the Saugeen Ojibwa freedom to use the uncultivated land in the ceded territory as a hunting ground. Now this is interesting: they're anticipating perhaps the battles that might come later, because in fact this last clause was struck out by the negotiator, by Bond Head and a little note made in the margin of the treaty that a true copy was given to the Natives. Well, we can't find it. And it's difficult to believe the chiefs who signed the 1836 Treaty would give up their right to hunt in the surrendered land.

We consider this a broken treaty. The land that was ceded was not bought, only vague promises were made for it. It was only later that a small annuity was given to the Saugeen Ojibwa in return for a million and a half acres. In addition the treaty was signed at an assembly which was not called for that purpose. The Royal Proclamation of 1763 set out in precise detail how these treaties were to be signed, how the treaty making was to be done, and one of the tenets of that Proclamation was that it could only be done at an assembly called for that purpose. The Saugeen Ojibwa were not inclined to give up the lands as the Royal Proclamation stated they should be. The Saugeen Ojibwa were in fact quite reluctant to give up their lands, and only did so on the threat by the Government that they would not protect their lands from white encroachment. The missionary documents from that time quite clearly state that they were forced to give up their lands. Not all the chiefs were present at the assembly, and the promise to protect Native lands forever was broken in about fifteen years.

It's interesting to note the changing role of the Crown at this time. This is part and parcel of the baggage that comes with Native land claims and the relationship between Canada and Native people, and to a great extent it is continuing today. The Indian Act is a living document, a living testament to this kind of thinking. This is from

Laurence Oliphant, the Superintendent General of Indian Affairs who negotiated the second largest treaty in the Bruce, the surrender of the Bruce itself, in 1854: "So keen was the struggle for land that a surrender of the territory for the purpose of sale appeared the only method by which the property of these tribes could be reserved to them. It therefore became an obligation upon the Indian Department to spare no pains in endeavouring to wring from those whom it protects, however reluctantly, for the adoption of the only means by which it could be achieved."

So not only were they going to take the land away (in order to "protect" the land), but they were going to take it whether the Natives wanted to surrender it or not. This is basically what Oliphant is saying. It's not a lot different from what we sometimes hear across the negotiating table and from some interest groups: "We shouldn't probably grant Native people their rights for their own protection. It might get them into trouble with people like the Ontario Federation of Hunters and Anglers."

In the Treaty of 1854, the entire Bruce was surrendered and in return the Saugeen Ojibwa received, "reserves which we hereby retain to ourselves and our children in perpetuity, and the interest of the principle sum arising out of the sale of our lands to be paid at regular half-year periods." And in 1855, only a year after that, an Order-in-Council was passed by the Federal Government in which the Crown accepted to surrender "in trust". Now the Supreme Court has always said that the Crown, ie Canada, has a clear fiduciary obligation with respect to Native people. They are obliged to do the best for them, they are obliged to live up to the terms of the treaties, if their land is sold they are obliged to sell the land at the highest possible price, and they're obliged to invest the monies at the best possible rate, and they are obliged to protect Native land.

None of this happened. They did not get the best value for the land, the monies that they got they did not get at a most favourable rate. In the Bruce Peninsula, as times got tougher, and settlers got poorer, they came to the Government under the auspices of the townships, and begged for relief. First of all they asked for relief of the interest payments, and the Government, by Orders-in-Council (all well documented), granted that relief. They said "Ok, you don't have to pay so much of your interest payments." And then the settlers began to ask for relief of the principal, and so in some cases, even though a fair market value was not obtained for the land, the asking price of the land was reduced.

It's estimated that the Saugeen Ojibwa, therefore, are something like over \$25 million short in their trust funds. So we consider this to be a failure of the fiduciary obligation of the Government. There's other instances of misuse of the trust funds as well. Up to 15% was spent on surveyors, land evaluators and land advertisements. An additional 10% went to an Indian Land Management Fund that received monies from various surrenders around the country and out of that the Indian Department paid for all their costs: salaries to bureaucrats, pension funds, etc. etc. So there's 25% gone right off the top. Saugeen Ojibwa trust funds were raided to build roads in the surrendered territories, not on the reserves, but to improve the surrendered settlements. This is not how a fiduciary is supposed to operate.

So the Saugeen Ojibwa are left with five reserves: Cape Croker, Chief's Point, some fishing islands were returned, the hunting grounds and Saugeen reserve.

Now the issue today: the Government did in fact sell most of the surrendered land, but they did not sell all of it. They kept road allowances, they kept shore allowances, they kept lake waters and they kept certain specific lots scattered throughout the Bruce. The red dots on the map are just a rough approximation of where some of those unsold lands are. They don't take into account the road allowances or the shore allowances. Those lands are unsold to and are part of the inventory of unsold lands.

The negotiations that we're in now with Ontario and Canada are designed to inventory or add up all of the unsold lands and negotiate for Crown lands of equal value. There will be a trade-off, the Indian interest in the unsold lands will be extinguished and the Natives will therefore get access to Crown lands and perhaps a more advantageous spot in the Peninsula.

One major problem is the hunting grounds up in the north part of the Peninsula. Around the hunting grounds is developing a National Park and the blue dotted lines on the map here and also the map on your brochures indicates the boundary of the National Park. Except for Highway 6 that runs up on the west side of the hunting grounds. The new park surrounds the hunting grounds. So whereas back in the 1800s, the danger for the Saugeen Ojibwa was settler encroachment, (which the Federal Government was obliged to protect the Natives from), the irony now is that it's the Federal Government that is encroaching. If that National Park develops to a great extent, around the area of the hunting grounds, that may very well mean the end of hunting for the Saugeen Ojibwa. Now, although the provincial Crown has agreed to put its Crown lands on the table so that the trading business that I talked to you about can go ahead, the Federal Government has not yet officially agreed to the same.

However, in 1987 in the agreement that the province had signed with the Federal Government, there is a paragraph in there which obliges both Ontario and Canada to ensure that the Native interest in the unsold lands within the boundaries of the National Park is settled before lands can be transferred from the province to the Federal Government for administrative control of the Park. That didn't happen. So even modern agreements which clearly set out the obligations of Government are still being broken. And now we're faced with the situation of a National Park that is going ahead with development, with a bunch of Native lands right in the middle of it. In fact the Natives still have interests in some of the major parts of that park, including lakes, and all the road allowances and shore allowances. So negotiations on this particular issue, although they should be fairly cut and dried, are now getting bogged down in who has responsibility for satisfying Native interests in those unsold lands within the National Park. The federal Government is saying, "Well we gave all the road allowances to Ontario when we gave the provinces the land at Confederation"; the province is saying, "Well we gave all the road allowances to the municipalities in 1913." So who has the fiduciary responsibility? It's not extinguished - if there's been a transfer of land, surely that obligation must go along with the transfer. Are the municipalities our fiduciaries? I hope not, because they have even less money than the province.

Chief Richard Kahgee: Some of the things that haven't been discussed I guess is where is the band going in terms of their negotiations. At present we have a fishing agreement before the province, unfortunately we've just recently received information that things are being held off. It's a fairly simple agreement. Basically it constitutes an interim agreement whereby the definition of co-management, utilization of the resources, things like that would be addressed. And after a two year period, there would be a five year co-management agreement developed, which would basically share the responsibility for conservation and management with the Cape Croker and Saugeen bands and the provincial Government.

Now we're not asking for a whole lot in terms of what we would need to get started. Our initial request was for 250,000 pounds of whitefish, I believe that represents somewhere in the neighbourhood of five or seven percent of the entire fisheries stock. Much of what David alluded to, the fact that we were actually legislated off the lake, we've never extinguished our aboriginal or treaty rights to fish commercially within Lake Huron and Georgian Bay. Much of the area that we have under claim extends from Goderich all the way around to Georgian Bay and Owen Sound. The problems we're encountering now seem to be the Government bureaucracy and policy, and, I guess, its unwillingness to relinquish any of its authority and control over the resources. This is posing more of a challenge to us in terms of being able to deal with Government. We're finding ourselves being pushed into a corner, and there's not a whole lot left that we can do. Sure, the two communities are considering putting fishing boats into the water as soon as possible, in violation of all the provincial regulations that currently are being held against us. Obviously this is assuming a more confrontational and adversarial role with the provincial Government. But we want to avoid this and try to negotiate and get all of this resolved without having to go through the courts and the lengthy litigation.

In terms of the land settlement, there's two major treaties: 1836 and 1854. Both these areas were once the sole and exclusive property of the Saugeen Ojibwa Nation, and as a result of coercion from Sir James Bondhead and a little finagling, I guess, they managed to acquire the majority of the territory from the band, at little or no compensation. Our claim is basically with the federal and provincial Governments. The provincial Government, whether or not they're a fiduciary or not, actually have control over the land and resources, therefore our claim is also with them. We also have the federal Government to take to task in terms of the way that they mismanaged the trust funds. A lot of the money was misused, misappropriated, and obviously we weren't given fair market value for a lot of the land.

There's also a question as to whether or not any indigenous rights were extinguished in terms of self-Government, and whether or not those rights still exist. This whole area was deeded to the band by Queen Victoria, and we're in a position, I guess, where we are saying that we may have given up the land, but our jurisdiction may still be there; it may not have been extinguished as a result of the surrender.

These are the aspects that we're hopefully going to take into negotiations with both provincial and federal Governments. It's an attempt to establish the economic base required for the community. It revolves around the establishment of a sustained income from a resource base from which to draw to run a Government and in my notes to the Constitutional Circle I see self Government in fairly simple terms: I know that both federal and provincial Governments and a lot of First Nations have trouble with deciding what we're talking about. From the Native perspective we're talking about establishing a Government to provide regional, local and national support; a system which is accountable to its constituents; has the ability to put in place agencies which can deliver services to meet our needs; to plan and offer assistance to Native people; to set standards for social programming, such as housing, social assistance, recreation, culture, environment, whatever; to protect people, their property and their rights, by

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The negotiations that we're in now with Ontario and Canada are designed to inventory or add up all of the unsold lands and negotiate for Crown lands of equal value. There will be a trade-off, the Indian interest in the unsold lands will be extinguished and the Natives will therefore get access to Crown lands and perhaps a more advantageous spot in the Peninsula.

One major problem is the hunting grounds up in the north part of the Peninsula. Around the hunting grounds is developing a National Park and the blue dotted lines on the map here and also the map on your brochures indicates the boundary of the National Park. Except for Highway 6 that runs up on the west side of the hunting grounds. The new park surrounds the hunting grounds. So whereas back in the 1800s, the danger for the Saugeen Ojibwa was settler encroachment, (which the Federal Government was obliged to protect the Natives from), the irony now is that it's the Federal Government that is encroaching. If that National Park develops to a great extent, around the area of the hunting grounds, that may very well mean the end of hunting for the Saugeen Ojibwa. Now, although the provincial Crown has agreed to put its Crown lands on the table so that the trading business that I talked to you about can go ahead, the Federal Government has not yet officially agreed to the same.

However, in 1987 in the agreement that the province had signed with the Federal Government, there is a paragraph in there which obliges both Ontario and Canada to ensure that the Native interest in the unsold lands within the boundaries of the National Park is settled before lands can be transferred from the province to the Federal Government for administrative control of the Park. That didn't happen: So even modern agreements which clearly set out the obligations of Government are still being broken. And now we're faced with the situation of a National Park that is going ahead with development, with a bunch of Native lands right in the middle of it. In fact the Natives still have interests in some of the major parts of that park, including lakes, and all the road allowances and shore allowances. So negotiations on this particular issue, although they should be fairly cut and dried, are now getting bogged down in who has responsibility for satisfying Native interests in those unsold lands within the National Park. The federal Government is saying, "Well we gave all the road allowances to Ontario when we gave the provinces the land at Confederation"; the province is saying, "Well we gave all the road allowances to the municipalities in 1913." So who has the fiduciary responsibility? It's not extinguished - if there's been a transfer of land, surely that obligation must go along with the transfer. Are the municipalities our fiduciaries? I hope not, because they have even less money than the province.

Chief Richard Kahgee: Some of the things that haven't been discussed I guess is where is the band going in terms of their negotiations. At present we have a fishing agreement before the province, unfortunately we've just recently received information that things are being held off. It's a fairly simple agreement. Basically it constitutes an interim agreement whereby the definition of co-management, utilization of the resources, things like that would be addressed. And after a two year period, there would be a five year co-management agreement developed, which would basically share the responsibility for conservation and management with the Cape Croker and Saugeen bands and the provincial Government.

Now we're not asking for a whole lot in terms of what we would need to get started. Our initial request was for 250,000 pounds of whitefish, I believe that represents somewhere in the neighbourhood of five or seven percent of the entire fisheries stock. Much of what David alluded to, the fact that we were actually legislated off the lake, we've never extinguished our aboriginal or treaty rights to fish commercially within Lake Huron and Georgian Bay. Much of the area that we have under claim extends from Goderich all the way around to Georgian Bay and Owen Sound. The problems we're encountering now seem to be the Government bureaucracy and policy, and, I guess, its unwillingness to relinquish any of its authority and control over the resources. This is posing more of a challenge to us in terms of being able to deal with Government. We're finding ourselves being pushed into a corner, and there's not a whole lot left that we can do. Sure, the two communities are considering putting fishing boats into the water as soon as possible, in violation of all the provincial regulations that currently are being held against us. Obviously this is assuming a more confrontational and adversarial role with the provincial Government. But we want to avoid this and try to negotiate and get all of this resolved without having to go through the courts and the lengthy litigation.

In terms of the land settlement, there's two major treaties: 1836 and 1854. Both these areas were once the sole and exclusive property of the Saugeen Ojibwa Nation, and as a result of coercion from Sir James Bondhead and a little finagling, I guess, they managed to acquire the majority of the territory from the band, at little or no compensation. Our claim is basically with the federal and provincial Governments. The provincial Government, whether or not they're a fiduciary or not, actually have control over the land and resources, therefore our claim is also with them. We also have the federal Government to take to task in terms of the way that they mismanaged the trust funds. A lot of the money was misused, misappropriated, and obviously we weren't given fair market value for a lot of the land.

There's also a question as to whether or not any indigenous rights were extinguished in terms of self-Government, and whether or not those rights still exist. This whole area was deeded to the band by Queen Victoria, and we're in a position, I guess, where we are saying that we may have given up the land, but our jurisdiction may still be there; it may not have been extinguished as a result of the surrender.

These are the aspects that we're hopefully going to take into negotiations with both provincial and federal Governments. It's an attempt to establish the economic base required for the community. It revolves around the establishment of a sustained income from a resource base from which to draw to run a Government and in my notes to the Constitutional Circle I see self Government in fairly simple terms: I know that both federal and provincial Governments and a lot of First Nations have trouble with deciding what we're talking about. From the Native perspective we're talking about establishing a Government to provide regional, local and national support; a system which is accountable to its constituents; has the ability to put in place agencies which can deliver services to meet our needs; to plan and offer assistance to Native people; to set standards for social programming, such as housing, social assistance, recreation, culture, environment, whatever; to protect people, their property and their rights, by

means of a judicial system; to make laws governing individuals, corporations, services and agencies within the territories of the First Nations; to protect the environment; to offer public education at primary, secondary and post-secondary levels; to provide for the collection of funds to run a Government; to develop a fiscal policy based on income taxes within Native territories.

These are all fairly fundamental, and they're the basic building blocks, if you will, for a Governmental system. Native aspirations don't necessarily fall within the guise of what the rest of Canada sees as being essential. I think in a lot of cases laws are made as a means of regulating people from doing something or to protect something, and in a lot of cases Native people are left out of that whole process. I think it would be fair to say that the only laws that ever were developed in this country that took into account Native people was the Indian Act, and the Act itself is more prohibitive than it was intended to be. I think there's a whole aspect of the spirit of the law established in developing it that is congruent with the public norm, and I think those are the fundamental aspects that have been missed in the whole process of developing legislation that affects the rest of Canada and Canadians. I think when we're talking about self-Government, eventually we'll be getting into that realm at the national level, where there will be a move towards establishing some sort of Government agency and we can't address those issues locally. We want to collectivize as much as we can to minimize waste and expense. But we also want to formulate plans for the use and benefit of any lands that may come into First Nations jurisdiction.

I think in terms of the environment, we have a proven track record. Aside from some of the philosophies that may have been developed, I think we've sort of anglicized ourselves in some respects, in terms of seeing land not necessarily for its intrinsic value, but more for how much money can I get from it, what can I take from it. And in that respect, I think a lot of what the elders have to say in the communities in terms of the link to the land, and the importance of that, is something that Native people will have to really look at. I don't think it's something that's mystical, there's no ethereal type of relationship here with God in terms of what we should be doing with it. I think it generally comes down to respect that you can't establish your lifestyle at the expense of your children. And I think this is what Native people look at and they certainly are probably more in tune with that because there is a system of respect that's built into our whole society. And again I think we've got to move away from developing some of these Canadian or prevailing attitudes that implant real estate and making money a primary preoccupation. And I hope that in the negotiations in establishing the principles for the use of land, there will be more consideration given to the environment and the importance of a sustained ecosystem.

Thank you very much.

Dave Loftus: I'll go quickly into the land compensation claim issue first, because I don't have much to say about it. Negotiations have really just got under way, and we're still developing the rules. I'm not involved directly. The Ministry recognizes that there is a valid claim and all that remains is to see what terms we can agree on for settlement. We have to develop a complete schedule of the land to be dealt with and then begin the formal negotiations. As it turns out, one of the issues in the Bruce will be that the bulk of the existing Crown lands - it's in the neighbourhood of 20,000 acres - consists primarily of six nature preserve parks. Those are on the table. Also on the table may be the Bruce National Park, which is also federal Crown land. A main issue we have to face may be: how do we deal with these nature reserve parks? From what David McLaren and Chief Kahgee have said, there's a lot of writing already on the wall. We're in the midst of a period of rapid change. As Fish and Wildlife Supervisor in Owen Sound District, my job seems to be primarily to try to coordinate the change at the local level. We share with the Saugeen Ojibwa a strong preference for the process of negotiation rather than litigation. We feel we're more likely to have a win-win solution come out of it, and we're much more likely to maintain a good working relationship. Nevertheless, the option of the courts is always there in the background. We can't argue something the courts rule.

I think I can round out some of the historical background to the fisheries issue a little bit. David mentioned whitefish and sturgeon. One other species, I think the lake trout, was also an economical staple. It was important in the Native economy. The shore on the Lake Huron side of the Bruce Peninsula is whitefish water, it supports whitefish and sturgeon and suckers. My impression is that native fisheries were dedicated primarily to white fish and sturgeon. On the Georgian Bay side however it was lake trout and although access by natives to the whitefish fishery on the Lake Huron side was lost somewhere in the middle of the 1800s, the lake trout fisheries in Georgian Bay persisted right through until the middle of the 1900s. During the twenties and thirties there was a very active commercial fishery for lake trout at Cape Croker. It was mostly a hook and line fishery operating from rowboats. Catches at that time were probably in the order of about 150 to 250,000 pounds, which is quite a lot of local involvement.

The Second World War came along and so did the sea lamprey. Sea lampreys were first found in Lake Huron in 1937. Also at that time a lot of the Cape Croker men went off to the war. By about 1950 the lake trout stocks in

Lake Huron were decimated, there was no fishery left. One of the main economic underpinnings of Cape Croker was gone. The Ministry brought in a quota system in an attempt to rationalize the commercial fishery in 1984, and imposed quotas on Cape Croker (the Chippewas of Nawash) at that time. The Band didn't have much say in the setting of quotas and I'll get to that in a few minutes.

The Ministry, the Government, has tried very hard to re-establish lake trout stocks, through a programme of sea lamprey control and also through efforts to establish a kind of sea lamprey-proof lake trout, the splake. Our efforts have not been very successful to date, primarily because of the excessive fishing effort. Although lake trout backeons have been planted since 1978, survival of the fish has been very poor, primarily due to the fishing pressure. So there has been very little evidence of successful natural reproduction. So our efforts have been to reduce exploitation stress at these sites, we bought out four commercial fisheries and we've tried very hard to keep a very tight rein on the remaining commercial fisheries including the Chippewas of Nawash.

Going back, the entire history of the Ministry's interaction with the Saugeen Ojibwa is, on our part, characterized by confusion, uncertainty and frustration. I guess on the part of both parties. Resource managers get frustrated by the apparent disinterest shown by Natives to our management efforts, and their unwillingness to conform to the regulatory mechanisms we put in place, and that's very human. And of course when people get frustrated because there's nothing simple about Native violations, and when COs do lay charges they find the support pulled out from under them, and of course when charges are laid, any attempt to establish a working relationship goes out the window. That traditional approach hasn't worked, and it isn't working. There is a great deal of anger. There's a tremendous credibility gap and it simply hasn't changed. It cannot continue as it has.

I don't have much more here. I'm going to cover four more topics here, our public positions, our public relations efforts, the implications in our eyes of fishing negotiations and some of our positions that you may wish to discuss.

Our public positions I think are as follows: we won't compromise the resources - high sounding words - we share a mutual interest in conservation with the Saugeen Ojibwa. We're seeking to gain compliance, that is we simply want the resource protected (that's our ultimate objective) and we want to resolve conflict through negotiation rather than through enforcement and court action. We recognize that in this case there may be a valid claim to an aboriginal right to fish commercially. At this point - four years ago we wouldn't have admitted that - now, we are not prepared to dispute the existence of an aboriginal right to fish commercially in this case. We do recognize the existence of an aboriginal right to fish for food and for ceremonial purposes. We are trying to deal with the Saugeen Ojibwa in good faith. We are aware of the concerns of anglers and non-native commercial fishermen, and we give them our assurances their interests will be represented in the negotiations and they will be fairly treated.

I'll briefly refer to our public relations efforts.

Internally, we have had: native awareness training for staff; presentations to staff on native issues; a workshop for the province's COs dealing with our Native Enforcement Policy; numerous internal meetings with staff at all levels; lots of briefing notes and many one-on-one discussions.

With the general public, we have had many meetings with client groups such as OFAH, the Ontario Fish Producer's Association, and local sportsmen's clubs, as well as many media contacts. We have also worked with the Saugeen Ojibwa in this area. We encouraged them to undertake a communications initiative of their own and helped to secure support funding. We have tried to promote dialogue between them and non-native client groups. We have had numerous meetings with them. We try to share information with them on a routine basis. And we have invited their involvement in native awareness training for our staff.

My time is up. I might as well stop there.

Nancy Kleer: Thank you and now Martin Parker.

Martin Parker: Thank you. Interesting. I started in one place and I think as a result of Richard's and Dave's presentations I'm ending up somewhere different. Certainly in terms of conservation issues in the Bruce, recently - and Dave made mention of it in his slide presentation - there has been the establishment of two national parks in the Bruce, a marine one and a land-based one. I think those parks are giving a lever, and give the opportunity to resolve the outstanding issues. A lot of different groups, local residents to provincial and national based groups, certainly wish to see the issues resolved. It seems to me from, an outsider perspective, that the issue sort of rolls around and around and never seems to get anywhere. A lot of things that have been said today that provide background to the situation. Certainly the idea of the co-management has lifted its head. As I mentioned, Dave and

I met before Christmas to talk about this issue, and certainly I appreciate that opportunity. Unfortunately, because of meetings and other commitments we have not met further. Certainly the initiative to go out and talk to the other players involved, helps to clarify the situation. The opportunity to give a presentation, such as the presentation you have seen certainly helps to understand what the issues are about, so we don't get into misunderstandings. I can remember back in the mid '80s when there was talk of native fishing agreements. I can remember the media comments were being made in the most against the agreement. Statements like "Georgian Bay is going to have only Native fishing" period, were repeatedly made. I can remember sitting in a FON board meeting with the representatives of the Chiefs of Ontario to review the agreement, our organization supported the agreement. We sat down with the Native people and learned about the agreement.

I think the land use issue from our perspective involves protecting natural communities. The Bruce is ecologically different than the balance of Ontario in many ways, it's geology southern Ontario, but it's more similar to Algonquin Park, plant-wise. Some really outstanding areas are on Native land, some are not on Native lands, and some of the non-native lands have been destroyed. I think if we really want to protect the Bruce, I think we have to look at what's happened on some of the reserves, because they have essentially stayed the same, and have been maintained as a natural setting. Certainly when we talk philosophy, that type of wilderness where you can actually see escarpment slopes and woodland, it is present on the reserves. Certainly on the Bruce there are lots of visitors on the natural side coming in to park lands and private lands by organizations such as the FON and individuals. We all make up the picture of this whole landscape. I think we all have the same objectives, I think we all want pretty well the same end result, a place where natural forces exist and interact. It's time we got on and settled the issues. The other aspect that's an interest of mine, it doesn't really relate to the Bruce much but it certainly does relate to native lands, one of the areas that we also visit on our trips is Walpole Island Reserve. It's very much of a learning experience both ways, we're learning a bit about the Native heritage from the Heritage Centre there, and certainly appreciate the plant life. We also utilize the facilities on the reserve. We don't stay in hotels in Chatham, we stay at a motel on the island, on the reserve. If you're visiting it it is an excellent facility. We have the meals in the restaurant, so it's getting back to the concept of economic benefits to the community one of the things that is important in protecting natural areas.

As I said there is a need I think for more communication from our organization to band councils, certainly the band councils have taken the initiative on the Bruce. We've got to follow up on that. And that's really my comments. We're involved at the FON in terms of trying to maintain the Bruce, trying to conserve the areas of natural significance, get this long-standing question out of the way and then all of us collectively can go on and see a share of the natural area protected

Nancy Kleer: Thank you. All right, I'd like to open up the floor for questions. I think we've heard a variety of issues, some of them relate to land claims, some of them relate to the fisheries agreement, and some of them also relate to the preservation of ecological uniqueness of parts of the peninsula. So with those areas in mind, please ask your questions. And before you do so, please give your name since this is being taped.

Question - Constance Marlatt: I have a question for Dave Loftus from MNR: you talk of the difficulty that MNR is having in stocking fisheries on Georgian Bay and the Bruce Peninsula. Is the MNR now asking the First Nations in the area as to their indigenous knowledge of fishing in the area, as to what type of stock should be done, what types of species should be encouraged in the area? I know there've been problems with non-indigenous species being introduced into that part of the lake, and I'm wondering if MNR has changed its policies.

Dave Loftus: No, I don't think there have been aboriginal consultations. The lake trout is native to Lake Huron, our opinion is that the lake trout, although the lamprey basically extirpated it from Lake Huron, it is the most appropriate fish to use. If we want to rehabilitate the fish community it must be lake trout because it's genetically adapted to the lake and through lake trout we can probably sustain good quality, high quantity yields of fish and also stabilize the fish community.

I have talked to some Cape Croker people to find out what they know about spawning around Cape Croker, and also whitefish areas. But most of what we know of former lake trout spawning grounds and the ecology of lake trout come from non-native commercial fisheries. There wasn't much communication with Natives. It's as simple as that. There still isn't.

Question - Tim Gray: I'm wondering what the management objectives would be for parts of the national Park and the Nature Reserves if those areas became Band administered.

Dave Loftus: Well, firstly it's a joint initiative between Cape Croker and Saugeen. Some of the management opportunities that we would like to incorporate obviously relate specifically to employment opportunities within the

park itself and control and the use of the land. Certainly we're interested in establishing some of the management objectives in terms of wildlife and areas which are being set aside for special purposes, or for wildlife habitat. Those are some of the policies that we'd like to get involved in. There's no end of other issues such as mineral rights, renewable resources, timber and so on.

Question - John Bocker: ...Have you ever thought of using your land claim in order to improve the sort of general environmental regulation of this area?

Chief Kahgee: I think it's certainly part and parcel in our negotiations, the band itself controls the lands and fishing on the Reserve which has been an impact on federal and provincial law. But, I'll give you an example: we have an area, Chief's Point, which is just north of the Native reserve of Saugeen where a developer put in 90 lots and developed, I think it was five acres of land, which was adjacent to our community. We objected to the municipal board on the grounds that the potential environmental impact on the region is unknown because there are other landowners adjacent to our territory who are planning developments. So in that respect the band is aware of exactly what they can support. They also know the legal mechanisms that are available to them to let their feelings be known in terms of development and the importance of the environment.

Question: Do you have a time-line on the negotiations that you're in now, or is this the kind of thing that, you know, we could be back here again in three years going "Well, there's still no fish in there but we've decided who would have the right to them if they were there..."

Dave Loftus: There are fish there. We would like to see lake trout allocated more for rehabilitation than for catching. Aside from that, we want to have something, an interim agreement of some sort, in place as soon as possible. Tomorrow if we could. The Saugeen Ojibwa I believe will exercise their rights, or what they perceive to be their rights... and we'll be in a situation again where there's fishing without the signing of an agreement or a license, and we're stuck... do we investigate, or lay charges or what? So there is a time-line: we have to do this as quickly as possible.

Chief Kahgee: From our perspective, we've been working on this ever since the treaties themselves. Our forefathers were adamantly opposed to the relinquishment of our land, and there is documentation to that effect. In terms of the resources, we've been at this negotiation process I believe for about fifteen years, and in terms of fishing, for about five. And we also have a number of other initiatives: lease agreements which gives us some jurisdiction for policing the two reserves and the communities involved, and that's been under negotiation for five years. So we're sort of getting used to these increments of five years. It's a milestone. Something happens in five years anyways: there's a change in Government.

Nancy Kleer: So I take it that in general the answer to your question is there is no time limit.

Question: My name is Harry French. Is there much pollution in the waters around the Bruce Peninsula, and was there much commercial fishing at any one time before the lampreys I suppose decimated the stocks a great deal?

Dave Loftus: Water quality is relatively good, but there's a trace of course of various things. Water quality is quite high. There is a very active commercial fishery on the Lake Huron side, primarily for whitefish but also for perch. Around the Bruce Peninsula we have 18 lakes. I'm not sure but several million pounds of fish are taken altogether. There's also I guess some caution. The ministry has also published a book on the species that can be consumed, and the frequency....

Nancy Kleer: I think the second question was, "was there much commercial fishing before the lamprey?"

Dave Loftus: Before the lamprey? I'm sorry. Yes, in fact the fishery in Lake Huron proper was the best for whitefish. But lake trout provided a major fishery in both Lake Huron and Georgian Bay. Georgian Bay fisheries was over a million pounds anyway, it was the mainstay of the Georgian Bay fisheries. There were major fisheries for both lake trout and whitefish right up until the coming of the sea lamprey.

Question: Given that the national parks are in the process of becoming, and tourism is a mainstay of the peninsula, my understanding is that the FON would like to increase the resource base of tourism in that area, or to lessen it? To create new trails?

Martin Parker: There's two aspects to the aims of the group. Certainly there's the transient-based tourism of those who come and enjoy the Bruce, and leave. It certainly is a good experience, and that's certainly the tourism that we use when we visit the Bruce. I think the one that really took advantage was the guy that wants the tourism there with

his own cottage, his own stake in the land, and that destroys the native communities. So certainly in terms of the national park it does take a chunk of land out of cottage development. If you look at the Bruce Peninsula south of the park you see the cottage growth. The Chief mentioned marching south to Chief's Point as an example. You know, there's that first row of cottages, second row of cottages, third and fourth... how long can that keep going? They won't solve the problem of sewage until the beaches are closed. Can we afford to go that Point, or is it better to fix it now before it gets destroyed. Certainly the band council itself, and the Saugeen and band certainly is a tourism operation in terms of having cottage land and both have been more supportive of the tourist industry in the reserve. Certainly Cape Croker with its campground there which is well talked about, and that's respected. They permit the Bruce Trail through the Bruce. So tourism per se: tourism can have its benefits, certainly one of the benefits we've seen recently is statements by the Bruce Peninsula Tourist Association re: the need to protect things on other natural areas.

Question: You're saying the tourism industry of Bruce County?

Martin Parker: Bruce Peninsula Tourism Association... they did a study on natural areas on the Bruce which concluded they had to get more involved in land use protection, protecting the natural resources because that's what the industry is based upon in a big way up there. If they lose the natural areas it will affect their client base, especially in the off season.

Nancy Kleer: Just a question arising out of that, could you tell me if there any intention on the part of the First Nations to put themselves in contact with groups like FON, in a more rigorous way, because it sounds to me like there's not much difference in your views.

Chief Kahgee: Oh, I don't think there is, it's a case of give and take here because we can only progress so far with negotiations with the province and obviously you come back and somebody says we're almost ready to talk, but we have to wait for somebody else to give us a green light to do it. And we have actively been promoting the land claims and the information with all the residents and all the associated interest groups that are in the Bruce area. And I don't see any reason why that would stop.

Martin Parker: To add to that, I think one of the issues in terms of that is that you have essentially a Toronto-based organization that frames it's perspective. In terms of dealing with the FON, I'm in the advantage of being on the Bruce, the oddball in the organization that doesn't live or work in Toronto. I think that provides a little opportunity where distance removes the organization from the situation. I've had contact with the Saugeen reserve, but on a totally different topic, and I find that the bands have been helpful in supporting the advisory committee for the park. I think we've got to take that opportunity and go further, I think the onus is on all of us.

Nancy Kleer: Right, unless there are any other questions, I think we can conclude now. Thank you all for coming. [applause]

MANITOULIN ISLAND WORKSHOP

Tom Farquhar
Reeve Canarvon Township

Chief Patrick Madahbee
Sucker Creek First Nation

Honorine Wright
Manitoulin Heritage Project

Facilitator
Joseph Castrilli
Rapporteur
Christine Beckerman

Joseph Castrilli: I would like to introduce our panel who are all community members from the island of Manitoulin, their names are written on the blackboard behind me and I'm going to introduce each of them briefly at the outset and then ask each of them to tell you about their involvement on Manitoulin Island. To my immediate right is Chief Patrick Madahbee who is currently Chief of the Sucker Creek First Nation and I understand, although he's too modest to have told me, he's also the Grand Chief of the Robinson Huron Treaty.

Between Patrick and the gentleman on the far right is Honorine Wright, who is coordinator for the Manitoulin Heritage Project. Honorine has a long career in a variety of areas: she has worked for over twenty years I understand on the West Coast in a variety of areas and since I believe 1989, has been coordinator for the Manitoulin Heritage Project, which is a unique project which she will be telling us about this afternoon.

And to my far right is Mr. Tom Farquhar who is currently Reeve for Canarvon Township. He is the former Chairman of the Manitoulin Island Municipal Association. So we have three very unique perspectives to provide you with this afternoon and without further delay or commentary from myself, I'd like to ask Patrick to begin the discussion.

Chief Patrick Madahbee: Thanks Joseph. I guess by default I got chosen to speak first. I'm Patrick Madahbee, I've been Chief of my community now for Ojibwas at Sucker Creek for the past six years, and I was also a member on council prior to becoming Chief. I've been involved with native politics and native organizations for over twenty years in various capacities, both at the provincial and national level. I guess at my young age of eighteen I've been around for a little while. There are so many things I could talk to you about this afternoon, I'm just going to dwell on a number of current initiatives that are going on, and touch a little bit on each one of them. In the discussion period or question and answer period we could give you more detail on some of these things.

Just to kind of give you an idea, you know I've been involved about twenty years about the whole issue of native rights, and native issues have been around for many, many years, it's been a long, frustrating experience in some cases, and I'm going to tell you a little story about just how frustrating it can get. The Lord was walking down this road, or path, and he came across this man crying on the side of the road. He said, "Why are you crying my son?" And the man looked up, stood up and said "Lord, I'm blind, I cannot see". So the Lord felt compassion for this man and touched his eyes, the guy got up, the light started coming in his eyes and said "I can see." He walked away, saying "Praise the Lord!"

The Lord walked on down this path and he came across another man crying on the side of the road. "Why are you crying my son?" he said. "Lord, I'm crippled, I can't walk." The Lord felt compassion for him, he touched his limbs and he felt the strength coming through his limbs and he got up and walked away, praising the Lord. Walked down the path a little further, saw this guy crying on the side of the road, and said "Why are you crying my son?" He said "Lord, I'm Ojibwa, Ojibwa Indian." The Lord sat down and cried with him. And that's to show you how frustrating it can be, in terms of trying to find solutions to some of these issues that we're dealing with, when high profile people like that have difficulty coming to grips with these issues.

There was some mention this morning about self-government by both Bud Wildman and Professor Morse. Now I guess when I look at this term self-government, I have some difficulty with that terminology I never before had this difficulty, only since the Federal Government tainted that concept of self-government, I no longer use that terminology. When we first started talking about what our desires were and our objectives were as Aboriginal people, we used the term self-government. The Federal Government introduced a programme, an initiative that they call self-government initiatives which they were trying to promote across the country, and this self-government initiative that they were promoting was a delegated form of Government much like a municipal form of Government. And this is what they're promoting and they're working on developing self-government agreements with various First Nations across the country. One of the ones that they promote quite often as one of the first agreements that they signed, which was the Seashell Agreement, which for their purposes suited their needs - they had problems with the Federal legislation known as the Indian Act, and the form of self-government that they chose to pursue at the time, it was a means to get around the obstacles that the Indian Act put in their path.

So they came to an agreement on this model which is a municipal type of agreement, a delegated authority, that not only has to come within the parameters of the Federal jurisdiction but also the Provincial jurisdiction in B.C. However, it has also allowed that particular First Nation a lot more flexibility to pursue some of their economic development issues that they were trying to pursue, particularly in the area of marina development, land use and that type of thing.

However, when I refer to this whole initiative of self-government, I tend to like to say self-determination or even basic practical terminology such as community development. We, not unlike any other group of people, wish to see our communities develop, develop in both the political, economic, cultural, social, spiritual sense as a well-rounded community and our aspirations in building our communities in a manner that is a community driven process by the people themselves in that community. To me that's what self-determination is all about. So I'm very careful not to use that word self-government because of the connotations that it has with respect to the Indian Affairs initiatives.

We are currently in the process of getting into the Constitutional discussions. I guess people are so tired of hearing about the Constitution in terms of Canada getting its house in order. We too are not really particularly happy with the process to date that began in 1982, and actually our involvement in this whole process has been questioned right from the very start because of discussing what relationship we really have with this Government. We've always maintained a nation-to-nation relationship with the Crown and I guess that our whole exercise for being involved in these Constitutional talks is to clearly identify what that relationship is going to be, and from there, to have a dialogue in terms of sharing this land, the whole question of... the jurisdictional question that Mr. Wildman talked about this morning. What are the areas which we will be having exclusive jurisdiction over; what will be the areas in which we'll share jurisdiction and what will be the areas that we will be granted jurisdiction through other levels of Government?

We are also, I guess in terms of that process looking at the fact that this constitutional process is only one of many processes; there are other processes such as the treaty process, international remedies, litigation and straight political negotiations such as the constitutional process.

On Manitoulin Island we've been recently doing some exciting things I'll get into. I started off by talking about the self-determination because in our communities on Manitoulin Island we're very keen on our whole process of self-determination, and the impact this would have in our area and the impact this would have in terms of development of Manitoulin Island as a whole are going to be far-reaching. Recently we settled a land claim, an outstanding land claim based on the 1852 Manitoulin Treaty whereby we had been negotiating for over 10 years with the Federal and Provincial Governments, to no avail in terms of reaching a settlement on this land claim and there were a couple of key factors that played a part in us getting the province to move. The Federal Government has still not moved on this land claim and we will be pursuing our claim against the Federal Government in the near future, so the issue of the Manitoulin land claim is only partially concluded with the Provincial Government, we still have yet to address the Federal Government. However a key factor that moved even the Provincial Government to deal with us was not so much from a sense of the fact that the Government of the day - at the time when we started this process the Liberals were in power and by the time we concluded the NDP had just come into power just shortly after the settlement was reached - but it wasn't just the political goodwill that resulted in this settlement being reached. There were a couple of factors, one of them being the terms of the treaty on Manitoulin said that this unsold surrendered land on Manitoulin Island would be sold for fair market value for the benefit of the tribes that inhabited the area. And we took the province to court because they sold unsold surrendered lands surrounding the ferry dock at South Baymouth where the ferry comes that runs from Tobermory to Manitoulin, they have two ferries that run there, docks. And they sold that unsold surrendered land as the Provincial Government to one of its own crown corporations, Ontario Northland, for one dollar which, if you can say that's fair market value, I'd like to go and buy some of that land somewhere.

We took them to court and we got - even at that point, they were trying to test-drive us all to see how far we were going to go with this court case, because the court process is a very unfair process because a lot of times whoever has the most resources can take their challenge the furthest distance. And I guess they felt that because of the high litigation costs, eventually we would back off this thing because we had then been negotiating for ten years and already ran into thousands and thousands of dollars in court costs or legal fees, and they figured we wouldn't pursue the court case. But we got to the point of what they call examination of discovery where the parties all sat down with the judge and the judge felt in his review of the material that we had a very strong case and that the province, I think realized that they would have lost that case. So that was the leverage that we used to get them back to the negotiating table. And as I mentioned the Federal Government has still not had the goodwill to come to the table and negotiate with us, and that's irrelevant of which Government has been in power, whether it's been a Liberal or a Tory Federal Government in power, we have not been able to move those people to even sit down and negotiate with us. I think that's evident in terms of the lack of progress on land claims settlement right across the country. That was one factor that gave us the leverage to get the province to the table, the other factor was we had spent quite a bit of time and effort educating our neighbours on Manitoulin Island through this whole process and as well, Manitoulin went through a phase where ... and I think even the First Nations went through a phase... where a lot of the old guard leadership that had been around for years and years and years, the counsellors and reeves and mayors that had been sitting on those positions for years, too many years in most cases, weren't interested in even dealing with the issue because they said well that's a Provincial Government problem, let them deal with it, we're not going to get involved. We started talking to the new leadership that was emerging among the neighbouring communities and telling them about the fact that this is not only an issue that impacts on native communities, but the fact that all these shorelines and road allowances and various tracts of land are still outstanding business on the island is hampering any development and any progress on Manitoulin as a whole. And to their credit the reeves and mayors of the surrounding communities realized that it was to everyone's benefit in terms of development on Manitoulin Island, and we're not - nobody on Manitoulin is anti-development and we realized that if we were going to progress, as I said, we're not unlike any other community, we want to develop our community. The Manitoulin Municipal Association, and as well the Manitoulin Tourist Association supported us in putting pressure on the Provincial Government to resolve this land claim settlement. So those were a couple of significant activities that got us to get a settlement and we've reached that settlement with the province, we have a package that was both monetary and return of lands to our community and it opened the way for further discussion on co-management.

Recently, there's been some projects that Honorine is going to talk about and perhaps Tom, we've got some interesting things on the Manitoulin. When all the long hot summer of disputes across the country such as the Old Man River and the Oka disputes and everything, while everyone was applauding the issue, while we were supporting all of those efforts, on Manitoulin Island we were getting good cooperation from our neighbours, our non-Indian neighbours on the island in supporting our issues which is kind of unique in the country, not only for the settlement of the land claim but also we were involved in an anti-nuclear situation up there where under the Hydro Demand-Supply Plan. They were projecting to build a nuclear generating station just off of our shores on the mainland right beside Manitoulin Island, which we strongly opposed and we got a lot of support from the non-native community on Manitoulin Island.

So incidents like that created an atmosphere of goodwill among our people, and look that's not to say that both in the non-native and native communities there aren't some problems, where people from the larger communities feel that "We're the biggest, we should get higher priority than these small communities", or East versus West, that type of thing - those things still exist but in general terms we're working very well and in the last little while we signed a friendship treaty, it was a symbolic gesture we did between the United Chiefs in Council of Manitoulin and the Manitoulin Municipal Association and the Manitoulin Tourist Association, just as a symbolic gesture. We did intend to try to work together on common issues. In that regard we've done some work on a heritage project and Honorine will explain quite a bit about it, and we're currently embarking on a waste management plan for the Manitoulin area because waste management is becoming a major issue much like it is in other parts of the country and we've been discussing the possibility of sending all our garbage down south here to Toronto, on the ferry that comes from that unsold surrendered land.

We also have got more than our share of problems in dealing with bureaucracy and Governments both Federally and Provincially, there have been a lot of problems with the Ministry of Natural Resources. You heard the Minister this morning talk about the Government's position on the recognition of inherent rights and our right to access to lands and resources. However, those were fine words but his bureaucracy and his people in the field are not putting those types of words into any form of action. We're still getting a lot of knocking of heads, a lot of disputes, not only with the native communities, among the native communities and MNR, but the non-native communities have their share of problems with them as well as other Federal or Provincial agencies. I think I'll just leave it at that.

We've done quite a bit as I say in the whole area of public education, we've tried to provide rallies and forums for the general public at large to come to hear us speak, both native and non-native speakers on issues such as the nuclear issue, on the educational issues, on the land claim issues and on waste management, we have public forums where we have the opportunity to dialogue amongst each other. And more recently as well, although we've always had the opportunity to participate directly with the Manitoulin Municipal Association, it's only more recently that we've formally officially joined that forum for talks where the United Chiefs and Councils in Manitoulin sit with the Manitoulin Municipal Association on a regular basis to talk about the issues affecting Manitoulin Island. So we're trying our best to work together, from time-to-time we run into situations but I think in most cases, most of our difficulty in terms of any activity we're trying to deal with is not so much with each other on the island, it's with the Provincial and Federal agencies and outside forces that come in. I'll leave it at that and I'll get into any issues more specifically when we open it up for discussion.

Joseph Castrilli: Thank you very much Patrick, just before I ask Honorine to address you, Patrick you mentioned the term co-management and I'm wondering if you could just very briefly explain what it means to you, and what it means to Manitoulin.

Patrick Madahbee: Well, that whole issue is in the future. We have not actually entered into any specific dialogue on co-management of the resources with the province or with the Federal Government at this stage of the game, because we're involved in some higher level dialogue with the... of course in the Constitutional process, but also with the Provincial Government this past summer as Mr. Wildman mentioned. We signed a statement of political relationship for having the Government-to-Government talks on the whole question of jurisdiction, so when we get into the discussions on co-management, the issues we will be talking about will be jurisdictional questions in terms of how we see use of our territories. And I should point out when we talk about our territory, we're not talking about that little chunk of no-man's land that the Federal Government allocated to us for a reserve. I'm talking about our traditional territory which includes the islands surrounding our First Nation and includes the hunting territory up in the whole Robinson Huron Treaty Area, so our territory is much bigger than just the little community that we dwell on. So that jurisdictional question, I don't know if you want me to get into that right now, but I'll talk a bit more about that later.

Joseph Castrilli: Honorine, do you want to tell us about the Manitoulin Heritage Project?

Honorine Wright: Thanks, Joseph. I'm Honorine, I'm from Wikwemikong born and raised, one of the reserves on Manitoulin Island, and I would just like to start by sharing this with you. We Anishnabeg people often and most always speak of our Creator, so when the Creator was creating this place we call the Earth, he created our island for some special people: he took some of the puffiest clouds, bluest sky, greenest grass, greenest trees, and made this island that we call Manitoulin. And there he put his favourite people, Anishnabeg people. On our island we have the Pottawatomie people, the Ojibwa and the Ojibwa, but we all speak Ojibwa. So we constantly thank the Great Spirit for doing that for us. This takes us down now to the elders of our Anishnabeg people who have always referred to the island, to Manitoulin Island, as Mnidoo Mnis. It's known even today as Mnidoo Mnis, Mnidoo meaning Manitou, and Mnis meaning island. That makes Manitoulin Island. So we Anishnabeg people of Manitoulin feel very grateful for all the special consideration by the Great Spirit. And ironic that this conference is called Sharing the Land and we on Manitoulin know that very well because for many, many years we've shared our island, our precious island with our Szaagaanash people, the non-native people who now reside on the island. So for that I say meegwetch on behalf of all the Anishnabeg people on the island.

Now I'll talk about the Manitoulin Heritage Project. The Heritage Project is an infant of Heritage Canada, there are four projects across this country we call Canada, one in British Columbia on Vancouver Island we call the Tememas Project; one outside of Ottawa, the Lanark County Heritage Project; ourselves on Manitoulin, and there's a new one in Labrador. I guess the primary goal is to really create awareness of our heritage as people of this country we call Canada. There's not only us native people - we were here before everyone else was, but now we're talking of sharing not only our land - we've shared our land for many years - but now we also have to share what we call Heritage, whether its cultural heritage or whether its natural heritage. Natural heritage taking in our Mother Earth.

So the aim of the Heritage Regions Project is to increase that awareness, to increase economic development kinds of things, to encourage entrepreneurship and a whole myriad of other things. On our island because we have the two cultures, the Anishnabeg culture and the non-Anishnabeg culture, we've lived there together for many, many years, we've worked together, we ironically enough speak to each other and sit beside each other without any real bad feelings or hatred or that kind of thing. So the Heritage Regions Project in our area means a lot more than just the heritage stuff, I think it's working together on many, many different things.

I guess one of the highlights of the Manitoulin Heritage Regions Project was this list that Pat was referring to, and I'll just stand up and I'll read it for you. This was signed a year ago October, the Thanksgiving weekend in a town called Gore Bay. Here's the pledge:

To love and to protect this island and its waters; to speak plainly of our hopes; to take time to understand when we cherish different dreams; to comfort each other in our times of need, to play together as we want; to work together as we must; to rejoice and respect our differences; to find strength to face our common goals; to keep harmony by our respect for each other's ways.

This was signed by the Chiefs of the Island and the Mayors and the Reeves of the Island. That's the Heritage Regions Project in a nutshell and I'm sure Tom has much more to say than I will have so I'll pass it on to Tom now. Meegwetch

Joseph Castrilli: Thank you Honorine. Our third speaker before we open discussion to the audience, Tom Farquhar who I mentioned earlier is the current Reeve of Carnarvon Township.

Tom Farquhar: Thank you very much, Joseph. It's a pleasure to be here this afternoon and when I first decided that I would attend this conference, I felt a little out of place. Being the Reeve or Mayor or whichever terminology the Provincial Government designates these days, you're normally in a position of a balancing act between whatever issues are on your plate that day. Coming to a conference dealing with Aboriginal land use and the environment are both things that I do not deal with on a regular basis and at times have been seen to oppose, things proposed especially by what was termed this morning as the 'Big E' environmentalists. The Aboriginal land claim issue on the island as Pat said has been settled as far as the province has determined. It's not something that greatly concerns the municipalities, the non-native municipalities on the island.

The reason - I believe the reason that it did not concern them terribly is that there has always been - from my point of view, there has always been a certain amount of trust and respect that go hand in hand with the leadership of communities regardless of whether they're native or non. The people that were dealing with the land claim issue prior to its settlement, Patrick being one, and the rest of the Chiefs, demanded and deserved a great deal of that respect from the non-native municipal Governments, and as far as we were concerned, we were allowed the freedom to make the moves necessary to accomplish their end goals. And we did not interfere and would not interfere until the request came for our assistance, and then we supported positions as Pat was mentioning. I think the main reason that that happens on a place like Manitoulin is just the fact that it is Manitoulin Island, and Manitoulin as you may or may not know is a very distinct geographical land mass. It has very definite boundaries as far as the people who live on the island are concerned. And to that end, I think we certainly relate more to the people on the island regardless of cultural differences, background differences, ethnic differences, than we do to any other outside interference. Maybe interference isn't a polite word, but I believe it is the word that the residents of the island, myself included, feel most of the time. Interference normally comes from Provincial Government bodies, Federal Government bodies. The island is a place of very determined people, very forthright and not necessarily always diplomatic. And we tend to tell these Government agencies that we deal with sometimes in very impolite terms that we would rather not have their interference at all, we would rather settle the issues on the island by ourselves.

Of course, realistically that can't happen and justifiably at times. But I do believe that's one of the reasons, because of our distinct location and geographic location, that the issues that we deal with that Pat mentioned, the MMA, the signing of the friendship treaty, the waste management projects and now a joint committee operating across the island representing all of the island, function well. They can sometimes be lengthy and the committee sometimes get a little bigger than you would like but it is a true representation of everybody that lives on Manitoulin. And I have no doubt that it will continue to be like that. There are certain things resulting from the land claims that are not finished as of yet. I believe the agreement was signed on the understanding that the lakeshore road allowances that were transferred back to the municipalities would remain in the public domain for access for all people to get to our waters and our lakes and our beaches that the Island is famous for. The problem arises when you have an unorganized municipality who has no structure to assume the ownership of waterfront, thereby leaving the control and actually the ownership of that waterfront in the hands of the Ministry of Natural Resources. The Ministry has had a position over the years making available for sale those waterfronts to the varying landlords and of course the agreement being signed, I believe in good faith, and with the support of seven of the ten municipalities that that land would remain in the public domain.

There is discussion now that...there were newspaper articles...there was some discussion that the Ministry of Natural Resources in the unorganized municipalities - that these lands would be made available but of course that is contradictory to what I understood the land claim to be. So there are those kinds of problems to be worked out.

MNR is now in the midst of formulating a committee to deal with that particular issue, Pat might want to comment more on that later. The MMA has decided to participate in this committee and try and get this problem out of the way and I don't think there is... I think it is now a joint agreement. We had agreement from local services boards which represent the unorganized municipalities, that they would just assume or they would demand that that land also remain in the public domain, that MNR not sell it. So again it's just a matter of convincing an outside body that we do have preferences on the island and we'd like it to remain that way.

We've worked on different issues that Pat was mentioning but I think the key to it is the fact that when an issue comes up, normally when an issue comes up on Manitoulin, it's never given the opportunity to blossom into a problem. If I have a particular issue which normally stems from misinformation, rumour, comments, misleading articles in the media, whatever - it's a lot easier to pick up the telephone or to get in a car and go see somebody than it is to bring it to your next council meeting and blow it right of proportion. And I believe a lot of that happens, there's very few Mayors, Reeves, Chiefs on the island that would hesitate to pick up the phone and call me, or me call them, to find out just exactly what this statement in the media means. Once that is clarified, most of the time it is no longer a contentious issue, normally it works out very well. Fortunately the local media we have on the island is two small weekly papers, and by the time a statement is issued you have time to clarify and correct it before the next issue of the press comes out, so that it doesn't get blown out of proportion too far.

Our public position, in the letter we received, they want us to communicate our public position on the issue, the issue being Aboriginal land use. I have a real difficult time in stating a public position on something that I've only been involved in for I guess seven or eight years now. I first ran Provincially, in 1985 I became much more aware of the ongoing discussions and the issues, but I do not feel that I am knowledgeable enough to make a statement on behalf of the people that I represent on an issue that I'm so new to. The issue has been ongoing for years, there is no document available to Mayors and Reeves such as myself that actually lays out any type of game-plan, programme, policy that we could comment on. So unless I have the expertise of generations that have been dealing on the Aboriginal land use issue, I do not feel qualified to comment on it. I wish that the issue would proceed with all cautious speed, meaning that I would like to see it settled to the benefit of all parties involved. I do not think that I will be a politician when that is done, and I have no immediate reasons to resign, I don't think I'll last that long.

"Develop positions that your audience will be able to discuss to clarify the philosophy and position of your constituency." I don't know if I've done that, I think the point that I was trying to get across was that the island is unique and because it is unique it deals with problems in a different way, or what we feel is a different way to deal with them very effectively. I think I'll probably just leave it at that and if anyone has any questions that he wants to raise, I'll try to answer any questions that may arise.

Patrick Madahbee: Tom made reference to one aspect of the land claim so I just want to touch on it as well, about the shoreline issue. It's kind of ironic that the ink wasn't even dry on that agreement we signed and right off the bat it was clearly understood by all the parties and clearly understood by the Provincial Government that we wanted our shorelines to remain in the public domain. We have the general support again of the Reeves and the Mayors in the area, but what's happening is pressure for those sales is coming from the usual situation, people with specific interest - profit-making establishments - that want to restrict the use of that shoreline. And we've always said, its just common sense if you see that somebody has a built up area whether it's a native or non-native that's out riding around in your boat, you know people aren't going to stop off for a shoreline lunch, they're sure as hell not going to go in front of Canarvon township to have a shore lunch, I'm going to go to a nice quiet secluded area, it's just common sense but people get... overreact, when they talk about stuff. If this thing is left open to public domain, there'll be people tromping across my yard... Ironically, all of these developers are outside developers, not really Manitoulin Island people who are putting the pressure to try to buy the shoreline up, so support is there to keep the shoreline open, but as a matter of fact it's so frustrating, the MNR official Keith Hamilton that has been involved in the discussions on the shoreline sales, he was sitting in on the negotiations when we settled the land claim so he should know better. But it just goes to show you the type of mentality that you have to deal with sometimes with these Provincial agencies.

Joseph Castrilli: Honorine, did you want to add something?

Honorine Wright: Yeah, I just wanted to expand on what Pat's been saying there a little. Maybe you're wondering why we're so concerned with the shorelines. I can understand that if you're far away from water, you can understand our position because our island is surrounded by water, there's a lot of boaters that come in and again, it gives rise to concerns with people coming in using the shoreline by water, not only do they come and spend the whole summer in their cottage but they're all around the island all summer long in their fancy boats and whatnot, so again that's another reason why the shoreline is so important to the island people. Meegwetch

Joseph Castrilli: Thank you Honorine. I wonder if before I open this to discussion for the audience, I just wanted to comment on one thing: I got this sense really from our discussion at lunch but I think it's come across even more powerfully in your comments over the last forty-five minutes or so that it seems to me that both the Chiefs and the Mayors on Manitoulin share what I might call a common vision for the future of the island. And perhaps over the next hour or so all three of you can articulate that for us and more so than you have before up till now. And I wonder if you could do that each individually and also comment on something else that I've heard as a theme in all three of your comments over the last few minutes and that is that you all get along very well with each other on the island and your difficulties are with Federal and Provincial agencies. I wonder if you could expand upon that. Am I right first of all that you do share a common vision for the future with respect to the island? Maybe you could articulate what that vision is.

Tom Farquhar: I think we all share a vision of the island. I don't know whether it's a common vision, I think it's obvious that we feel that the island is a very special place...(tape change)... walk along a lakefront, walk along a beach, still have park areas that are uninterrupted, still have ability to go for a drive and see wildlife, whatever. That's to me the... there's a balance... somewhere there's a balance between economic development and maintaining the environment so that you have and enjoy it today. I think the ultimate goal is to strive to find that balance and then try and maintain it. Everybody knows we've been referred to as the Jewel of the North, the Undiscovered Muskokas, that type of thing. As long as I remain in municipal politics at any level on the island, I will certainly do my utmost to make sure that we never become another Muskokas area, a certain area where your neighbours are no more than five steps away from the side of your cottage. We don't even have this in our villages on the island. We have big yards beautiful yards and we certainly don't want that around our inland lakes on the North and South shores.

Pat Madahbee: I would echo that feeling and I'd just add that ... the concern for the land and the environment, as I mentioned our opposition to the development that was going on, things like that and any kind of economic development that we develop on the island, I wouldn't want to see things that cause pollution and that type of thing. We're trying to maintain a way of life there that we all enjoy and I don't think we need some of the problems that come with development that's taking place in other areas.

Joseph Castrilli: Honorine, do you want to answer that.

Honorine Wright: Yes, I guess another aspect of economic development would be to say, no we're not opposed to economic development but we do want economic development that doesn't cause discomfort to the residents of the island in that they're all squished closer together. We still want to have these open spaces and our lakes that everybody can enjoy. Believe it or not there's a hundred lakes on Manitoulin. So you're not only talking about your shore line around the island, but there's a shore line around all those other little lakes on the island. So there's a whole lot of other things that enter into things like economic development, economic development meaning pushing tourism. Our tourism, unlike most other places, lasts only for two months in the summer, two or three months at most, where our population is almost quadrupled, so you've got all those intense volumes of people that need all kinds of other facilities like some place to sleep, some place to eat, some place to go to the bathroom. You know you've got four times the volume of people during the summers, and that's the kind of thing that we mean when we say developing at our ... at the pace that the island residents are comfortable with. And that's not only native people, that's native people and non-native people. At our pow-wow, the population just sky rockets. So as well we're thinking of trying to extend things into the shorter seasons, what we call shorter seasons, so that the island as a whole will benefit economically for all of us, not just one or the other.

Joseph Castrilli: All right, Honorine, thank you. There was one item which we discussed at lunch which I'd just like to raise now and have you comment on. I understand one of the aspects of the Heritage Projects activities includes something called Island Inventories, and I'm wondering if you could just briefly summarize what that is, and what that exercise involves.

Honorine Wright: It's not just an island inventory, it's an inventory of resources, the resources of a region. You heard me mention Heritage Regions - the Lanark Heritage Region... So what the inventory refers to is a listing of all the facilities that are available, whether there's a church, whether there's car owners, cottagers, boaters, the businesses of the region in a nutshell. Our inventory, because we're so wide and vast and varied and numerous, is put together by municipality and by reserve and by township, and all the facilities of the reserves and townships and towns are listed in that.

Joseph Castrilli: If there are now questions, I'd like to throw this discussion open to the audience and ask you to identify yourself before you speak. I should have noted at the outset that all of this is being recorded and the

Canadian Environmental Law Association hopes to eventually publish the proceedings. So before you ask your question I'd ask you to identify yourself and then indicate which person you're directing your question to.

Question: I'm Virginia Saville, Teme-Augama Anishnabai, and I really have to commend the Reeve for working hand-in-hand with... the way that the communities pull together with the First Nations people, I feel that is really important. It's my firm belief that in our land, the people are safekeepers, we're the caretakers and in sharing that land and also in sharing it in a good way. It saddens me the fact that we have to deal with a Government and deal with MNR people sometime that lie and don't tell truth and things like that, and in turn that's something that our children are being taught by the people they see out there... that part really saddens me and I feel it's important for municipalities to put pressure on Governments as far as settling because it saddens me when I see that while we're sitting at negotiating tables, or that we're in the process of looking at treaties, that our land is also being raped, sometimes conveniently. I really have to go in with the question in my mind that this is convenient for them to do these kinds of things. But I think if the people at the municipality and also a First Nation are working together, I feel that's a good start for us and maybe the Government will want to work together with residents. Basically the Government's seeing us as children and saying that they have to care for us... in the last workshop we came out of, I felt really bad, I was sitting there with my son who really thought the man from the Ministry saying "I didn't know really who was going to be here today", and he says "I wasn't too sure if anybody would be here that's aware of Aboriginal issues." Meanwhile there's Aboriginal people sitting there so you're not even being identified so that's still happening out there and that really saddens me a lot to see that and it saddens me that my son had to see it. I feel that it is really important to teach. We want to live together, we want to live in harmony, I think it's time that truth started to be looked at and I commend you for what you've been doing. Meegwetch

Pat Madahbee: I think besides the fact that we're working cooperatively, it's helped that we've known each other for some time too, we went to school with each other, when Tom was the goalie for the Mindimoya Seniors I scored many goals.... (laughter)

Tom Farquhar: Well, in senior hockey, that's the only time I ever had any problems with any of the Aboriginal people, it had absolutely nothing to do with Pat, guys like this could really play hockey but Pat was never any...

Joseph Castrilli: Honorine...

Honorine Wright: Yes, I think I'd like to make a comment on that from a Heritage aspect. I feel I'm really in a unique situation. I'm the only native person that Heritage Canada has in their employment on any of the Heritage Projects across Canada, from west coast to east coast. So I've sort of assumed the role that because I'm Anishnabeg myself, that I have to carry this further than our own region, and I guess an example of that is when I had my own cards made up with this Manitoulin Heritage Region logo, that's my name, and I don't know how to write it in Ojibwa but it says Honorine Wright, then Project Coordinator Manitoulin Heritage Regions Project in Ojibwa and then it says the address. But that came about quite by accident. One of the gentlemen that was over at Heritage Regions Project in Ottawa one day when he phoned, he said, "Oh, Honorine, why don't you let us make your cards?" I said go ahead, make my cards. "Tell me what you would like on them?" I said can I tell you what I would not like on them? "Oh, sure" he says. I said I don't want any of your ~~J*o*o~~!! French on mine. I said I would prefer to have mine Ojibwa on the main side and I will allow you to put English on the other side. And that's really how my cards got printed in Ojibwa on one side and English on the reverse.

And then I was in another excellent opportunity to take this beyond the region as I was saying. A director in Ottawa of Heritage Canada phoned one day and he says "I'd like you to identify a native person, an artist, that would do a piece of artwork for the posters for Heritage Day 1992. And I thought, Oh my god, I am going to name one native artist to do a piece of artwork for the poster? I had a lot of artists so I didn't want all but one mad at me for the rest of my natural days. So I got a group of five of them together and I said "What do you think, guys and gal (there was one girl), would you like to do a piece of art for a Heritage Poster for 1992?" They all looked at each other, "Sounds like a good idea to us." And lo and behold, they got five artists on the one canvas, and I'm sorry I forgot them in the trunk of my car, I was bringing some with me, and the interpretation is on the reverse of the poster, it's trilingual on the front, "Heritage Day 1992" - it says it in Ojibwa on the right side, and French on the other side. When we were doing the negotiating as to how these posters were going to be printed, a lady in Ottawa said, "Well we plan to do two runs of these posters, one in English and French for the rest of Canada, and one in English and Ojibwa for Manitoulin." I said, I'm sorry, I can't allow you to do that, and I won't allow the artists to be part of that. I must take a very firm stand, in a nice way, to have one run of the posters done trilingually. So we accomplished that. This is part of what I mean by it going further: not only are we sharing language, sharing our traditions, our customs, sharing our teachings and I think we have to do that first in our own community. Meegwetch

Tom Farquhar: The preamble on our land claim settlement is also in Ojibwa.

Joseph Castrilli: Other questions? While you're all thinking of a question I have one I'd like to pose to the panel. Tom you mentioned, and I think afterwards Pat you mentioned as well, the activities on the island with respect to waste management and I'm wondering if you could expand upon what you foresee resulting from this exercise, something like a joint Aboriginal/municipal waste management corporation to deal with the island's waste? And if that's the case would that be a rather unique approach to the problem in your experience?

Pat Madahbee: Well, we're just at the beginning stages of the dialogue on that and it will be a joint venture. I think a whole area of our difficulties with our landfill sites becoming filled up is a common problem that the First Nations and the Municipalities share; in some cases it's already got to what you could call a crisis situation. I know one township or one town is shipping tractor trailer loads of garbage off island I think to a waste area somewhere in Sudbury area, or Espanola. That's how critical it's got, because their landfill site is filling up. But we have to deal with the problem and I think we're willing to be looking at it again keeping in mind the beauty of Manitoulin that we have to look at a whole lot of areas, like the recycling, blue box program, all these types of different initiatives, different methods of disposal. And I think if we approach it on an island wide basis, it will allow us to have the joint resources to attack the problem. And I think as individual communities it would be very difficult to deal with this problem on the long term, that we can pull together island-wide on this common problem, and ship it all to Toronto... I keep saying that because they keep threatening to ship the garbage up north...

Tom Farquhar: The first time the Mayor of Metropolitan Toronto suggested coming to the Island, we sank both ferries and blew up the bridge... Basically there's not a whole lot there, it's a problem that is ongoing and everybody's facing it. The one thing I will add is that less than two years ago, the crisis situation in Gore Bay was coming with the solid waste site. I was in negotiation with the Ministry of Environment for to proceed with a water and sewage system in my community and I made an offer to them at the time: we would supply them 1,000 acres of property that was suitable for landfill, proper soil etc. etc., if we could start negotiations and solve Gore Bay waste problems and Little Current and two other communities and make it an island wide project. Obviously, I was talking to the wrong people at MOE because they weren't interested in discussing this at the time and they never got back to me. So it's a matter of degrees of interest. I think once it's the same... the cooperative effort on this, will demand some interest where possibly individuals and municipalities dealing with the ministries do not command a whole lot of attention.

Joseph Castrilli: What kind of assistance have you had from the Ministry of Environment - I realize you've just been getting into your discussions over waste management, but given the comparatively small population on the island, has MOE provided some obstacles in your path that might not otherwise have been the case?

Tom Farquhar: I don't think we're getting it that bad, I think the MOE is providing obstacles for everybody that has anything to do with any type of waste management program. My particular community is not in a situation with an immediate problem. The town of Gore Bay is. It's costing them more than the municipality can afford, and it's not being resolved. And there's a lot of different reasons as to why the time delay and whatnot, but the biggest and most consistent thing that comes up when it comes to waste management is the fact that the Ministry of Environment as far as we can determine, does not have any set deadline. Every time you are issued a guideline or a policy, on soil conditions, drainage areas etc. etc. - by the time you find a site, the conditions have changed. You've gone from sandy loam to clay, to lining sites, by the time you get ready to make a presentation all the guidelines are changed, and you start all over again. And we seem to run into that quite a bit, but I'm sure that's not unique to Manitoulin.

Joseph Castrilli: Other questions?

Question: I'm Kyle Cachagee, I'm up in the area near Chapleau. I'm a conservation officer, I happen to be native - talk about being stuck in the middle... (laughter) I just was curious what you see around the Island, like it's already happened with me where I'm defending the native people while they're doing their traditional thing, you know I've got the Indians on one side of the shore and the white guys on the other side and I'm in the middle basically telling the white people that what they're doing is okay, they're not raping this lake. Do things like that happen with officers on the Island, did you hear of that happening?

Pat Madahbee: Quite the contrary. Glad you brought that up. We have a total lack of cooperation with the MNR conservation officers on Manitoulin Island. They have total disregard for Aboriginal treaty rights, although we've had this fine sounding words from the Government leadership, the local conservation officers are very zealous in harassing our people in our area. We recently just went through a sting operation where they spent two years of undercover work entrapping a number of native people in our area and they've laid quite a number of charges where

they supplied liquor, guns, vehicles, lights, you name it, to entice people out with monetary things to go at the deer primarily, and it cost them millions of dollars for this operation, and in court recently all the charges were thrown out because of unreasonable delay. The Ministry of Natural Resources spent two years on this operation with over 60-some officers involved in the operation and then when it come time to prepare for court they said they had one person working on putting the documentation together, and as a result a 23-month delay compiling our case before it was heard in court, and the judge threw the cases out because of unreasonable delay hearing our cases and now they are intending to appeal it. And this activity was a real overkill on their part because when they came to serve the summonses to our people, they came in with 10-15 MNR officers armed with guns, videotape recorders, backed up by OPP officers. Very Gestapo-type approach to coming in and delivering summonses and it set back our relation with the local conservation officers probably twenty years, and we've just begun to start to get a rapport developed with them and even as a result of the land claim we'd begun the dialogue on co-management and this type of activity or action on the part of MNR local conservation officers really soured relations in our area. And you say you're standing in the middle, they don't even respect our rights, our Aboriginal treaty rights, but they don't even respect their own law. The highest court in the land has indicated that we have Aboriginal treaty rights, and they won't even respect the Supreme Court decisions, let alone our rights by continuing this type of harassment of our people. So I'm afraid to say that as far as conservation officers in our area are concerned, there's a real friction there, they've done a lot of actions such as I had one of my band members detained for three hours, intimidated, threatened that he was going to have his vehicle confiscated and put in jail if he didn't give a statement, without even having benefit of access to a lawyer, things like that, intimidation tactics that one of these days I think there's going to be problems. Already, one conservation officer has been assaulted physically: he came upon some natives fishing and he tried to confiscate the fish, and they said if you want the fish, take it, and threw the fish at him, and that's how he got assaulted. So, he got a fish thrown at him, maybe one of these days somebody's going to do more than throw a fish at these guys because they're getting over-zealous in the manner in which they're dealing with our people.

Question: Kyle Cachagee... We don't have - there are three bands in the area, in Chapeau, the native population on the Island is far away... the ratio... it's funny the difference from such a short stretch of land how opposite things are. We have, I check a lot of your people in the Robinson-Huron area, fine, no problem. We have a problem with some of the locals, but nothing to the extent that you people have...

Pat Madahbee: We find it's like... almost every district seems to have different interpretations of this Interim Enforcement Policy, or a different interpretation of what rights native people have, so you can go from one area to another and be treated differently by different officers. There's no consistency at all.

Joseph Castrilli: Perhaps for the audience you can explain very briefly what the Interim Enforcement Policy is.

Pat Madahbee: I don't necessarily agree with it but the province embarked on an attempt to try to have some kind of response to the Sparrow case, to say that they'll try their utmost to respect the Aboriginal treaty rights and ensure that the concerns of public safety and conservation are upheld. And the difficulty I had with it is that they tried to limit you in your own treaty area. For example, I'm a Manitoulin Treaty Indian but our hunting territory goes into the Robinson-Huron Treaty area, but we also have we have a good rapport with natives in the Superior Treaty area who come and hunt in Robinson-Huron and vice-versa - our people are not bottled up or restricted by all these boundaries that foreign Governments have created all over this country. Anishnabeg people live in a stretch of territory, in parts of Quebec, all over Ontario, Manitoba, Saskatchewan, Alberta, parts of B.C., Wisconsin, Minnesota, in all different parts of the States. Ojibwa people - Anishnabeg people are in all of these territories, they travelled and were nomadic in all these territories. For some new Government to come along and say you can't hunt in that territory, that doesn't make any sense to us. People have done that for thousands of years, and that's where we run into difficulty with this Interim Enforcement Policy. It gets to the point where they get a little carried away... I know some people in the Superior Region that got hassled for cutting wood on Crown land, somebody cut some wood to heat their home.

Question: (Kyle Cachagee)... in Superior?

Pat Madahbee: I don't know, there were charges laid, this was a few years back. That's not to say that... in every society there are people who abuse the resources, and therefore the things that we as First Nations are really striving hard to do is to... with every right there's also a responsibility to ensure that you respect that right, and we are trying to teach, particularly teach the young people that there are proper ways of using a resource, and people would have you believe that... There was an article in the local Sudbury Star by an owner of a sports shop condemning the Interim Enforcement Policy, condemning some of the agreements such as the Algonquin Agreement. They make it sound like Indians are out there hunting every day of the week, that every man, woman and child has got a gun and is shooting at anything that moves in the bush. I'm from a community of four hundred and some

people and as far as moose hunters, I've got maybe nine active moose hunters that go up there and, maybe they're not just good moose hunters, they bring back three or four moose, and it gets shared around the community and the old people and everyone gets a little bit in the family. Same thing with deer, we have more active deer hunters.

I know myself it's a lot easier to go hunting over at A&P than it is to go up in the bush and drag a thousand-pound animal out of the bush and haul it out and, maybe I'm lazy, I don't know... But same thing with fishing: they would have you believe that people are fishing all the time, it's just not true, people respect the seasons, we all know in terms of deer, they're only good to eat at certain times of the year. They starve most of the winter, then there's the breeding season, they might have a calf, you don't touch them. But you know a lot of it is misguided propaganda by interest groups who, let's face it, they have their own interests in mind. A lot of them - it's a profit-oriented reason behind why they do this. We've been here for thousands of years, it's only been since the Ministry of Natural Resources has taken over controlling the resources that they've started to be depleted.

I heard a story about how they were talking about - in our area anyway - about giving the whole problem of AIDS to MNR, because that way Indians won't be able to catch it... and if MNR is allowed to look after it, it will disappear within ten years. But where is the real conservation when it comes to deer-hunting? They have a deer season on Manitoulin Island and I think this year over 3,000 deer were taken off the island by sportsmen and hunters coming in and like I said, we don't go near the bush during hunting season. It's crazy out there, people are getting shot, vehicles are getting shot, anything that moves gets shot, so we stay the hell out of the bush. That's just what's taken off the Island, that's not even what's shot on the Island... so who the hell is doing the conservation, you know, when you get right down to it?

(tape inaudible)

Joseph Castrilli: Other questions?... I had another question myself for Honorine if I could...(tape inaudible) Honorine, I understand there are a variety of projects that the Heritage Projects is responsible for including land and water conservation, historic preservation. You mentioned a number of things before but I also understand that the project was created by Heritage Canada and that it's funding will not last forever, or it may have already ended, and I'm wondering whether you're expecting the Provincial Government to come forward and assist you in continuing the work.

Honorine Wright: I guess I'm not expecting any government to come forward, it depends on how long and loud and how big our cry is and yet our funding under the earlier agreement ended on the 31st of January. The funding for the project was not only Federal-Provincial, it was also I'll say local, in the towns, the municipalities, the reserves often contribute on a per capita basis over a three year period. And that's what the project is running on a shoestring right now, the local contributions, financial contributions.

Joseph Castrilli: You've lost your Federal funding, have you also lost your Provincial funding?

(answer inaudible)

Joseph Castrilli: I'd like to thank our three panellists for spending the last hour and a half with us and telling us about the unique nature of Manitoulin Island, and I'd like to thank the audience for attending. Thank you very much.

MOOSE RIVER BASIN WORKSHOP

Chief Randy Kapeshesit
Moose River James Bay Coalition

Brennain Lloyd
Northwatch

Facilitator
Richard Lindgren
Rapporteur
Christine Beckerman

Richard Lindgren: My name is Richard Lindgren, I'm a staff lawyer with the Canadian Environmental Law Association. I'm going to be acting as the facilitator, hopefully we'll promote a bit of dialogue, a bit of discussion on some of the issues we're going to hear about today, and I'll just introduce the other panellists. On the far end is Christine Beckerman, also of the Canadian Environmental Law Association, she is the recorder for this session, and hopefully will be able to take fair and accurate notes of what is said. The idea is tomorrow at the plenary session we're going to come up with hopefully a short, succinct and accurate synopsis of the discussion here, and hopefully we'll come up with some recommendations or some proposed solutions that will recognize aboriginal rights and provide for sustainability of the resource base. And as we heard this morning, those two objectives are not in conflict, they're not opposed to each other.

I'm sure that most of you are quite familiar with the issues surrounding proposed development within the Moose River drainage basin. As you know Ontario Hydro has proposed in the context of a 25-year demand/supply plan, to develop certain facilities within the Moose River drainage system: a hydraulic plant, calling for the construction of dams and reservoirs, and so forth. To say the least, this has caused concern among some environmental groups, it's caused concern among the aboriginal communities that are there, but it also has gathered some support from other members of the community. We're going to hear about some of the issues and hear about some of the concerns associated with that proposed development.

To my immediate right is Brennain Lloyd, she doesn't need a further introduction since she was introduced this morning but as you might recall, Brennain is with the environmental coalition known as Northwatch. Northwatch is a coalition of environmental and conservation groups that are located primarily in northeastern Ontario. Brennain is a community activist and she's been quite active in land-use planning issues and energy issues, and she's been active in this particular issue. And beside Brennain, we are fortunate to have Chief Randy Kapeshesit, and he's here representing the Moose River James Bay Coalition which is a coalition of various First Nations and tribal councils. He asked me to allow him to introduce himself, and I think I'm going to turn it over to him right now, and he's going to start off the discussion with an overview of some of the elements of the plan that concern him and his constituency.

Randy Kapeshesit: Thank you for coming and I'm not one of these people who likes to have all of these great big introductions so I thought, let me introduce myself that way avoid those kinds of things. I think you've said about enough that needs to be said. I happen to chair the Moose River James Bay Coalition, and I'll speak briefly as to who the coalition is, to let you know who the members are and where they're situated.

Initially when the demand supply plan was announced in '89, the various First Nations, Native organizations and even non-native organizations in Moosonee-Moose Factory, southern tip of James Bay area, registered independently of each other. We had consequently about ten groups in the Moosonee-Moose Factory area who registered to be participants in the environmental assessment of the demand/supply plan. And it became quite clear as soon as we started to attend these hearing meetings that there were a number of participants, there were a number of groups not only within the James Bay area but all across the province who had some interest that they felt they needed to have represented throughout the hearing. Interestingly enough I think that particular reality hit home to us pretty quickly, recognizing that there were nuclear components of this 25 year plan, fossil fuel generation, non-utility or small scale hydro, private developments of hydro, transmission line corridor purchase from Manitoba, that kind of thing. So obviously it's a lot different than say in northern Quebec where the interests are quite clearly defined. The participants usually are Cree and Inuit communities and the federal and provincial governments.

In our context in James Bay in Ontario, I think there were over 200 participants initially registered, and some of you here are quite aware of that as you were involved, I'm sure. So to our way of thinking, we decided that it was important for us to speak with one voice in James Bay because we could be overtaken and not heard as clearly perhaps as we would like to be, in the context with all the interests that would be represented in a hearing like that. I'd add that we didn't necessarily feel that this particular environmental assessment process was the proper or the best process to go through. It was the only process. And reluctantly, many of us registered and decided well, this seems to be the only forum available, we'll take advantage of it. And so at our initial meeting in May of 90, when we discussed the idea of a coalition, there were 10 groups together. And they weren't just First Nation governments or aboriginal organizations, we had two non-native bodies as well who were sitting there with us, if not in constituency, certainly in form. We had the Moosonee Development Area Board and the Chamber of Commerce in Moosonee representing primarily non-native interests, or at least structures - I can't really say that because the majority of people in Moosonee-Moose Factory and James Bay are Cree people, and if you're a non-native business person, you know who's buying the products. So that's the reality there.

So initially we had ten groups that were part of the coalition, and over time the differences that were there, either real or imagined, started to come up and consequently we're down to seven now. The Moosonee Development Area Board and Chamber of Commerce are a party unto themselves and are not part of the coalition. Which was unfortunate in my view as the chair of the coalition, but nevertheless they felt it was important for them to be on their own. And one other Native group that was involved with the coalition and still has the opportunity to be involved, is no longer involved simply because of internal logistics and inability to participate. So we have seven groups who are part of it: the Moose Factory First Nation, Newpost First Nation, Mushkegowuk Council which represents communities further north from where we are - Fort Albany, Kashechewan and Attiwapiskat First Nations; on top of that we have the Omeshkegwak Harvesters Association which represent the harvesting interests of all the people in the James and Hudson's Bay on the west coast, of the 700 communities... on top of that we have the Mocrebec First Nation which I am presently the chief of. We also have the Moosonee Metis Association and Moose Factory Local Services Board which is basically an off-reserve entity that more or less is a provincial designation. So these particular seven groups decided that it was in our best interests to continue and develop this idea of a coalition and the basis for having a coalition was quite simple. Each of us individually developed our own positions internally and such a long time ago that this thing happened that in 1989 - when it was first announced, it planned all kinds of activities in various areas: nuclear, hydraulic, etc. Today as I sit here, it's been revised, updated, it's been changed, it's been going through all kinds of decisions of the environmental assessment board and internally within Hydro and different motions brought by intervenors. Today as we sit here, it's a really watered down version of what the engineers and construction contractors at Hydro really wanted I think. They seem to have ended up with what for the most part turns into a hydraulic plan. Nuclear for example has been pushed off the agenda, it isn't as serious a reality now as it was back in '89, although in my view it's still on the agenda, just pushed back a few years. So the hydraulic plan itself was proposing to build twelve generating stations - eight new ones, which would be 19 miles away from the community of Moose Factory. So recognizing that dams could be built 19 miles away, people felt that this is going to be a real big problem for us to accept, and we have practical experience to speak from. We've had dams built in the Moose River system for a number of years, starting way back in the early 1920s with a mill in Kapuskasing that built a dam to provide power for their mill.

And consequently in the mid to late 1950s Ontario Hydro started to build some dams, and they built three other dams in that particular Metagami complex, and then two other dams over in the Abitibi - Otter Rapids and Abitibi generating stations. So the experience of people who are still alive today and telling people like myself, and telling others who are involved in representing the interests of these various groups, we didn't have a voice back then. We didn't have a chance to really tell Ontario Hydro and the others who were with this party what we felt. The sensitivity, the concerns on environmental issues, on aboriginal issues were not the same back then. Consequently, you had people whose experiences were rather horrific in terms of how they were treated by developers, and in particular Ontario Hydro. Fishing sites, hunting sites were burned, destroyed, people told not to come back, and very little people gaining meaningful employment, and those particular developments did not bring any lasting employment at all to the area. What they built back then and what they're proposing now with these projects are what are called "peak load" stations, and these are run primarily by computer and very little maintenance is undertaken, and usually done by people who are employed by Hydro as opposed to anybody else.

Aside from the new developments that they wanted to do, the changes have occurred in such a way now that the only thing that's on the table it seems like - and I have to watch what I say because it seems like every time I turn around there's a new decision coming down from the board or Hydro in terms of what they're planning to do, so this may not be etched in stone - but the Metagami complex, which is basically redevelopment of existing dams, for example, putting in more turbines in those generating stations, and in one instance reconstructing the dam because it's so old, that seems to be what is most directly coming down in terms of Hydro's plans for our area. We seem to have pushed back for a few years the plan that they wanted to build a generating station a lot closer to us.

Although I'd like to think that it's okay to claim a victory, I just don't necessarily believe that it's wise to do so because whether we realize it or not, those particular plans will not get destroyed.

The resources that are available in this province for energy consumption and for they certainly have great plans for building further generating stations in the north. So the principle for us is the same, that our opposition is based on the fact that all of the resources that are available seem to lie in the north and people see the north as an energy colony for consumption down south.

So there are a lot of issues that we have to deal with, they seem to have been precipitated by the Hydro plan, and it seems to have been delayed for a few years, and in terms of its more direct impact on Moose Factory and Moosonee.

I don't want to get into too much detail because I think that the purpose of coming here in my view is to hear the different perspectives including each and every one of yours as to what the issues are, what the problem areas are, and what ideas people have about these things, because it's unfortunate that the person from the Chamber of Commerce who initially was going to come and couldn't come from Moosonee, but I think that it's critical that we have some kind of dialogue or discussion, so I'll stop with that because I think there's enough detail. I think critically what's important is to identify what some of the concerns are, and I'll get back to those later.

Rick Lindgren: Thank you very much. It certainly is a very interesting and intriguing overview, and I've certainly got a lot of questions I would like to put to you and to others, but before I do that perhaps we could hear from Brennain.

Brennain Lloyd: I think I'll just deal with a real brief overview of some of our perceptions or some of our concerns in the Moose River basin or related to that, and I think that generally just to put a context, I'd say there's about five sets of communities or five sets of players... there's the Moose River basin, the communities who live within the basin, of which Randy is a representative; then I think from the Ontario government's perspective, and I guess this is maybe what I'm doing is more relaying some other people's perspectives on what the issue is, as much as relaying our own. So from the Ontario government's perspective, the Highway 11 corridor communities, they consider them to also be players in the decision making, on planning for the Moose River basin. Those are towns like Kap, and Hearst and Cochrane and Smooth Rock Falls and Iroquois Falls and so on. And then there's very definitely Ontario Hydro itself, who is the biggest proponent in the Moose River basin in terms of hydroelectric development, although there are also dozens if not hundreds - I can't remember the number - of proposals from independent power producers. Do you know that number Randy how many independent power production proposals there are?

Randy Kapshesit: Jake probably knows, but I know what Hydro has told us, but there are over 200 potential hydro development sites. I think roughly seventy percent of those have identified using power options.

Jake Brooks: Yeah, that's about right, the official number is not public information.

Brennain Lloyd: So anyway, Ontario Hydro is probably the biggest proponent of hydroelectric development, but there are other proponents as well. And then there's the Ontario government, who has sort of leapt into this. - the Ontario government, I'll come back to some of the positions that they're taking, but the Ontario government - actually, maybe I'll bring it up now. Two different things they have on their agenda which I think we have to question how they fit or don't fit. One is their commitment to the aboriginal agenda, and to self-government and to recognizing aboriginal rights and aboriginal authority. That's one agenda that they have. Then the other agenda that they have in terms of energy production is something that was announced at the time of the nuclear moratorium, after the throne speech last November when they released this package called, I think it was "Directions 90", in which they said very clearly that they were going to fast-track hydroelectric development and import of power to meet Ontario's electricity needs. So I think there's two agendas that the government has, or the government and its Crown agency, Ontario Hydro - two agendas that they have and I think that there's lots of room to question them. And we've seen, Randy mentioned there were a dozen developments initially proposed in the 25 year plan, and now they're really just sticking to four for now, and they dropped down from twelve to four based on their commitment to a co-planning process with aboriginal people, although I've never heard an answer as to why they didn't go from twelve to nothing if they were really committed to a co-planning process, they went from twelve to four.

So those are the two agendas that the Ontario government has, and then I think the fifth set of interests is the environmentalists' which are shared by... I mean these again aren't exclusive categories, but I think that there's the environmental groups and environmental interests. And that's where I come into this, and I have to say that the environmental groups have not played a very active role in this. Northwatch is a coalition of groups across the north-east, and we have a very strong interest in the Moose River basin, and development in the Moose River basin and what happens with the decision making and so on there, but we haven't played a real active role in the public

arena at all, we've played a very minimal role in the public arena. I think that we're also participating in the demand/supply plan hearings. We've had some discussions with the government's representative who has been sent up to discuss the co-planning process with the Highway 11 corridor communities and the Moose River basin communities. We've had some discussions with him, but we haven't played a very active role in any public debates around the Moose River basin development in our own region and I think that that's a deficiency on our part.

I think our interests are related to the transmission corridor: the lines going in that will be built for the hydraulic expansion, the increased access and the impact of access, and the effects on the rivers themselves and on the communities that live on those rivers and who are dependent on those rivers for their lives and their livelihood and their culture, social, economic well being. So I think those are basically a list of our interests, specific to the basin.

But I think we have some other interests as well in the bigger picture of it, and I think one of those interests is how the Moose River basin proposals or the Moose River basin developments fit in to Ontario Hydro's bigger scheme and that is continuing to feed the south electricity patch. And I actually suspect that some of the fast-tracking of the hydroelectric development and the import, I suspect, and I have nothing to substantiate this with except gut-feelings, but I believe that some of the real commitment and some of the real enthusiasm that we see coming from Ontario Hydro for some of the hydroelectric development isn't just for the sake of the megawatts alone. I think that it's because there is an illusion around, a myth out there, that hydroelectric development is clean, that it comes without a cost, that it comes...you know the water comes down and it turns the little turbine, and we get to use as much electricity as we want. So if we can... if Ontario Hydro can continue with that myth, if the Ontario government can continue with that myth, then they need to be building some hydroelectric projects to comfort people in their continued high rates of electrical consumption and so on. So I question because the actual power production, the actual amount of electricity that's going to come out of the Moose River basin project, just comes nowhere close to substantiating the need. The balance of damage to electricity is so incredibly out of whack that it makes no sense from my reading to develop those projects. So I think that that's just a suspicion that I have, but I think that we need to look at that too, and question whether this isn't just a way of telling people that no, Darlington, Pickering, Bruce - we know you don't like those, so we're going to give you electricity from somewhere else. I think that's one concern and I think that just continuing to build means we can continue to consume and I think that there's more issues in that, but I think at a certain point we just need to say no to that. And we need to all look at our electricity consumption and so on, and if the cost is going to be the Moose River basin, it's not even a question that we should be using up our time to debate in a logical rational world I don't think.

I think the other very general concerns that we have about the projects are how they fit into the James Bay basin. You know, there's major hydroelectric development in northern Manitoba, massive hydroelectric development in Quebec and this is just Ontario's part of the triangle. And I think that there's the cumulative impact which I know Randy's organizations share concerns on. And I think that in the very long run, we have concerns about how the Moose River basin developments fit into the Grand Canal Project. If you remember, I think it's been probably the seventies since there was a lot of talk about it, and I don't have a real detailed understanding of the proposals and the number and time and frequency and so on, but there is a proposal that's been on and off the table for a couple of decades to divert water from James Bay down into the Great Lakes and then to the American midwest, and I think that the Moose River basin developments, by developing the basin, by industrializing that basin, is one more step - or could be one more step along the road to the Grand Canal Project. And we've had other projects in northeastern Ontario which also, just by sheer coincidence, fit very well into the Grand Canal Project. There's been a proposal again on and off the table for about a decade now to build a lock system in the French River which would connect Lake Nipissing with Lake Huron and Georgian Bay, and that would form the southern end of the ladder that would be needed to divert that water from James Bay down into the Great Lakes. So I think that there are huge concerns from the community level to the global level with the mega proposals in the Moose River basin.

Rick Lindgren: Ok, thank you Brennain and again I think that there's a lot to chew on there. And I think you've identified a few issues where there might be some commonality of interests between your community and the aboriginal community. And what we're planning to do now is mainly to throw the floor open. And the ground rules are pretty simple, there are no ground rules. This is an attempt to be a discussion, a constructive dialogue among all of the participants in this room. So I think this is where the formal or the semi-formal stage ends and the informal stage begins. Again, we certainly invite all questions, all comments that are relevant to the issues that are being addressed.

I'd like to perhaps start things off by posing a question to both of the panellists. In Randy's discussion we heard that, in his view, the coalition members were not properly or adequately consulted or notified in the fifties or before that time. There appears to be some question as to whether or not the existing EA process is providing an adequate opportunity as well. Given that the coalition members, collectively and individually enjoy certain aboriginal

and treaty rights, is it appropriate for Hydro to be essentially dictating what it would like to see occur within the Moose River basin? Is that a tenable position now? Was it a tenable position then?

Randy Kapeshesit: That point exactly has been something that we've thrown about more recently than perhaps any other time in the past... In theory Hydro represents every citizen of the province, providing basically for the energy choices and the direction and doing all the research and all the legwork for every citizen of this province. They have something like thirty thousand employees, they have a heck of a lot, so it's their responsibility to ensure... and they have a trust to provide for the energy needs, or at least provide options for the people and to say that this is the best way to go. But personally speaking I think that there are certain restrictions and concerns that we should all have and ensure that Hydro is accountable. From an aboriginal perspective, it's my view and I know that this is probably controversial with some people, but Hydro doesn't represent me specifically, and Hydro doesn't represent Native constituents. Obviously if they did, they would be providing for their needs in a more direct and meaningful way. A bunch of the communities up north are not on the grid for example, they're on diesel generation, a very expensive form of providing energy to communities. And there is no recognition that there are alternative ways of providing energy, and no encouragement of that particular form of energy, for example wind, solar, in small northern isolated communities where technologies and the infrastructure for all kinds of projects that depend on energy from hydraulic projects, it's just not that type of reality, it's a different part of the world. So from that perspective I don't think Hydro's advocating for the interests of First Nations people. With regard to fundamentally whether they have ... you were saying...

Rick Lindgren: Well I guess the nub of the question is this: is there a distinction between mere consultation as opposed to actively and effectively involving the communities in the actual planning?

Randy Kapeshesit: One thing we've learned since we started working on the coalition is that the issues that we bring forward on the environmental front, on the aboriginal rights front, energy front, they exceed the mandate of Ontario Hydro. They're just not in a position to respond to that, and they've acknowledged that. Whether they do it publicly or not, they do it in our meetings. And that's the point I think that needs to be understood, that a utility like that, a Crown corporation that's charged to do all these things can't do it for those people who are aboriginal people. They're not in a position to do that. When it comes, for example, to concerns of a cumulative impact assessment which we've talked to them about, their version of a cumulative impact assessment is nowhere near to what I would consider to be worthy of the name. Their mandate is very limited and obviously their objective is to meet energy needs and provide for alternatives in that way, as opposed to critically evaluating this plan, that other option, and having the mandate to do so. So consequently, in our own discussions with them, it's become quite clear that the people we need to speak with are not Ontario Hydro. Certainly there are issues and points we can discuss with them, but, the overall authority to be dealing with issues of impact on aboriginal people when it comes to hydraulic development is the government of Ontario, it's quite clear.

Rick Lindgren: I should also indicate, there is one ground rule, and that is please identify yourself and your affiliation, as the proceedings are being recorded.

Question: I'm Jake Brooks, I'm with the Independent Power Producers Society of Ontario, we're both pro- and anti-development in terms of hydroelectric power. We claim to be environmentally responsible. I'm interested... late last year, Ontario Hydro decided to postpone some of the development in the Moose basin because they wanted to develop a co-planning approach with Native people. I'd like to know whether they've shown much action in that area.

Randy Kapeshesit: I don't know if we've allowed them to, I guess that's probably the best response. It's quite simple, I mean if I'm sitting down with or if you're sitting down with Ontario Hydro, if anybody's sitting down with them and they want to build dams in your area, they're planning to build dams, and that's obviously their expressed interest. So we said if you want to talk about co-planning, you don't even have the mandate to co-plan, and it rests with somebody else. Because the issues that we bring forth certainly aren't limited to hydraulic discussions and the impact of hydraulic development, and if they reached the table at all its because of your interest, not ours. So the idea of co-planning, that's been our position: we feel that the issues of co-planning exceed the mandate again and exceed the issue of whether they should build dams or not, to give it some credibility, and if we're going to participate they need a broader mandate than that. And that's I think where we've gone. Consequently the Government of Ontario, and I see certain people here who work with the Government of Ontario, have - I don't want to speak for them because you see that's my problem, I mean Brennain did a good job of speaking for all these other people but I just can't do that, I have a hard time speaking for myself. But in terms of Ontario they've managed to appoint a Moose River basin facilitator or somebody to carry out some consultation with the Moose River basin, and I think it's primarily because of what we've been saying which is Hydro had its own mandate to be dealing with these issues and if you want to talk about co-planning, you can rest assured that the issues that we bring forward are not going to be hydraulic specific. So consequently, there's been somebody appointed through

the Ministry of Natural Resources, Native Affairs here in Ontario to get the views of people in the Moose River basin, including the Highway 11 corridor as they call it, and other groups etc. and figure out what the issues are and what the concerns are and figure out where to go from there. So it's not hydraulic specific, it's beyond the mandate of Ontario Hydro.

Question: Yeah, my name is Arlin Hackman, I'm with World Wildlife Fund. There's another piece of the puzzle here I think that I don't believe I heard either of you mention, and I'm wondering... which is in fact something that should be part of the Government of Ontario's agenda, namely completing a network of protected areas in the province of Ontario, of which there are a whole number of long-standing candidates.... But I guess we are describing generally some in the Moose River basin. These are ecological sites, wetland areas, geological features. There are some 10, 20, 30 places out there that have been identified and researched to some extent at least, and the lack of attention to this subject of broader land use concerns conservation interests in this context I find notable, and I wonder if you see any use raising this subject from your own standpoints.

Brennain Lloyd: I think that there are... I think Cultural Survival Canada has taken some responsibility for raising those kinds of issues in the hearing process. I'm not very familiar with what their case is or what they're planning to do or how well it's going for them. But I think that in the hearing process and in the co-planning... you know, the sort of Ontario Hydro's consultative processes or co-planning processes... I think the point that you raised Arlin is probably in the process it's not even on... it's not that it's not on the table, it's that when you start with a given goal that has been established before you even had a conversation with anyone that's affected, or that's impacted on, or that has something to say about it, then it's not surprising that your concerns aren't on because like Randy said, they don't start with ... it's not really a co-planning or a consultative process because you don't do that with already deciding your final goal. They sort of ... they had the first three conversations in a room by themselves and came out of that room saying, well we've talked it over and we're going to have a mega-hydroelectric development in the Moose River basin, and now we'll let some other people in the room. So I don't know if I'm answering your question or not, I don't think I really am... so you have a go Randy.

Question: ... if there's any potential for an overlapping of interests between these conservation proposals and your own other interests, it certainly would be worthwhile putting them on the table and set the government's direction for starters, and certainly challenge the government's own statement of its mandate by questioning whether or not (tape inaudible) concealing or subverting itself internally and maybe cause the government to do a little rethinking about what its strategy should be. And certainly, I think it could be a useful tactic if you're trying to say, "Hey what we want here, we're not anti-development in toto, we do have our own vision of what development should happen, we happen to think there's a different kind of balance that's got to be brought here than what you're offering us. And in our view, there's the need to treat the land in different ways in different parts of this region, and that might include something that you could designate however you see fit, but would protect the integrity of certain ecological features." I think there could well be a positive aspect to your agenda here, your strategy, if you play it right.

Randy Kapeshesit: Are you talking primarily of the Missinaibi River for example, and the parkway, and that kind of approach to things?

Question: In part, but there's not just that site alone. I don't have the information here to answer your question intelligently. My understanding is and I have seen these big maps in the past and there are many other sites, not just river corridors, but other eligible features, relatively small ones that are scattered throughout the Moose River basin close to James Bay that have been researched by government and non-government scientists over the last decade...

Randy Kapeshesit: Are you talking about below the dam or above the existing one?

Question: Below and above...

Randy Kapeshesit: Well, I guess I understand what you're saying, but specifically whether we would (tape inaudible) or could emphasize those points, we won't really do that until it comes time for us to present our evidence assuming the hearing continues, which is still in doubt. But we do have our own sites and we do have our own places for our own reasons, based on our own history, our own experiences in that area, our own traditions. To incorporate these other sites obviously is something that we would consider in terms of our own interest but it's not something that we put forward at this point in time because right now Ontario Hydro's basically on the stand and they're being cross-examined to my knowledge...

Rick Lindgren: Before I go to another question, I'd like to pick up on that question that was raised by Mr. Hackman. You raised the issue of alternative visions of development in the area. And I'm wondering if the Coalition has a

vision for the development of the area, and if you don't, do you have the resources to develop an appropriate strategy?

Randy Kapeshesit: First of all I think it's important for all of us to be clear on what we mean when we say development because I think when you use that word, it almost kicks in a certain train of thought, an approach to resources basically that frankly I think is long gone in terms of its validity. Development can mean many things to many people but for the coalition and for the interests that we have, very clearly the proposal of a hydraulic plan and what it would bring undermines our own political economy for example, I think that's an important point to understand, that there is an assumption here that we come from a society and from a tradition that is a lifestyle of the past, that we're going through all these changes and we'll become little brown white men some day. You know where we live, we're the majority and true, we are impacted and we are affected by all of these things that happen, we don't live in isolation. But in terms of what we value, and what our society values, it's not the same thing. Consequently the choices that we make, and including the word development, won't mean the same thing. So for example, the fact that people are still harvesting off the land even though it's such a difficult time to be doing that, for example in the fur industry, which is getting into another issue that ideally we should be discussing at something like this but maybe we'll get to that later... These are reflections of a different society and of a different vision of the future, and to answer the question: yes, we do have an alternative strategy and an alternative way of looking at things, but it begins by understanding what is being proposed now, and based on what we see the message from Hydro is that the river system itself is not a virgin river system, so therefore it should be sacrificed. I can quote them word for word. That's the thinking, and the idea being. Well, these other rivers around here haven't been touched, so let's not touch them. Our response is don't even touch any of them! Because the mentality that goes with it that says let's continue to build more dams on this river system, and what we've been saying is that this river system is still alive, it provides for our needs, it provides for a lot of other species and their needs. It's been troubled and it's been impacted, it's been affected by past developments but what we should be recognizing is that this river and the river basin itself contribute to the existing economy, and the existing infrastructures of the community and the people in that area. And if you come in and build more dams, you're certainly going to change that. So there is a reason why we have the logo "The river is our life". People make their living off of that, whether it be from cash, whether it be from participating in subsistence economy or informal economy, so translating that into more modern terms, I mean we're looking at more non-consumptive uses of the river system and of the environment in our area, and we have people who are looking at further developments with regard to naturalists, bird watchers, and we're already doing this around James Bay and there's been bird sanctuaries around there, a lot of migratory birds come in our area, and there's a transformation in people's thinking. Whereas in the past governments, and the Ontario government in particular, encouraged the establishment of outposts for hunting and fishing, and every summer and every fall we'd bring in basically rednecks into our area, and we could come out after the season was over (laughter). That's the impression of an economy from the government perspective up to now, so we're saying we've got to have a much more meaningful participation in this, and look at utilizing this ecosystem and this environment from our perspective so that in spring, for example, maybe we do take people out when we go spring hunting as family units or as hunting units, and maybe we don't take them hunting, maybe we let them come and live with us, maybe we show them our area, or maybe in wintertime, we take them up to places where they can go skiing, go cross-country skiing, or where they can go to historical sites. (tape ends)

I can show you a map of the existing generating sites in Ontario and the other map, the potential, and all the potential lies north where there are no dams. So I mean it's a forgone conclusion that if you had a utility that is encouraged to provide for alternatives and there's such a belief in the myth out there that hydraulic is clean, where else are they going to look? The rivers that haven't been dammed up north are the obvious targets, those areas are next.

Brennain Lloyd: I think in the demand/supply plan, while they say that they're not going to develop them now, they sort of refer to them romantically (tape inaudible).

Rick Lindgren: I think the question was what are Hydro's other plans with respect to the as yet untapped rivers in the whole basin, and the answer I guess is no formal plans but...

Randy Kapeshesit: They refer to the great potential that exists, however it's not needed right now. But whenever we need it it's there.

Rick Lindgren: I believe there's another comment in the corner.

Question: I'm Brian, and I work with the natural resource sector of Indian Affairs and if you could maybe elaborate a little more on the type of economic infrastructure that's in place up there right now, and what some of the current sources of energy use are, I'm not too familiar with the area.

Randy Kapeshesit: Well, from a program perspective maybe you could do that better than me, but in terms of what we want to do and what the potential might be, I could certainly take a stab at that. The community of Moose Factory, by the way I don't know if any of you are aware of this, is basically recognized as the oldest settlement in Ontario and no offence to those who believe that Kingston is, it's recognized to be the oldest English-speaking settlement because it was a trading post, the first one established a long, long time ago. So we have that type of exposure if you will and experience with interacting with the institutions of society, whether they be the Church, whether they be the Hudson's Bay Company, etc. and all those others who've come as a result. And for the most part you have an environment and an area that is not valued, and until recently, valued only because of its water. There may be mines further south, but in terms of where we are and in terms of what is valued in this society we don't have a heck of a lot. All we have is a lot of lowlands, a lot of swamp lands, and there aren't too many people moving north because of this potential.

So in many ways, from my perspective it's been great because we don't have anything that southern society values, until now, we've had this water problem. But consequently we've had the opportunity to continue to live and to interact with the environment, relatively free from those kinds of pressures on the land, developers and interests like that. And now we've had to contend with other realities of course, but in terms of what we wish to embark upon now, for the longest time - and I would say this holds true for every other region of Ontario that has a large aboriginal population - there's never been any concern or never been any opportunities to address the fundamental questions of what this is really all about: it comes down to questions of economy, comes down to who makes those choices as to why in fact dams are being looked at on the Moose River basin, and why is it that that must go forward as the priority for everybody else?

And what we've been saying is hold on, we've got a different opportunity here, that you should not destroy, you should recognize. You can look at the suggestion here of some of the sites, there are many of those places that are valued by historical societies, etc. and we could in fact incorporate a lot of those things into an economy that are not being done now. Tourism the way it's done up north is done rather poorly. And it's acknowledged by a lot of people including the government that it's done poorly, and the reason that it's done poorly? Because local people don't have a say in that. We don't plan things, people just come and see us and we're on, you know, we're supposed to be living this lifestyle, and we're supposed to be living in this place, and they come to see us, and when they get there they say "What's here?". Well, don't ask us, we didn't bring you here, you know we didn't have a chance to participate in developing that particular part of the economy. So there's potential there to do something from our perspective which would incorporate much more of our way of life and much more of our values and it's only the tip of the iceberg in terms of what could be done because you have for example up in Peawanuck, or that area of the Polar Bear Provincial Park, I mean there is a reason why it's a park.

There's only one place in Ontario where you can get seals and walrus and all those kinds of species, and you don't get them down south, you get them in James and Hudson Bay and that's a fact that I think people in the province are slowly realizing, that there's an environment up there and there's a totally different potential in terms of what could be done. So specifically I think we're only getting to the point where we can address those things because we've never been empowered to be able to do that. Everyone has said that they know what's best for us, and consequently we live with people who had that reality and that mindset. So when Hydro comes along, it's inevitable, it's going to happen again. That's what they we're telling us, they're going to build dams... maybe we should get some jobs. And a lot of people said that there's a difference in (tape inaudible)

Question: I'm just curious as to what type of future or what type of planning have been in process for the (tape inaudible)

Randy Kapeshesit: There is a Regional Economic Development Council, there's also each individual First Nation has their own economic development people and plans, so they are in place, but it's only been, I would say, within the last two or three years that you've seen that kind of thinking and certainly the private sector has had its way in terms of opportunities, in terms of what it could do and taking up those opportunities. A lot of people are getting quite wealthy on it.

Question: ... so has your group been dialoging, talking with the federal, with the Economic Development Council itself?

Randy Kapeshesit: Yeah, yeah, yeah, but not directly...

Question: Because there are a number of initiatives or opportunities for economic development within ... for natural resources that are farther removed in remote areas like where you are, and that's why I was just kind of curious as to the level of harvesting in some of the... either fur-bearing or...

Randy Kapeshesit: It is significant, I should say one thing about that. One of the studies that was done by the Harvesters Association - this will just give you a glimpse of that level of activity in Moosonee and Moose Factory, which is basically the southern end of James Bay, where we've had a lot of years of contact etc. and there's still a lot of traditional activity and harvesting. One of the estimates that the Harvesters come up with about a year ago, the value or the dollar figure in terms of traditional economies and activities that spin off from that roughly is about \$1.5 million a year. So you're talking about the food value, you're talking about for example utilizing feathers, harvesting of animals and using those furs and killing and taking of moose and use of moose hides and selling moccasins or jackets, those kinds of things. So it's pretty significant for our area. (tape inaudible). So it's pretty significant, I mean that's basically the whole economy without government services that are situated in Moosonee-Moose Factory. Historically, Moosonee-Moose Factory, primarily Moose Factory was seen as a geographical, central point for both James and Hudson Bay. For example, there's a hospital there. When tuberculosis was big, in terms of outbreaks in Native communities, the hospital in Moose Factory was set up to serve those needs and a lot of people were brought in to Moosonee-Moose Factory to be at that hospital. Inuit people for example from northern Quebec, Cree from northern Quebec, and people from all of northern Ontario. So you have that kind of dual economy.

Rick Lindgren: I'd like to pick up on a comment that you made. You said that to this point, your community and your coalition has not had a proper opportunity to discuss the real issues which gives rise to a larger, more fundamental question as to who's to dictate what goes where? And both you and Brennain have referred to co-planning, and I'd like to discuss that for a few moments if we could. Is co-planning the answer, what is it, what are the necessary elements of co-planning to make it work, and I guess a sub-issue if I'm not putting too many questions on the table, is there a role for non-native communities in the co-planning model? I'll throw that out to both Brennain and Randy and members of the audience.

Brennain Lloyd: I think co-planning like consultation; the word can be twisted in the wind alot. I think that co-planning in its present context, the way I understand it to be proposed or attempted right now, isn't what both Randy and I said, it isn't really a co-planning process because it's starting to give an answer so you know it's more a question of how do we get to that objective, you know? What's the way that we do that? Instead of: what do we want to do? Or, what do you think should be done? And, what is the role of the Crown or whoever in doing that?... So I think that the co-planning consultation (tape inaudible) they are a misuse of those words for the processes that we're actually seeing.

I think that Ontario Hydro's public consultation process - I could use up the rest of afternoon talking about that but I don't think it would be that helpful - let's just say that it's a poor one, it's too short, it's inadequate, the logistics are poor, the people who get the notice is a very short list, and basically their whole public consultation even against a basic framework of fundamental premises are wrong and then all of the drafting is wrong as well. That's not a very good public consultation process. And I don't see much indication that the co-planning is going any better. I think that in terms of the government interest in the co-planning process with respect to Moose River basin developments, I think that right now, the path that they've gone down, as far as I can understand is a co-planning process with the Highway 11 corridor community and the Moose River basin community, so it's basically settler community along the Highway 11 corridor and aboriginal communities in the Moose River basin, and I think that that's wrong. I think that it depends on what happens in terms of self-government and the Moose River basin communities' self-determination. But if we were to accept that the Highway 11 corridor community has a say, then it has to be broader than that and it can't just be a handful of municipalities, and not bring in all those other interests. Once you give it to settler interests, you have to give it to a much broader array of settler interests than what has been brought in to the planning process. So far Northwatch has been very minimally involved in that, and honestly only because we inserted ourselves in it, and I think that gives me no confidence. Personally, and this isn't a position that our organization has arrived at, because we've already had one or two discussions on it, personally I would be fully satisfied with having all of the planning process and the decision-making left to the Moose River basin community, because they live in the Moose River basin and it's their region. I'm not convinced that the Highway 11 corridor community has a relevant role in it, but if they do, then settler interests have to be... all settler interests must be brought into it.

Rick Lindgren: I have a question for Randy. Aside from whether or not what Hydro has proposed is appropriate, is co-planning, whatever that might be, the way to go? Is that the way to settle these local, regional, provincial issues?

Randy Kapeshesit: I think a lot depends on the context in which people approach that. Certainly the idea of allowing... of course dialogue is important, and it seems to me that whatever does happen I would hope that in an ideal situation, that whoever is participating and whoever is impacting would have the privilege of developing the terms of reference of the thing. As Brennain said, the impetus for this has already been established because of the need for hydraulic generators according to Ontario Hydro. And you know I can't make this point any more clear: the Coalition has been opposed to everything that Hydro has promised to do in the basin, including the redevelopment, and as time has gone on it's become painfully evident even to Hydro and hopefully to the government that these projects aren't even needed, just based on the amount of energy that's already in the supply and what they could be accessing and saving in terms of dollars that they would put into these projects. So it doesn't even make sense from that perspective. And if co-planning is to work, the ground rules of such an exercise would have to respect such a reality, and why should we be talking about building dams when for all intents and purposes, the energy question and the economics of both those projects aren't supportable? Why should that even be on the agenda? And if we want to talk about co-planning, let's talk about co-planning, free from having to respond to a crisis, free from having to respond to a political election or something coming up, and they're trying to compare what one government does relative to another in an area, and respect the aboriginal and treaty rights that would be articulated by those people in the area. So co-planning is great if people can come to that point and say "Yes, we're here because we believe in your right to determine your future and not because we want to build dams here." I think that's an important point.

Question: Somebody mentioned non-utility generation, some time ago. How does that work? Do the companies that want to put in plants negotiate with the Moose River coalition, or is that done through Ontario Hydro, or is the power to be used for lumber mills in the area or pulp mills in the area or mines in the area?

Randy Kapeshesit: I hesitate to do this but I think it's probably the best thing, why don't you ask the gentleman sitting in front of you? Because he's the person that works with the Independent Power Producers Society of Ontario. As far as the coalition goes, we haven't received any joint ventures, if you will, but certainly the viewpoints of our coalition impact greatly on whether in fact some of these projects will proceed. But there is no policy, there is no plan, and there is no formal discussions to my knowledge between governments and private producers and aboriginal people in this thing. We speak informally, we speak at conferences, and we run into each other, but there's no comprehensive strategy on how to deal with these things. I think though, from the perspective of the coalition, the first and foremost is to provide for our own needs in our area, and when you have a lot of communities up north, not just in James Bay but all across northern Ontario, who for the most part are on diesel fuel which is quite expensive and inappropriate power in the community for them, for people who utilize it. And there is no reason why for example you couldn't have running river technology in any of these communities, or take advantage of wind generation where there is a heck of a lot of wind, or take advantage of solar where most of the sunlight in the province is found in the northern part of the province, not down here believe it or not. So those technologies are out there, they're just not valued by the people who are supposed to be providing it. It's left up to the private sector when many of our communities are small and isolated and this type of technology is more than appropriate.

Question: But don't they have a bigger vision of what the use of the power is for, and that's why they're trying to discuss with you people in the first place what your future role could be...

Randy Kapeshesit: "The Independent Power Producers, you mean?"

Question: No, I'm saying the government - because this whole issue is based on the premise that the power is going to be sold to the people in southern Ontario, is it not? Or hooked into some grid system which is going to feed the southern part of Ontario...

Randy Kapeshesit: Mmm hmm...

Question: And based on that, if your community is looking at small scale hydro for it's own energy purposes, aren't we really talking about two different issues?

Randy Kapeshesit: No, certainly, I mean... but in some ways, in theory they should be the same thing because ultimately the fact that Ontario Hydro runs diesel generation in the communities is being paid for by the public utility. And there's no comparison in terms of ... if Hydro said, well recognizing that, for example, the 40-odd communities let's say in northern Ontario that are on the diesel generation system (I have no idea what the number is), and the cost for providing for this need is X number of dollars, and if you, in comparison, were doing something in the alternative, you would save money, consequently you wouldn't be using diesel which is dirty and inappropriate for the communities, they blare away at all hours of the day and are inefficient. So the arguments are there for Hydro...

it would be in their interest from a conservation, energy-efficient and environment perspective, to be looking at these things, because they already do it. But they choose to do it through diesel where you plug in a toaster and then you unplug that and you unplug something else but you can't have two things going at one time, basically.

Question: What is the potential displacement up there for your community and the other (tape inaudible) of this dam?

Randy Kapeshesit: Displacement? Well if you're talking about building the dams that Ontario Hydro had on the drawing board, which were pushed back now which is subject to this co-planning agreement as they say it, we're talking 19 miles away. We're talking... right now in the Moosonee-Moose Factory - the Moose River basin, the river itself is quite dry and is already impacted by the dams further up the river. The sandbars for example that are found all over between Moosonee and Moose Factory and on other points in the river never used to be there because the flow of the river has been interrupted, it's not a naturally flowing river. Consequently, because it's picoed as I said earlier, Pico generating station, the water rises and lowers during peak periods of consumption, which is basically seven and eleven in the morning, and four and seven in the evening. And so you know they let the water go up and down during those periods and then as it comes through the dam, the river never has the opportunity to settle, because it's always moving and you can see the water is rather dirty beyond the dam, because it's got a lot of sand and disruption of the bed itself, the river bed. And consequently when it comes out to Moosonee-Moose Factory, it's met by tides from James Bay. We're like seven miles away, so the tides come in on the river. So you get this sand and all this stuff that's been disrupted flowing this way then it gets met by the tide that pushes it back and you get, consequently, over time, a sandbar where you used to be able to go across between Moosonee and Moose Factory in ten minutes on an outboard motor, it takes you about half an hour, thirty-five minutes now. And not to mention how many times you can't go up the river because there's not enough water in the river and there's too many deadheads, not to mention how many outboard motors you break because you try to go, because you like to go because that's where you fish at.

Question: I'd like to address this to Randy. My name is David Bruer, I'm with Earthroots, one of those southern environmental groups working on what are essentially northern issues I guess. And I'd just like to say I agree with your analogy of viewing the north as an energy colony for the south. I think that in terms of addressing a lot of these issues, although they are affecting you, we are the problem, we're the ones that are demanding the high levels of energy, we want to be able to have all the lights on. And I guess as somebody very new to Earthroots, this is more of a question of information, that is - to what degree do you see opportunities for working together with southern groups essentially on energy conservation questions? Saying: look folks if you want to preserve what's up there and if you want to support the native people's struggle for that land and for that area, get your act together in terms of energy conservation. Is that something you have done in the past, working with groups, or is it something you'd hope to do in the future?

Randy Kapeshesit: I think it's important to consider what you said, and while we are the ones that usually end up having to be put in the front of rooms like this, and come and plead basically, the fact of the matter is that we're all in this in some ways, and it's a question of understanding how we relate to it. We're usually faced with the front line, if you will, of what these things can or cannot do, but in this case we're talking about energy and the consumption of energy. And it's important to note that our own community has gone through an awareness and a process of educating ourselves. And one thing we've come to know and we've come to know quite clearly a community, as demonstrated rather effectively by one of the elders on a site visit by the Environmental Assessment Board currently reviewing the Hydro Plan in Moose Factory in September. He got up in a public meeting which had a full house, there were over 400 people there, and he got up and said to the Board, how can you, how can Hydro go through all this and request that we allow a dam to go in our area when we know as we speak that the lights are on in your office, Hydro office in Toronto? The point being that the consumption of energy in Canada generally is beyond something that we should be taking some pride in, I mean you just have to look at the world situation, you just have to look at the rating of the most efficient countries in the industrialized world for example, we are the least efficient. And there are so many other indicators out there, and we just take it for granted, it's almost like there's so much land and so much resources and people think that it's so easy to live here. There's no demand on these things, so we'll have these resources forever, not worry about these things. But what we pay and how we measure up compared to other places is something not to be proud of. And people in our community know this stuff, so when Hydro and people come forward, saying we want to do this, we want to do that, we say well hang on here, what about the record of energy efficiency and the need, based on what we uncover, it's quite clear to us that these projects aren't needed, I mean just strictly aren't needed. They're needed for the purposes of furthering the interests of the Hydro company who gets paid for not how much power is used but how much power is produced and stored.

So all of these things add up, and in terms of what we do as a coalition and who we work with, we certainly have made the contacts and I've certainly worked with Earthroots among others, Northwatch, as part of the larger coalition that works with ourselves and other aboriginal communities, basically on all of these issues looking at long term strategies and solutions to energy efficiency and environmental and aboriginal issues. So certainly that's something that we've acknowledged as being important because we're not going to ... we can go through I guess all the things that normally happens from a Native perspective, you know, we can go and try the blockades, we can go and do all these things that get attention and get all this attention paid to us, but the issues aren't our own entirely. Certainly we have our interests to protect, but if we isolate ourselves like that and formulate the equation in this way, what will usually happen is somebody will come along with some knowledge and say this is how much it's going to cost to get these people to get on side. The issues are much more long term than that. Our particular coalition I think has come to the realization that the state of things, and not only Ontario but just in this world, are at the point where we can't continue to think that we can get away with all these things. We've got to look a lot more creatively at solutions. So we welcome the opportunity to work with a lot of people. I mean people who are supposedly our opposition invite us to their meetings, and we willingly go.

Brennain Lloyd: I think to follow on what Randy said, I think we have real responsibility to say some of the things publicly and repeatedly that as environmentalists in the north, it's difficult to say sometimes. You know there's a certain pressure on environmentalists and environmental groups to be reasonable and to say oh well, we can do it, we just have to do it this way instead of that way, and I think that we have to say no, we can't do that, that can't be done. And I think we have to talk a lot more than we do about limits, about limits to growth and - the 'bottom line' is the line that I started borrowing which I think is actually economic jargon but I think that we have to create a new use for that term - and the bottom line is at a certain point you just say no, you can't do it, there's no flexibility there. And I think that certainly in my experience, a lot of times we try to appear reasonable all the time, we want to be reasonable, we want to be rational... and it's important that we be all those things, but we also have to say that what's reasonable and rational is just saying no. That there is a limit, and these other things just don't make sense any more. I think the other thing we have to do is learn to talk in all the sort of - not all, but some of the technical terms and we have to know what we're using and where it's coming from, and how we could use less. We have to have a very basic understanding of those things which I don't think most of us do, and I don't think for a lot of us who are drawn to working on environmental issues because of a love of the land and because of a sense of the planet, that doesn't necessarily translate into this technical ability or technical interest. I think that we have to... I think that we have to wrap our minds around what a megawatt is and where it comes from and what damage we've done to get it, and not leave it until we have to fight the next fight.

Rick Lindgren: We have approximately twenty more minutes, we're going to go to about 3:15 pm. There are a few other issues I'd like to address, and hopefully involve you as well. One of the underlying questions is of course the question of self-government. We've heard it here this afternoon, we've heard it discussed this morning. Mr. Wildman claims that his government is on a self-government agenda, that that will be coming, and we also heard Prof. Morse say that self-government has to include access to the resource base. That to my mind means that the aboriginal communities will have to be given meaningful control and power over the allocation of that resource. If that's correct, let's apply that to Moose River. If the coalition says sorry Hydro, you're not going to be damming our rivers, we don't want it, we think that we can get by without it. Does that end the matter? Assuming there is a provincial need for further power, can the aboriginal communities exercise what some people might perceive as a veto in order to protect the resource base? I'll throw that out to the panel and to others...

Question: The whole issue of self-government though really revolves around the issue of economic development. I'm not going to harp on the question of whether the dam is good or the dam is not good but in terms of how the community is trying to facilitate a strength to sustain itself really evolves around if you get the self-government, then you have to be able to mix in some kind of technology base. I guess that's what I was getting back to in terms of what kinds of future vision do you have or strategy in which, okay if there is a moratorium on this dam and it doesn't go ahead, what other sources of opportunities are there that you're looking at that can try and assist local residents up there?

Randy Kapeshesit: Well, that's your view I guess and I don't want to respond to it directly, but I'd rather respond to the question directly. I think for the most part the government is well-intentioned when they say that they're embarking on this self-government agenda. And certainly compared to other governments, they're seeming to want to go further than that. Obviously, saying or recognizing that there is such a thing as inherent right to self-government demonstrates that. But I think too that there's a lot more that needs to be learned and understood before finding which route that we should be trying to go. I can come at your comments in a roundabout way I guess by saying that far too often, at least from what I see, when there's a discussion of self-government it's again, as you say, an economic development question. It is when it's formulated in the context of a discussion between governments. Treaties are an example of that, land claims are an example of that. It's usually a question of

resolving the issue of title to land, opening up an area, to ensure that third party interests or the private sector can go in and not worry about who's going to come after them, or whether in fact they are occupying a position of ownership. So that's what it's all about after all is said and done, to comment on your question. And I think for aboriginal people it's trying to turn that around a little bit because if you look at the treaties and if we look at the land claims, people would say we don't have self-government yet, and that's what we're trying to achieve. Obviously, what Mr. Wildman was saying is that we're going in that direction, implying that we're not there yet. It's the same kind of objective though, and I think the struggle for aboriginal people is to ensure that our definition of what that means comes forward. It's always, it seems to me at least, the priority of governments to ensure that the private sector or third party interests are free to do their thing. And there is no attention paid to our particular vision of an economy, the components of an economy that we would have from a different value perspective. I'll say that again, that's what it comes down to in terms of self-government. When it comes to choosing whether you're going to exploit resources or build a dam for example, or in our area there's a possibility of extracting kaolin which is a substance of clay that's found in the earth, kaolinite for example. We have apparently the biggest deposit of that in the world, or at least in North America, in our area. And what we did in terms of responding to that was that we said, Hold on, we don't have the authority or the right to go and dig this and do whatever you want because basically it's an open pit to extract this stuff. A very large open pit. So what we said as a Board of Chiefs is we would establish our own criteria as to how to evaluate this and the kinds of things, the criteria and things that we developed, the things that we would evaluate this whole idea of a kaolin mine, I don't think came up on the government side. I mean their review, and the things that we considered just weren't the same. So I think that demonstrates the point. And the point is that if you want to talk about self-government it means accepting the fact that people have a different cultural view, a different world view, and consequently a different place in terms of looking at economics and how they impact on people and the land. And accepting that as equally legitimate and having a right to exist, independent of what the larger economy might want to do in that area. So we would just look at things a lot differently. And one of the things that was asked was, would this particular substance be used in the production of weapons, that kind of thing. The government didn't have that kind of criteria. So it's a reflection of values, is what it comes down to, and that's all we're talking about when you talk about economic development, and the point of self-government in economic development is that Native people have different values, and it's a recognition of that and allowing that to exist.

Question: I'll just tell you very briefly what my group ... actually we're looking at a group in a national association of Native communities across the country trying to set up a separate management board to look at specifically mining issues across the country, where the Native community is making decisions - in effect a co-management type of relationship (tape inaudible) that I alluded to earlier. There are some initiatives going on, I'm not sure how much interaction your group itself has with the federal government - is your actual area a reserve or a settlement, or how is it classified in terms of ...

Randy Kapesheis: We have First Nations who are part of the coalition and they're all subject to federal government policies and programs and respond to those things.

Question: So you are a status area (tape inaudible) ... and I'm just saying that within my group anyway that there are a number of issues that are being driven particularly by the Native community, and that is not based solely on resource exploitation. I'd just like to hear the native point of view.

(tape inaudible)

Question: My name's Kyle Cachagee, I'm a conservation officer from the MNR in Chapleau, this is about the dams, the dams up the coast. Does the Coalition have its own sources of human resources that you have working for you to do the assessment on the resource, more specifically fishing on the river and the tributaries... I'm curious as to the relationship between the MNR and Hydro and the Native community.

Randy Kapesheis: I think it all depends on what district of MNR you seem to find yourself in, I know that others get along better with them in some other areas. But specifically, do the communities have a budget to do this kind of stuff, and to hire their own people?

Question: I'm just saying, you have such a ... compared to Chapleau which is pretty small compared to the things that are going on up on Moose River, like that's such an involved project review, did the government allow ... extra money to hire biologists say, to do the assessment work?

Randy Kapesheis: What has happened as a result of participating in the environmental assessment, the coalition itself has had access to money that allowed us to evaluate some of these things - fisheries, for example. We looked at what Hydro has put forth as their position, and we go and hire somebody to evaluate that who's got some

expertise in the area, sometimes those people are within our communities but for the most part they're not, they're down south, all over the country, out of the country.

Question: We don't have any money for that, that's something that left for our own biologists and conservation officers.

Randy Kapesheis: I think that ... one of the things that I referred to earlier in terms of being at a disadvantage about this environmental assessment process, whether it's an appropriate one or not, I mean it assumes certain things. The premise first of all is that we're all going to react to what somebody else is doing, and it just doesn't recognize that the communities of the First Nations ought to be able to already articulate what is there and what the concerns are in modern times, and recognizing that there are all kinds of impacts that have taken place on traditional activities and the limits on those activities. There are examples of how to do those things and how to respond to them.

Question: I guess that's the modern way to do it, whether that's the way I guess you're told that it's going to be done...

Randy Kapesheis: Well, we're all told I guess to a certain extent, we're all given money to hire people to fight Hydro...

Brennain Lloyd: But we all had to argue what we were going to fight them on. It wasn't like just go out and get the experts, we want to do some work with the money to argue our case.

Question: Mark Dockstader, I was just wondering if I could tie some of these things together. We talked about self-government and Hydro's plan and views on development for this area, I'd like to get the panel to jump into a very dangerous game of crystal ball gazing. Hydro's 25-year plan (tape inaudible) what I'm curious about is things are in such a state of flux right now, co-management and all these different plans, I'd like to get your impressions of where things might be 25 years from now, not only from the aboriginal perspective but also from environmentalists - small e or large E - but from that group how that might tie into what are a lot of aboriginal initiatives in this area, but just to take it beyond where we are right now and perhaps to...

Randy Kapesheis: Well, I'll start. Not that I enjoy predicting anything, but I think one of the realities that.. the problems that we've recognized during this last two or three years, and having to acknowledge the opposition to the plan from the Moose River area, they've come to recognize that if anything is going to be done, period, anything, there's going to have to be a greater acceptance and endorsement and proven commitment to what this idea of what self-government could mean to people in the Moose River basin. And I think that point has been made very clearly to them, it's going to be subject to maybe twenty-five years of that, I don't know. But the fact is that I think we've made that point very clear, that we're just not in a position to respond to all these pressures and the coming demands that seem to be there, and we're at a disadvantage right now. And if we're going to be representing ourselves fairly, and having the opportunity to do so, the rules of the game have to change ...(tape change)... and interaction between our particular area and our vision of the future, with that from the outside and from the south, would take place in that context and be subject to more detailed discussions. But I also want to say that at the same time twenty-five years of the wasting of energy and the encouragement of consumption of energy is going to bring a lot of problems to our area because of others. So environmentally I think those are the realities as well, that things aren't going to get better, they're going to get worse. And there's a lot of things that we need to do between now and the next twenty-five years to ensure that we do have twenty-five more years of after that.

Mark Dockstader: And I guess that there are a few things we need to do in the next five minutes (tape inaudible)

Brennain Lloyd: ... we'll tell you later Mark...

Rick Lindgren: We haven't had enough time to discuss obviously all the issues that we would have liked, but if I could I'd like to summarize what I think I've been hearing in terms of the definition of the problem and the identification of the potential solutions. I'll throw it out for your consideration. If it's accurate, let me know, if it's not please comment. In terms of the statement of the problem, aside from the environmental impact associated with Hydro's plan for Moose River, the planning projects like the Moose River Basin project are still plagued by a lack of communication and understanding, notwithstanding the presence of the provincial Environmental Assessment process. In particular, there appears to be a lack of regard for a larger ecological, social and economic and cultural considerations. There appears to be a serious lack of regard for alternatives and perhaps most importantly a lack of proper regard for the exercise of aboriginal and treaty rights and the principles of self-government. That's a big mouthful, but is that a fair description of what we've heard this morning?

Speaker: I think you've just hit the nail on the head because our style of government doesn't do integrated planning... the way we plan buildings, the way we plan social development... and there is no such thing as integrated planning in our society (tape inaudible)

Rick Lindgren: Does everybody else agree with the statement of the problem?

Brennain Lloyd: I think that's a statement of the problem at this point in time, but I think that there's a broader problem of society gone amuck.

Rick Lindgren: I guess the backdrop is society going amuck...

(tape inaudible)

Rick Lindgren: Well, let me turn to the potential solutions. Again, based on what we've heard from the panellists and from the audience, I get the sense that what we need is meaningful community participation. That's not just a buzz word. What we're talking about is informed community involvement from the word go, and the involvement has to be based again on the recognition of certain aboriginal rights and the principles of self-government. Co-planning, whatever that might be, may be the solution, but you have to involve all of the community, aboriginal and non-aboriginal. The process, whatever it looks like, can't be arbitrarily constrained or excessively narrow or narrowed by terms of reference developed by somebody else, they have to... the terms of reference, and indeed the whole process has to be jointly developed. It's got to be broad enough to address all the concerns and issues and objectives of aboriginal and non-aboriginal communities. It's got to be consistent with, or give effect to, an aboriginal vision of sustainability. Is that a fair summary?

Speaker: The point at the beginning of the discussion of co-planning, or the process of co-planning brought on by pressure of some developer - I think it should happen free of those kinds of pressures because otherwise it's always there and never really in fact do that.

(tape inaudible)

Speaker: The reality is probably there's a lot to talk about but people won't talk to you unless there's some pressure somewhere to be in your area in the first place. That's my own personal view.

Brennain Lloyd: And then the discussion shifts on how to mitigate a project rather than what kind of project you want...

Rick Lindgren: Now, subject to any further comments that you might have, is this group comfortable, or would the group be comfortable if that were the main message that I were to repeat tomorrow afternoon? Is that a fair summary of what we've been talking about over the last two hours?

Question: Kevin Bell, Ontario Native Affairs Secretariat. I think there might be perhaps a major point that hasn't been mentioned when we're talking about co-management and co-planning between aboriginal groups and non-aboriginal people or interest groups. And that is that I think there's a different order of input for aboriginal people because of their constitutionally protected rights and the fact that they're talking about self-government and when we've been talking about this, that distinction hasn't been made. I guess the traditional model is that government represents everybody in everyone's interest and now we've had to add onto that aboriginal people have to be treated differently because their rights are constitutionally protected and we're also talking about self-government. Now I've also heard advocated that environmental groups may want to have greater input or even decision-making, but ... you know, there seems to be a similarity there but there's still a distinction between what's recognized in law and (tape inaudible)

Rick Lindgren: Is that a distinction that people are comfortable with? I think it's a very good point, I'm afraid it's unfortunately been raised one minute after we have to conclude. I guess we should wrap it up subject to any final comments that you might have. If there aren't any, I'd like to personally thank both of the participants. I think it's been a dynamite discussion. I told Michelle I don't want to facilitate, I want to listen and learn and I think I did do a lot of listening and a lot of learning, and I thank you very much for coming and speaking to us.

NISHNAWBE ASKI NATION WORKSHOP

George McKibbin
Ecologistics

Frank McKay
Windigo Tribal Council

Bill Taylor
Ontario Native Affairs Secretariat

Facilitator
Tom Clark
Rapporteur
Josie Enzetic

Tom Clark: My name is Tom Clark, I'm with the Forest Policy Panel and I'm not sure how I got to be facilitator here, I think Michelle is trying to educate me on Native issues and forests. When it comes time for question period, please speak up - the microphone may not be picking up too much, so we'll have to speak clearly. Our rapporteur is going to be Josie Enzetic. Some of you may know our panellists: Frank McKay who is the Executive Director of the Windigo Tribal Council; George McKibbin, who is with Ecologistics, he's an environmental planner, he's also worked with CELA on a few projects; Bill Taylor is with the Ontario Native Affairs Secretariat.

I guess the way we'll handle this is, we'll get Frank to lead off and he will give us some of the history of the area: we have a map on the board for those of you who aren't too familiar with it. I'm not particularly familiar with the situation so I'm going to try and ask questions as we go along and I'm not sure how familiar everybody here is with it, so we'll start off fairly slowly. I'm not sure we have two hours. Frank has to catch a plane tonight so we may not go until six, maybe until 5:30. So an hour and a half, we should be able to start off fairly slowly, bringing everybody along. Feel free to ask questions as we go if you don't understand something.

We're going to go through some of the example agreements which have been arrived at between NAN and some of the organizations interested in that area. So we'll get started.

Are there any questions to lead off? Okay Frank, do you want to give us a history of Windigo.

Frank McKay: The organization I represent is composed of six First Nations in Northern Ontario. I'll briefly describe how we got involved in dealing with issues related to the lands and resources. We have an overall political organization that deals with other issues that First Nations face in that area, and Windigo Tribal Council is only part of that organization that represents us. And over here we have a little map that was done by our map-makers, not all of our communities are listed on this map, only those areas that we will be referring to in our presentation. But over here at Sioux Lookout that's where our offices are, north of Thunder Bay. Then there's Bearskin Lake, Quetico Lake, Kowagama Lake - he is pointing out First Nations locations on the map. One of our communities just got reserve lands. Before that they were considered to be squatters. Finally, before Christmas, there was an agreement signed that will give them reserve lands.

The community has been having a lot of problems with the other third party interests in the traditional territories. We have the Saugeen Nation... Its another one of our member communities. It has been having a lot of problems dealing with their neighbours.

Getting back to our involvement in land and resource issues, under the Federal Indian Act we recognize that reserve lands and all those other lands around us are considered to be under the provincial jurisdiction, Crown lands. However, our people's interpretation of the Treaty - this is their land, they never gave up their land, they want to continue to pursue their livelihood of hunting, fishing and trapping. And that's how the majority of our member communities have been doing those kinds of activities, is to take their families to the activities of hunting, fishing and trapping. And they still do that today in our community. And most of the time when the province wants to do something in those Crown lands we consider our traditional areas, we don't get informed about what's happening. And the time came when we had to begin to deal with those issues, those activities, because of the conflicts that

our people were having, the problems they are having with those activities. Our hunters were getting disrupted during the hunting season: you would have low-flying aircraft flying around doing exploration in those areas; we had problems with the river systems, there was always some sort of an experiment going on there, trying to find whatever is going on there with lines going across the river; we have funny shaped objects on the shores, they looked like rocketships, we didn't know what they were; we had metal buildings being built up by the shores, we didn't know what they were, and there was never any explanation given to us of why those things were there, what happened to our rivers, our hunting areas, why buildings were being built on our hunting grounds, and they never told us anything.

So our organization began to bring these concerns to the Provincial authorities and to the Federal Government to find out what's going on in our area. We had a lot of activities, people coming in and going, doing mining exploration. So NAN, Nishnabai Aski Nation, our Provincial Organization began to raise these concerns to the Provincial Government, our Chiefs and councils brought these concerns for the Provincial Government, and we wanted to find out what is happening to our lands. We didn't get to be informed of these plans. We were informed after the plans had been finalized, we were asked to analyze these plans to see what we thought, but they were already finalized and ready to proceed. One of the major activities that we've done to oppose the development in our area was when one of the forest companies decided to clearcut, a large chunk of land was involved, about six to eight of our communities, this was Reed Paper Company in Dryden. It's after the successful stopping this project, a Royal Commission on Northern Environment was established to look into the environment in the north. So those were things that we were fighting for, we wanted to get involved. Anything that happened in our lands, we wanted to be involved, we wanted to participate in the plans, we wanted also to benefit from any development that occurred within those lands.

So we began to lay down some items that we wanted to negotiate. One of the first priorities we had was ensure that our treaty rights, our aboriginal rights were protected, that we could continue to hunt and fish and trap in those particular areas as our Treaty had promised. And if development did occur in those areas, we wanted to be compensated for it, if our people were displaced by these developments, we wanted to get compensation so that we can continue to maintain some sort of income from our livelihood.

So those are the points, and there was other points too that George McKibbon will be presenting in terms of some of the agreements that we have come up with, with the Government and also with the mining companies that we are dealing with, and also other issues. That's generally the basic background, and I think that there will be more detail in relation to the agreements, some of them are still under discussion, we still have to look at a few details on some areas, so that's it.

Tom Clark: Does anyone have any questions? We could have a quick question right now if anyone wants anything clarified... if not we'll... I guess Bill, do you want to give a quick overview of how the Ontario Native Affairs Secretariat fits in with this picture?

Bill Taylor: Bud Wildman is the Minister responsible for Native Affairs, and the Native Affairs Secretariat is the bureaucracy and we have a Secretary for Native Affairs who is the Deputy Minister who reports to the Minister. Basically our responsibilities are implementing the corporate native affairs policies developed for the Provincial Government, the coordination of policies of the Native Affairs Secretariat and the Ministry, the negotiation with aboriginal Governments and the Federal Government for land claims and self-Government negotiations, and the resource, natural environment and social impact types of concerns that Windigo gets involved with. The Secretariat formally the Directorate was involved in coordinating activities with the responsible Government agencies, ministries and supporting them and assessing the capacity of the First Nations to hire the support that they required.

I guess I could comment on the work of the Tribal Council in changing the policies of the Provincial Government, and how development and planning occurs in the north. First, after the inquiry I was involved in getting the Royal Commission on the Northern Environment initiated. Soon after the final report was released, they responded, reacting to the individual developments on sort of an ad hoc basis I guess in hydroelectric developments, timber management planning, mineral exploration and mine development. And from those original agreements have developed negotiated terms in a policy vacuum so they have taken a lot of time. Out of that process, not only have developed capacities and skills and a knowledge base this also has increased the knowledge of consulting firms and the Provincial Government. There was an agreement that George will be discussing. The Windigo Planning Board where we will be getting into land use planning activities with the Provincial Government. On the Board there is 50% representation from the First Nations, 50% from the Province and an independent chair. And so in that way from this ad hoc, reactive mode of negotiating social and environmental impact and management of economic benefits of individual resource developments developed over time to a more fairly....building the institutions of self-Government and the capacity, the relationship between the Governments...

Chair: Do we have any quick questions for Bill.

Question: How long has the Secretariat been in existence?

Bill Taylor: With the election of a New Democratic Government it changed from the Bureau of Native Affairs to a Secretariat which involved the elevation of the senior position to the deputy minister level. But prior, under the Liberal Government, Ian Scott was the Attorney General and Minister Responsible for Native Affairs, and he had the Ontario Native Affairs Directorate and before that there was an office within MNR which handled Native affairs.

Question: Could you just comment quickly on the status of the Royal Commission, in terms of how far they got, the Royal Commission on the Northern Environment, I can't remember how many recommendations were made, but did any of that thing ever get implemented or, is it collecting dust?

Bill Taylor: The Ontario Government didn't respond formally to the recommendations from what I understand, but the recommendations involved the establishment of the planning board, the negotiation of the resource development agreement with the First Nations that are being discussed today. I guess the most important things they actually made in terms of recommendations was the creation of a northern development authority which would be responsible for facilitating agreements between the private sector and First Nations and non-Native communities, and I guess the whole policy problem of northern development is now being driven by aboriginal self-Government (tape inaudible)

Tom Clark: Okay, George has got a handout, has everybody got one of these because we're going to go through it, so you should have one.

George McKibbon: I don't know about you, but I find all this, some of these negotiations and some of these agreements, I find them very complicated and I imagine that at the end of a long day you're not going to find it easy listening to me if I go into a great deal of detail so what I'm going to do is try to highlight points. I've also made arrangements for you to take a package with you. There are four case studies included in this document pile, and these represent four different issues, not all the issues are NAN. These four issues represent some form of resolution and some treatment of resource development from a First Nation perspective. There are other topics and other experiences, and these were selected because there has been some success, also some failure in these, and they also deal with some of the points that some of the earlier speakers have addressed in the morning.

The first document I'd like to look at is entitled "The Ontario Windigo Planning Agreement", and you have in front of you a draft. The agreement is not officially signed but we understand that the official signing will occur at some point in the future. We think that it's close enough now that we could talk about this, and what I'd like to do is give you some idea of how this particular agreement came to be.

Frank has mentioned that there is substantial resource development occurring north of Sioux Lookout. In the past ten years, one of the strategies that Windigo Tribal Council has used to negotiate resource development and to allow the member First Nations to become involved, the approach has been to request designations under the Environmental Assessment Act of major development proposals. And in particular there have been three major gold mine proposals, two of which are in operation, been approved and are in production, and one of which is proposed but which may or may not happen in the future, depending on the economics. Another example that we'll talk about later is with the hydroelectric project. Essentially what happened was this: Windigo and the First Nation, the affected First Nations, requested the Ministry of the Environment to designate the project under the Environmental Assessment Act as an undertaking, thereby requiring the whole procedure under the Act to apply. The Ministry of the Environment has been reluctant to do that in the past, and in the alternative what has happened has been that there has been a series of negotiations that have taken place on these projects, and agreements drawn up dealing with such things as ... contracting and matters of that nature. But that's a pretty difficult procedure to go through every time someone proposes to do something within the traditional lands of the First Nations. And it's also a fairly reactive way of doing things. Someone has already got a project in mind, they may have begun to secure their approval - for example a gold mine: the mining exploration takes place under the Mining Act, and many approvals can already be obtained before the First Nation gets an opportunity to become involved with the development application.

Requesting designation under the Environmental Assessment Act is pretty difficult to achieve, the negotiations are on a case-by-case basis, they're very difficult, time consuming and hard. So in the alternative Windigo has negotiated with the province an agreement to establish a Planning Board which would effectively review development proposals within a confined area around two First Nations, one of which is Weagamow Lake. I'm not much of a

geographer, I hope you'll excuse me, and the second is the Cat Lake First Nation. And that's the first document I'd like you to look at, and I'd like to go through it with you.

You can see on the first couple of pages that it's a legal document so the lawyers have to satisfy themselves that all the proper things are done. Who the parties to the agreement are on the second page. In this particular case, a gold mine proposal, and two tribal councils requested designation under the Environmental Assessment Act, and there are four affected First Nations, two of which are in Windigo, that's North Caribou Lake Band and the Cat Band, and two of them are with Shibogama Tribal Council, Wunnumin Lake First Nation and Kingfisher Lake First Nation.

The agreement is fairly lengthy, and I'll just go through it here. It provides for a planning Board, a wide range of development proposals which we'll observe is the defined area, the defined area as shown on the map attached as an appendix to the agreement. Each of the planning boards is also responsible for the preparation of the land use plan, which will incorporate First Nations objectives with respect to the land use and the environment for the area we planned for. You can see on page three under the section 'Structures' that this is an interim planning board, five years (tape inaudible) and also provide the board with decision-making power (tape inaudible), and notwithstanding all the progress that has been made, this board will be an advisory board, it will not make decisions for the land. The second part under 'Structures' deals with representation, it shows that there will be an equal number of representatives between the province of Ontario and the First Nations.

The purpose section is set out on page 4, 2.1, to develop a plan for land use and resource development in the area to be planned for, and also to review and comment on development applications as these come up. And you'll see that the legislation that is effected is broad ranging in the sense that it encompasses all of the legislation that the Ministry of Natural Resources is responsible for, and also legislation that the Ministry of Northern Development and Mines is responsible for. This is quite a substantial departure from the past in that for the first time there will be a procedure in place for First Nations to comment on development applications before they're approved and not after the fact.

The objectives are set out on the bottom of page three and I think it's important to note 3.c, promotes the traditional economic activities of the Nation clearly the objective of this agreement...

Principles for the planning board to deal with are set out on page five. It's important to see that 4.e. is in place and involves a sharing of economic and social benefits from resource development activity by the people who live in that area, namely the First Nations. In the past, the benefits of the activities went south. The agreement provides a mechanism that will allow for the sharing of the benefits of resource development with respect of the people within the area.

Functions are set out on page six: studies will be undertaken, draft management plans prepared. The planning board will also be involved in consultations with affected First Nations in the area. A lot of emphasis is placed in 5.1.f on effective and meaningful public participation. You have some sense of the emphasis placed in this agreement on consultation with affected First Nations.

Now I mentioned that this was an advisory planning board, on the top of page eight there is in section 5.3 a mechanism in place to give the advisory board some leverage with respect to Government ministries and agencies that may receive comments and recommendations from the board but decide to do things their own way. Section 5.3 sets out for that situation, with a condition that says "In the event that a decision by the appropriate Provincial authority differs from the recommendation made by either the interim planning board or both. The appropriate Provincial authority shall give its reasons in writing for any variation to the Minister and the interim planning board involved." Now that's not a great section, but at least it's an attempt to put something in place that will give this planning board some teeth.

Question: What's an appropriate Provincial authority, the Ministry's office? The minister's office?

George McKibbon: It might in this case be the district manager. That's an example - certainly they handle the licensing.

Question: Is there a reason why there's no time limit given to those Provincial authorities to respond.

George McKibbon: I didn't think about that.

Tom Clark: George isn't a lawyer...

George McKibbon: Section six provides a range for the evaluation of the planning board experience. At the end of five years, this experience will be looked at and evaluated and hopefully institutionalized into a more permanent arrangement. On page 9, section 7.3, there is some direction given to the Board and you can see the points that are set out there for protection of traditional use of land and traditional economic activities as a focal point of the agreement, as well.

Question: ... has it really made a difference in that area?

George McKibbon: This agreement has not been implemented yet, it is a product of several years work, ... it's something we'll have to see how it works.

Question:...a minimum number of jobs created for Band members.

Frank McKay: ... we have another agreement called the General Agreement in which we identified target members in terms of how many Native people you employ in the mine itself.

Tape indecipherable

George McKibbon: (tape inaudible) the agreement provides...to Windigo for implementation by the planning Board (tape inaudible) I think it is not, and there's also a provision in section 10 that is addressing aboriginal treaty and constitutional rights.

In Appendix B, the list which is attached describes all of the legislation and administrative procedures that Government ministries have in place which generates applications and those are the kind of things which the board will review, and will suggest some administrative procedures how to be handled and also to be prioritized So that gives you some sense of the nature of package. (tape inaudible)

Question: How were the boundaries to the area under jurisdiction decided?

George McKibbon: It was a lot of fun to draw up these boundaries. It was not a rational process. The initial proposal of the First Nations committee was to include all the traditional land which each community used within the planning area, and that made a lot of sense from the point of view of the trappers and the traditional harvesters. However, the reality is that the Ministry of Natural Resources, which has a variety of resource programs including forestry, has their own administrative district. In this particular area most of the traditional lands for the caribou hunt are within the Sioux Lookout district. But it so happens that part of the traditional lands are also situated in the Red Lake district. Sioux Lookout district staff don't want to have to deal with Red Lake district staff in terms of processing an application so those lands got lopped off. In addition, resource development in the past has generally tended to move further north; you get activities such as forest management which in the past took place in the southern portion of the boreal forest. The ministry is also conducting an environmental assessment of timber management and there is an area of undertaking that is part of the traditional lands (tape inaudible) The ministry staff did not want any portion of the traditional lands which overlapped the area under the Timber Management Environmental Assessment to be within a jurisdiction of the planning board so those lands got lopped off. In addition to the lands that (tape inaudible) and there are a number of third-party interests associated with that (tape inaudible) So I think the simple answer was that there was a lot of hard negotiations (tape inaudible) probably Windigo gave more than it took and on the other hand, the important thing is that the planning board now has the ability to put in place to address these resource development issues from the point of view of the First Nations.

Chair: Can you identify yourself too?

Question: Yes, my name is (tape inaudible), I'm a journalist and I want to inquire (tape inaudible) I'd like to ask both (tape inaudible) about this division of land, would it cause a bit of a conflict among the Native communities, some of you have been involved in this planning board process and some of you have been excluded, and is there another planning board process for that other district which is being created (tape inaudible)?

Frank McKay: There is discussion among First Nations in relation to their territory. There is some territories that are shared territories, used by two First Nations. So there is some dispute in terms of who should have the priority over that area.

Question: I know that certain First Nations communities have chosen not to be part of the process themselves.

Frank McKay: Well some of the territories that these First Nations claim as their traditional territories belongs also to the other members of the family living in the other First Nations, and this First Nation leadership doesn't want to be part of that process.

In terms of our community, in terms of trapping and hunting and fishing rules, you have the clan system.

Question: So in terms of accommodating (tape inaudible)

Frank McKay: Oh yeah, we try to accommodate that, to give recognition and respect to the other First Nations in terms of their use of the land (tape inaudible) traditional; sharing areas. (tape inaudible) In relation to those areas that fall under, let's say for example in the past. We're going to try to find a mechanism (tape inaudible) in terms of how we can get these lands (tape inaudible), so we wouldn't have to (tape inaudible). We have another mechanism that we're trying to establish (tape inaudible).

Question: (tape inaudible)

Bill Taylor: Um, (tape inaudible) and there were district land use guidelines in this area many years ago, (tape inaudible) I don't see a problem technically because (tape inaudible) the regional strategic (tape inaudible)

Question: Brian Miller, Indian Affairs. Has this all been put on GIS, and how has this area been translated into self-Government propositions. Is this the claim now that is being put forward to the Federal Government as the area which is being pursued by the Windigo Tribal Council. What has been the response of the Provincial Government.

Bill Taylor: There is no GIS (tape inaudible)

Tom Clark: Okay, I think we'll just continue on. I think now we're at Appendix B, on page 16 of the handout. One more question. Could you identify yourself?

Question: Alan Roy, I have a question for George. Was the right of first refusal ever considered?

George McKibbon: Not on a technical basis, no. This was always (tape inaudible) Not at this time.

Tom Clark: One more question, okay

Question: Yeah, Paul King-Fisher with the Comprehensive Planning Council in Temagami. What's your sense of the legal status of this blocking (tape inaudible), in other words, it may not relate necessarily to the existing legislation but is it going to be... do you see it as something that will be stronger than the guidelines that the ministry might have wished to have in place in the past, or will it be a defensible legal document? What's your sense.

Answer: The strength of this document will rely on the fact that it was produced by First Nations who are resident in their area and the planning board that represents them, (tape inaudible) under a procedure that provides for consultation of all third-party interests (tape inaudible) and the community, and that it is ultimately recommended by the planning board to the Government. It will not have legal status in the sense that it is prepared under an Act of the legislature but I think it will have substantial moral strength in the sense that the document was produced by people who represent them. That's its strength.

Tom Clark: Okay we'll proceed.

George McKibbon: The second document between the Ministry of Natural Resources and Ontario Hydro, and the hydroelectric facility situated at the east end of Lake St. Joseph, on the Albany River, south of Pickle Lake. Osnaburgh Reserve is in the area, in fact two reserves, two portions of land, north and south of the Lake St. Joseph. I'd like to just go through that briefly to give you a sense of the special relationship between Ontario Hydro and that community. The (tape inaudible) of course, in 1912 the reserve was surveyed and the surveyors who did it were excited about the possibilities, and they surveyed the reserve in such a way as to exclude from the reserve these two hydroelectric sites, one of which was the Cedars site, and the other which was a site called Rat Rapids. In the twenties, gold was discovered in Pickle Lake and developed shortly thereafter, and with that development there was a need to provide electricity to operate the facilities at the mine. And in the thirties, two hydroelectric facilities were developed, one of which was Grand Rapids and a generator in between the two land bases for the Osnaburgh reserve. And transmission lines were constructed from those facilities to Pickle Lake to supply the mining operation. In the fifties, these generators became less economical, and Ontario Hydro...and the

generators were removed, and the two dams were enlarged, converted to direct water from Lake St. Joseph down the Root River diversion to the St. Lawrence, to generate hydroelectricity all through that system. But in the early eighties of course these two facilities were deteriorating, and some changes were needed - this is Ontario Hydro's version - changes were needed in order to make these facilities safer, and between 1984 and 1985, plans were made by Ontario Hydro to do some of these changes.

All these undertakings were made without any participation by either First Nation, and indeed when the facilities were put in place in the thirties, at that time communities lived around the shores of Lake St. Joseph, and were flooded out. The buildings along the shore were removed because of the change in elevation of the water and the same sort of thing occurred in the 50's diversion. So up until that point there had been no effective participation by either of the communities in any of the decisions that Ontario Hydro had made concerning hydroelectric development. 1985 came along and a proposal was made to change the Cedars channel and at that time it was leaking water, it had been leaking water for quite some time and (tape inaudible) as a result of water coming through the leak (tape inaudible) and the lake was used by the community as a source of water and also as an area where young people were trained in the traditional fishing activities. Ontario Hydro made its plans to replace the dam with a new facility which would effectively prevent any movement of water down the (tape inaudible), and began to secure approval. At that time no environmental assessment requirement was in place, (tape inaudible).

Osnaburgh First Nation and Windigo Tribal Council requested the designation of the project under the Environmental Assessment Act. After reviewing an environmental study report which Ontario Hydro produced (tape inaudible), the discussion of the project took roughly two and a half to three years. At the outset of the discussions the Ministry of Natural Resources had effectively issued Ontario Hydro all the permits that Hydro needed to conduct the changes to the facility. So there was no legislative mechanism in place for Osnaburgh Reserve to secure conditions of approval in order to protect its interests (tape inaudible). After disproving some of the claims that from the Ontario Hydro environmental study report with respect to fishing and other social matters, and in this particular case the Ontario Native Affairs (tape inaudible) Ministry of Natural Resources officials, Osnaburgh officials, Windigo and Ontario Hydro, and at the end of those discussions there was some agreement as to what should be done, limited agreement, and there was no vehicle to implement the conditions of that agreement, the province agreed to take the license of application for the facility and amend it to include conditions about concerns of First Nations. If I can just go through this, I think (tape inaudible), there are provisions there with respect to fishing resource, (tape inaudible) and these provisions (tape inaudible) to address the impact of the facility (tape inaudible). This was a long and hard-fought set of negotiations (tape inaudible) and (tape inaudible) this is another example of the difficulty of. (tape inaudible)

Tom Clark: Are there any questions about this document?

Question: (tape inaudible), Anishnawbe, I was wondering if you could describe what were satisfactions and dissatisfactions.

George McKibbon: I think that the success was making the point that Ontario Hydro's environmental study report was inaccurate in this respect and securing some changes to the dam in order to address the fisheries (tape inaudible). There was also a proposal by Ontario Hydro to establish a large work camp in the area of Cedar Channel. To my knowledge this is the only occasion that I'm aware of that a license of occupation has been used to include a First Nation's interest with respect to the resource development. The down side I think is that there was no other mechanism to implement terms and conditions favourable to (tape inaudible) reserve, approval had been given already before any consultation (tape inaudible), and the larger concern of what has gone on over the past eighty years with respect to the Lake St. Joseph.

Tom Clark: I'll take one more question (tape inaudible)

Question: (tape inaudible) The original survey which drew out the borders of Osnaburgh Reserve. That's still in question right?

George McKibbon: Well it was a survey for the reserve, and whoever made it out (tape inaudible) that First Nations could not control the two sites that were considered to have potential for hydroelectric development.

Frank McKay: Treaty #9 - there was an agreement beforehand between Ontario and Canada to exclude water power sites over 500hp.

Tom Clark: Any more questions? (tape inaudible) Now we will start on Appendix C.

George McKibbon: This is an agreement between Osnaburgh First Nation and Placer Dome Inc. and it is significant in my opinion in that in my knowledge it's the first agreement between a mining company and a First Nation that provides members of that First Nation compensation for the loss of traditional harvest of the land as a result of a mine development. So this is a first in that respect. If you look through the agreement, you can see that it is, at the start of the sub-agreement, it's an agreement that was prepared as a result of an earlier draft, an earlier general agreement between the mining company, (tape inaudible) and the province, the Federal Government, Windigo Tribal Council and Osnaburgh reserve. That general agreement came about as a result of the designation request which the reserve and Windigo made to the Ministry of the Environment and (tape inaudible). The objectives of the agreement are set out in the second 'whereas', on page 4, and that's the general agreement (tape inaudible) "to share in both the direct and indirect benefits of the project, the gold mine, to avoid or minimize any negative impact deriving from the gold mine, (tape inaudible) harvesting after completion." This particular agreement calls for annual compensation paid to band members, for the loss of twenty square kilometres which is taken out of traditional harvesting production using two trap lines operated by two trappers from Osnaburgh Reserve. The agreement was prepared after the report was conducted on the harvesting (tape inaudible) within the twenty square miles, and that report relied in part on Government, Ministry of Natural Resources trapping data, and also interviews with the trappers who (tape inaudible) the amount of food and fish and fowl that was harvested, and estimates were made as to the economic value of that harvest, and that was the basis for the compensation package which you see on 3.d on page seven.

I don't think I need to say too much more about this except that to my knowledge it's the first agreement that I'm aware of within the province.

Tom Clark: Any questions about this document? Okay, we'll do the last one I guess, Appendix D.

George McKibbon: This is an exhibit that was submitted to the Timber Management Environmental Assessment Board (tape inaudible) just some background on the environmental assessment and twelve years preparatory work in 1985. My recollection of the (tape inaudible) committee was that there was only one reference in that 1985 Class environmental assessment to First Nations dealing with cultural sites. In 1987, there were two references in that document the first again dealing with cultural sites and the second one dealing with treaty and aboriginal rights more or less saying rights were undefined.

This document, this statement of agreement concerning principles for terms and conditions represents agreement between MNR, the Ontario Forest Industries Association Osnaburgh Reserve, the Nishnawbe Aski Nation and Windigo Tribal Council, and it incorporates some standard protection of rights (tape inaudible) for First Nations, and it also incorporates a planning procedure, a special planning procedure intended to address the needs of First Nations in (tape inaudible) planning (tape inaudible) from the 1987 Timber Management environmental assessment and is a substantial departure from the past. I'll just go through this document very quickly and point out the highlights. The fourth principle (tape inaudible) Also in point five makes provision for a special consultation process which will take place within the First Nations community itself as opposed to (tape inaudible) standard practices requiring members of the community to travel to Sioux Lookout or Red Lake or (tape inaudible).

For each First Nation and their traditional land, require that a background report be prepared and a provision for that background information is set out in section six. It's important to note under C, several examples of specific uses and sites which will now be addressed. It becomes a legal requirement.

Question: Is there anything else being considered or is it just timber?

George McKibbon: It's just (tape inaudible) that's being considered under this agreement (tape inaudible) Windigo, MNR and NAN.

Question: Arlin Hackman, World Wildlife Fund. Given the net effects of all these examples are they indicating ways and means of establishing or initiating land use planning in your territory. I'm wondering if there are within the territory outlined on your map or territory (tape inaudible), there are circumstances in which you foresee there being (tape inaudible) lands and waters where there would be no industrial activity as opposed to a treaty process applying generally across the landscape, and if so, what would (tape inaudible) where there would be no industrial activity?

George McKibbon: I think I'll just go back to your first comment and say that as much as (tape inaudible), and with respect to the second part of your question, I think that's really something for the First Nations to decide to consult with other interests.

Question: Maybe I could ask Frank McKay a question then (tape inaudible) how have you protected the whole economic building process in your area? Is business still wanting to come and talk to your group, or (tape inaudible)

Frank McKay: I'd like to say that (tape inaudible) the band is playing a much larger role now and (tape inaudible) I guess they begin to realize that First Nations have to become involved and any time (tape inaudible) they want to do some harvesting, they have to (tape inaudible) benefit the First Nations (tape inaudible) (tape inaudible) had initially tabled a list of items that they wanted to put on the table in negotiations, and all these negotiations were conducted with approval from our First Nations (tape inaudible) so we do the same thing to industry. These are the things, the issues that we have concerns with in relation to an industry coming to our area and these are the issues that must be addressed before you would get our co-operation.

Question: Have you seen a slowdown in terms of the Ministry approaching your organization because you're trying to assert more authority over management of the area?

Frank McKay: (tape inaudible)

Question: But there's no direct correlation between industry slowing down in your area and the band asserting more authority over resource management?

Frank McKay: I don't think so because our bands in our area, our First Nations, they want economic development, also they want to be involved in the development of their resources based on those issues we consider important, and one of them is environmental protection, and also to ensure that human rights and aboriginal rights are upheld, and to ensure that we get compensated, those kinds of things (tape inaudible)

Question: So then do you know what's involved, that the Provincial Government is taking a more minimal role in terms of advising or attracting business to your area.

Tom Clark: I don't think Frank McKay can answer that now. We have a couple more questions (tape inaudible) I just have a comment before that: I'm beginning to wonder when you hear all this after Alan's question in particular, whether environmental groups should be going to First Nations to talk about protection of lands just as industry is going to First Nations to talk about development. We have a question right here. Could you identify yourself please?

Question: (tape inaudible) to Frank and I wonder, do you think that this board that you're establishing can be an effective planning body and also be involved in contentious issues (tape inaudible)

Frank McKay: We have agreed to be involved in planning decisions.

Question: The reason I raised that question is that (tape inaudible) in our experience, when the Government started the Temagami Advisory Board, which is now defunct, was that it started off as a board that was supposed to deal with land use issues and environment and literally (tape inaudible) as the council went around the area, and it was a very large area, it began to make decisions that in some cases prevented access, and (tape inaudible) created a very nasty result. And as it then moved into the planning process, what happened? We went to that particular area to deal with the so-called planning that was going on, the result was people refused to come out, and eventually the council began to lose a lot of credibility and it occurred over other issues as well. (tape inaudible)

Question: Don Colborne, I'm a lawyer in Thunder Bay, I want to ask the panellists what their perception is of the connection between agreements of this type and a couple of the I believe main themes of this conference (tape inaudible) recognition of aboriginal and treaty land rights, whether purely as a matter of law or as a matter of politics. And the second is the emergence of aboriginal self-Government (tape inaudible). And the context I ask that in is that one sees the community impact here, there and everywhere, they're not unique to Native communities. Non-native communities run into them when there are developments that affect them. So it's not isolated.

George McKibbon: I think that these agreements, certainly the license of occupation, the compensation agreements, the mining agreements arise out of specific development proposals and you know they are experiences which have occurred as a result of specific developments. And I think that's the context in which these things have to be taken. As far as the issue of treaty and aboriginal rights, Windigo has legal counsel, and those legal counsel have reviewed these agreements and you have such things as clause number ten on page 12 of the agreement which addresses that kind of issue. I think it's understood that there are other forums to deal with legal and Government issues, and

those forums should not be impinged by the agreement. These experiences address issues people have to live with, that they're there. I hope that answers that question. (tape inaudible)

Question: Brad Morse. I have two questions: one is that how many agreements are there that Windigo Tribal Council has signed, and if memory serves me correctly I think the Federal Government is part of the (tape inaudible) general agreements, but on all these others they're absent, and what is the explanation for the absence of the Federal Government on most of these?

George McKibbin: The Federal Government is a party to the general agreement and (tape inaudible) general agreement with respect to the third (tape inaudible). They are not a party to the planning board, partly because there's not (tape inaudible), and also because (tape inaudible) I may be wrong, and you can correct me if I am, but the Federal Government really doesn't see it's responsibility as extending beyond reserve boundaries, and that's been a fundamental problem in terms of providing some leverage for Provincial ministries who have effective jurisdiction beyond reserve boundaries. And in order to address that problem,

Question: (tape inaudible) the feds in fact do fund off-reserve services for First Nations such as medical care, and the Federal Government has got a role even if it may not be Indian Affairs, but Environment Canada, the Ministry of Transport, etc., get involved in some of these kinds of issues, yet they're not playing a role within the planning process for timber management...and I was struck by that.

Tom Clark: Could you identify yourself please?

Question: Mark Doxtater from the Institute of Environmental Research. I just want to follow up the previous question the area before that and I guess this could characterize the document in relation to the discussions I've heard about Government in the larger planing of resource use and management. Would it be a fair comment, and this is my impression but maybe you can comment on this as well, is it fair to assess these documents as being, perhaps by the time they get negotiated, by the time they get signed, that events have already overtaken what the document represents, that in this field now there are two streams: one is that the general discussion which you might hear at a conference like this are not really reflected in documents that come out to the extent that they were negotiated under a different set of parameters which have been overtaken - is that a fair comment?

George McKibbin: I think (tape inaudible) I was just going to say there are limits to how fast communities can engage, but it's also that the provinces can move. I think there's an issue there about the capacity to change quickly (tape inaudible)

Frank McKay: If I understand that question right, I guess I would say that when we negotiated the planning board agreement, we started off quite a while ago to convince the Provincial Government that we have the right to participate in the planning and any decisions which affect the Anishnabai and we told them that in the ? agreement, we wanted to be involved in those kinds of decisions (tape inaudible) (tape inaudible) We tried again with the agreement, trying to get them to agree for us to be involved in whatever is happening in our area, they still didn't agree but there was a slight consensus when they said that "We will give you a four-square mile buffer zone" (tape inaudible) And in the (tape inaudible) again, our position of being involved (tape inaudible)

Speaker:(tape inaudible) the section on sites: I notice you're talking about sites that people in the local community consider important for cultural reasons or others. Perhaps there is some common ground there in terms of the point you mentioned I think earlier, a protected area in the park, and things of this sort, where perhaps the conversations and discussions that should be taking place between those agitating for such sites, to see if there's common ground on a broad range of subjects which would be ecological, cultural, spiritual, for whatever reasons, and perhaps have some exploration on the meaning of that sort of thing? You could see that as a basis for starting, (tape inaudible)

Speaker: I do like seeing in the agreement that they also have something similar to what's in the Fisheries Act which says basically no net loss area, well these would require no net loss or require enhancement, which is a good clause to have in any agreement.

Tom Clark: Are there any other comments? I think we should probably wind it up then and thank our panellists.

[applause]

QUETICO PARK WORKSHOP

Lloyd Burrige
Chair, Provincial Parks Council

Steve Jourdain
Lac La Croix First Nation

Shirley Peruniak
Friends of Quetico

Facilitator
Toby Vigod
Rapporteur
Zen Makuch

Toby Vigod:... this is being taped and I'd ask that when people do have questions that they identify who they are and where they're from so we can keep track of everybody. And I guess we have... Barrie, do we have till three? Is that the idea? Shirley Peruniak, you're on.

Shirley Peruniak: I'd like to read the first part just so I don't say it differently to how I intended, but the purpose of this forum is for education and it's really marvellous that you're interested in coming. I first heard of Quetico about 1952 through the writings of Blair Fraser who was a Canadian journalist and the editor of Maclean's, he had joined a group to explore the early waterways of Canada. What he wrote was something that is very beautiful. He said: "What gives Quetico its special quality is a unique blend of past and present, of history and geography. Here preserved like a gilded fly in amber is the Canadian wilderness of the explorers and fur traders of centuries ago."

In the last sixteen years I've had the privilege of travelling in Quetico with Ojibwa students, teachers, and elders from Lac La Croix. There is a Native heritage with which they identify on many lakes in the park. I have seen their skill in observing relationships in nature, and believe it has been learned from a long dependence on the land.

In the present situation I am torn in two. As a member of the Friends of Quetico I have seen the struggle to preserve and protect the wilderness and we are committed to the preservation of the wilderness quality of Quetico. We see the injustice and the lack of consultation that has been allowed to affect the Lac la Croix First Nation. They have been extremely patient. We want to be part of the working out of this dilemma. We believe that the Ojibwa people of Lac La Croix have a great deal to offer to the interpretation of the history of the park and we believe they care about the wilderness values Ontario has been protecting. I would like to share with you a story as I have come to understand it in my years working at Quetico. There probably are people here that will look at it a little differently or probably know more than I do about it but I'll start from where it is. (consulting map)

Between Lake Superior and the prairie's edge lies a place known simply as "the Quetico". It stretches about sixty miles from east to west and forty miles from north to south, and when people first look at it, they usually say which is more, water or land? Over on the southeast corner, in a straight line, is where the Lac La Croix First Nation is...

Lloyd Burrige: "...and they have fifty square miles, for example... whereas Quetico has 1800 square miles, just to give you an idea of the difference in size..."

Shirley Peruniak: The village is located on the edge of the outlet from the lake, from Lac La Croix. Their access is a long way to any other community. They're at the bottom of the flow of the water as it's going past the village and down the Namakan River. Further down to the bottom right they can portage to access at Crane Lake, Minnesota; in the wintertime there's an ice road running there. North of them is Quetico. 12,000 years ago the land was covered by ice that was about a mile thick and when you look up, a mile is a long way. With the warming and the melting of the glacier, two large lakes were created: Lake Minong in the Lake Superior watershed, and Lake Agassiz to the west, with the land corridor in which Quetico lay, and it's believed that the first people probably moved

into the area along that land corridor and lived along the edge of the beaches. This is one of the beaches close to the northeast corner, and on this beach in the 70s while I was working there this point was discovered, which is a point that belonged to the late Paleo people and it established the history of Quetico and of the people being in Quetico as early as 9,000 years ago.

Archaeologists, through the findings of artifacts, have been able to establish the various groups of native people who have lived in Quetico, travelled to Quetico, following this scale and so starting at the late Paleo (third from the bottom) we have in our collection artifacts from all of those other periods. The late period or the Woodland period - you probably can't camp on a campsite in Quetico without finding flakes that put you in touch with the fact of the Native people travelling and probably camping in the same spots. Along the Rainy River there are mounds, burial mounds, that are the most ancient in Canada. There is one mound that has been discovered quite close to the Lac La Croix village, so that that history is very... goes back probably about 3,000 years ago to the time of the mounds. The Europeans, the French, began to move to the upper Lake, Lake Superior, and about 1680 - I should say the French were already there then, but by 1728 one of the Cree trappers drew this map and this is an incredible map... This was drawn on a piece of birch bark in 1728 and it shows the canoe route from Lake Superior westwards.

This would take you up, and here you would be entering Quetico. This along here, Lake Saginaga, is the lake on the southeast corner of Quetico and so in this triangle here is Quetico and it's just that it was such an accurate map... and following that of course, the fur trade moved rapidly westward and bringing with it the things that were part of that: trade goods that were new, and furs going out to market, diseases, and alcohol. This was the beaver they came to take because it was such a good fur for felting and there was a big market in Europe. At that time the Ojibwa were moving westwards and the French moved west at the same time. The Ojibwa were pushing the Sioux further to the west, so there was warfare along the southern route. And there are a number of places in Quetico where legends remember battles that took place at that time. It's sort of important to remember how far the French trading went and that when they lost Canada there was no trade routes in the country for a number of years until the English traders began to come after the American revolution and they were not well received in the beginning. As they travelled, of course they wrote diaries and some of the things that we know are written by these people who looked at Native life from their own perspective and sometimes I've been sort of embarrassed to have the Native students read it. I asked them; "Is it going to upset you?" It probably would have upset me to have a perspective that isn't in so much of our writings... but Alexander Henry the Elder observed a settlement at Lac La Croix, where the village is now, in 1775 so at least we have that date. The Ojibwa people called it the Lake of the Great Pine with the long branches out over the water, but when DeNoyon was coming back from the West, he had with him Monsieur DeLaCroix and the canoe upset in Lac La Croix. It is an extremely dangerous lake, large, with an expanse of wind from the west. And he was drowned and from then on they called it Lac La Croix, but the Ojibwa name is a beautiful name and it remembers the large pine.

The two routes from Lake Superior were on the old map by the Cree trapper Chief Auchagach ... the one at the north going up through the Kaministiquia River, Dog Lake, Lac de Mille Lacs and into Quetico, and the southern route was the one over Grand Portage and along that southern route. The two routes meet at the edge of Lac La Croix. The favourite route was the southern one - less portages - and it was used until the American Revolution when there was a tax on the furs and then the Northwest Company moved up to Fort William.

It's hard not to think about the effect of fur trade and there are so many books and studies written about it. I always think of Chief Dan George in that film "The Magnificent Gift", and sometimes I think the magnificent gift was the diseases, it was something that they couldn't have withstood. The reason I put that slide on, and I'll be showing you more slides of the location of Lac La Croix and the reserve, was that about 1823 they had established where this boundary was. Now if you were a Native person you almost had to choose whether you were going to be Canadian, and live on the Canadian side of the lake, or the American side of the lake, and sometimes families were just separated by that border. It didn't mean a lot because you could travel back and forth, there wasn't much enforcement in those days. But in 1823 there was an American Commission and a British Commission travelling to establish the line of that international border and the people it did affect on the spot were Native people. And that same year just up the river there was an incident that gave a name to one of our lakes called Tanner Lake, right here. This is the major flow of water to Lac La Croix, the Maligne River. And right here it's called Tanner Lake and this man John Tanner, when he was about six or seven, had been kidnapped by Shawnee Indians and eventually traded to an Ojibwa family. He became a part of an Ojibwa family for thirty years and from his writings - when he finally went out and settled at Sault Ste. Marie his story was recorded by a British army sergeant - and it's just excellent background to understand the way of life of the Ojibwa. But he would spend that summer, written about by members of both the British and American commissions, and earlier he had guided Lord Selkirk to Red River and had very much antagonized the Northwest Company. It's sort of a neat heritage right in the Quetico.

Right here is where he was wounded and pulled himself up on the shore and lay all night until a Hudson's Bay canoe came down the next day, and took him down to the lower fort: that was 1823. By 1846 Paul Kane began travelling west to record the way of life of these people because it was changing and it appeared to be lost. This is a painting of a Chief at Fort Francis in 1846. And this painting is of the tiny canoe that they used in the rapids for spearing the sturgeon and there are marvellous descriptions because the skill is just amazing that you would have to have to use that size canoe. Verner another artist, travelled west about 1870, again to record a way of life that was slowly disappearing. I always look at this painting and having lived through Quetico winters, how people were able to survive in those cold times was only by incredible skill from which we have since learned. There were caribou, and this is perhaps a caribou in an Indian rock painting on Montgomery Creek in Quetico; there was wild rice which can be stored; and blueberries which can be dried. Basseminansagaigan Lake is the name of the Lake in the southern boundary, that's a lake where traders would buy dried blueberries.

The moose began to move into the area about 1900; there were still caribou until about 1920. And sturgeon was as important to the Ojibwa people in that area as the buffalo was to those on the Plains. It gave them oil for the winter and you could dry the flesh and store it. I should just mention that about 1959 there was an attempt to earn a livelihood from the sturgeon and it didn't really become a success and so the licenses discontinued about 1970. But the fact that the sturgeon is recorded in the rock paintings... that looks like a sturgeon in a net, and that's on Crooked Lake on the south border of Quetico. The Snake Falls is on the border of Lac La Croix and the sturgeon would congregate at the bottom of the falls in the spring... Ojibwa still sometimes come there... but they did long ago come there from long distances away, from Rainy River ... I've only eaten it once and you have to be warned because don't eat very much because it's pretty strong and powerful but as a source of food it's important. This picture was taken in 1962. It's Agnes Sox at Lac La Croix mending a net for the sturgeon. In 1862 in Minnesota the Sioux went on the warpath because of broken treaties and I hadn't heard of this, when I moved west I began to hear of the Minnesota Massacre and there were no Ojibwa involved of course then later the Sioux took refuge in Canada. But there are always stories of Ojibwa involved in the Minnesota Massacre.

There are all kinds of legends along the border and the first chief at Lac La Croix was Blackstone and he was said to have dipped his hands in the blood of the Minnesota Massacre and when I first got there were all these stories and I wondered what's this all about? But really, it really was the American attempt to not have people travel through Quetico to go west, but to use American rail roads because there were no Ojibwa involved in the Minnesota Massacre. Then both the British and the Canadians were to help decide should we keep the west, should the west be part of Canada or should we just let the Americans have it, so they sent two expeditions in 1857 and began... then we had Confederation, the joining together of the provinces, we have Rupert's Land turned back to Canada from the Hudson's Bay Company, and then with Manitoba they were coming into Confederation with... Lines of communication were so poor to the West that the Metis became very worried about their land out there and Riel of course took centre stage in Manitoba. Eventually through a lot of fumbling the Canadian Government, Sir John A. sent troops west, well because of the war with the Americans in 1812 they don't allow troops to go on their railways. So as a result Simon Dawson, a Scot, was given the job by Public Works to fix up the old canoe route. This would be the only way to the West in Canada and it goes right through Quetico, from Lake Superior. And so the taking of 1,400 soldiers through the old canoe route and that is quite a story but Shawbegeeshigo, who was the daughter of Blackstone, the first Chief at Lac La Croix, told her niece that she remembered being given hard tack by these red coated soldiers, so that was sort of a neat connection.

Before the soldiers ever left Lake Superior and started west, they first of all asked permission from the Ojibwa to travel through their land. And there's this amazing man, this Chief who said things like "Am I a pike to be caught with a piece of red cloth?" He said "You're welcome to take your soldiers through but bring no settlers until there is a proper arrangement." And that was in 1870. Here are troops going up the Kaministiquia. That was the first time boats other than canoes had ever gone through the canoe route. This is the only representation that we have of Blackstone, it was Denis Martel at the Union of Ontario Indians that actually gave it to me, he found it in the archives in Ottawa. A lot of people wonder... it was not many years before Blackstone died that this picture was taken. But he was an incredible spokesman for his people, he went to Lake Superior to watch the soldiers come, to find out what this was all about, and one Ojibwa sitting there watching them come off the ships looked and said "My, there must be a lot of white men in the world."

Then, the negotiation of course began that led to Treaty #3 which was signed here at North West Angle on the Lake of the Woods in October of 1873 and Lac La Croix and another reserve that was supposed to be in Quetico and two more - these were later added because they had to travel to have the Chiefs sign. That's a painting by Verner. It was 55,000 square miles and you can see where Quetico fits in the corner of Treaty #3, it stretches up to Lac Seul, and it was the first of the numbered treaties. At that time, you can see where Ontario sort of straggled up to the edge of Lake Superior, and no one knew where Ontario ended in the west. So Ontario was never a part of Treaty #3 and it wasn't until 1889 that the western boundary of Ontario was determined by the British Government

and that was when it was discovered that some of the land in Treaty #3 was part of Ontario and so they began the land settlements. This is the first Treaty list for Lac La Croix in 1875, Mukadaywasin means Blackstone in Ojibwa, and there are a number of people descended from Blackstone at the village. These pictures were taken about 1900 in Quetico. And this is believed to be the grave of the last Chief at Kawa Bay. Ninagaconeb was married to the daughter of Blackstone, and we date these pictures 1915-1916, which is about when Ninagaconeb died.

By 1900-1901, the Canadian Northern Railroad pushed through just north of Quetico and of course then the logging, cutting down of the big pine, the red and white pine, and logging camps at the edge of the park. And every tree that still stands is a treasure that can never be replaced. In 1909, the park was set aside and it was made a forest and game preserve, and because of the game preserve, it was believed that Native people would take game and so they were removed. And Steve's grandmother remembers part of that story. I always hate to believe that our people drove them out at rifle point. The problems are the fact of Quetico - you can see where Lac La Croix fits in that little part - you have Quetico Provincial Park and Superior National Park, making a large wilderness area in the central part of America, then you have Minnesota and Ontario. About this time, a young man came to the Rainy River area looking for a guide to go on a canoe trip, and he went with an Ojibwa guide who was able then to tell him a lot of stories about Quetico which we've inherited. Billy McGee or Far Echo was his Ojibwa name, and from his story we have a journal of the days about that time, 1909. The man on the right - the Ontario Game and Fish Commissioner then, there was a great conservation movement about 1900, it came to look at the situation as it applied to game and fish and John Ottertail from Lac La Croix guided that Commission. Guiding was one means of earning a living. His great-grandson Daryl is a present guide at Lac La Croix.

These pictures were taken about 1914-1915 of Lac La Croix people travelling along the border up to Basswood Lake and then out to Minnesota for food supplies. That was the closest... And then came the ranger patrols and during the 20s, 30s and 40s there were some unfortunate incidents of charging Native people with infractions, within the park, and Steve may speak to that. Following the 40s, in '49 there were trap lines at the request of the Federal Government, on behalf of the people at Lac La Croix there were 15 trap lines established. And now the logging has come to Quetico and there's a conflict between logging and canoeing that led to hearings in 1970s. Steve's father was part of those hearings and in their report they recommended that the Lac La Croix people's situation as having to be dealt with. And now we take you to Lac La Croix. John Boshey was the Chief from 1957 to 1974 and I also remember John saying we were promised a school in 1873 and I remember reading the reports finally in Indian Affairs in Ottawa when they got the school in 1950. John's wife, Elizabeth in traditional dress. When I was there the first teacher who had come from Holland just after the war and was happily visiting back at the village. Anyone who's worked at the village is bound to make friends there. This is looking through a dirty window of an aircraft, looking up towards Lac La Croix and towards the village. The major way of access is by air, and it's very costly...one of the flying services to Fort Frances. And there was quite an active swimming program in the early 1980s. The children are marvellous swimmers. When I first went there it was to ask their help in translating the names of the lakes and we're doing that... Steve's mother... his grandmother... and a friendship developed between the people that were in the station and some of the families visiting the ranger station at Lac La Croix. And Roy is a great storyteller and he came over to share some stories with the junior ranger program that you may be familiar with. And so began some of the canoe trips with the children in June... and the first stop is Warrior Hill which I think is a great heritage place. Steve remembers it as Sioux Lookout or Sioux Hill watching for the Sioux coming back in after having been pushed out, they would still come back, and the other story is that the Warriors would run to the top - it looks gentle, but it isn't. And those who made it were admitted into the Warrior Society of long ago. Here's the children, they go right up the steepest part. And catching fish for supper, they do a lot of catch and release. I just have a few more slides...

Toby Vigod: Just a few more minutes, we want to have time for some questions...

Shirley Peruniak: This is the painted rock in Lac La Croix that has an incredible number of rock paintings. This one is quite famous in North America for being the most beautiful rock painting of a moose. Many of our campers, that's one of their major things is to see these rock paintings. But they're sacred places to the Native people and we try to convey that to our campers, that they are sacred and get them to understand... This is on Quetico Lake which is the lake after which the park was named, and the thought is of the future of these children. What is the future of these children is what we all have to come to grips with in the present situation. We've had these small little projects where we get money for a project and students are employed and they work away on the history of their people. These students are just excellent researchers. And at the end of one set of projects we were able to produce that story of the people at Lac La Croix. Then we employ in the fire program...and they come up for training. I just happened to be at the dock when a crew was coming back from Summer Beaver which was evacuated that year. And ... their major employment is as guides on Lac La Croix using of course large motors, large boats on Lac La Croix. And these were the shore luncheons that the American fishermen really look forward to. And believe me nobody cooks pickerel like these guides at Lac La Croix. And they work for this resort that is

twenty minutes away by boat from the village, Hambergs resort on the Canadian side of Lac La Croix. This one is when the Ontario Government sent some of their representatives to Washington to ask if there was any hope of opening the American side of Lac La Croix, they can use the Canadian side but the American side after 1978 - it's only very recently that the ban has been on the American side but they can no longer guide on the American side so Ian Scott's people went to Washington. That was the day they came back and said it was an Act of Congress and could not be changed unless the American public are willing to take on the cause through their Congressmen, which is what we've all been hoping would happen... and here are just pictures of the children - and what's the future of the park? That's a longer presentation.

Toby Vigod: Thank you Shirley (applause). Okay, I'd like to call on Steve Jourdain.

Steve Jourdain: My name is Steve Jourdain. I used to be Chief of Lac La Croix. I'm not anymore. I got out of the business before Christmas time. You know last night I met Shirley in the hotel room and all morning this morning she was nervous, she didn't know what she was going to say. She didn't need her papers, she knows her stuff... (laughter). Anyway, I was given this... asked to address you today about our present conflict. I've been involved with this issue for the past twenty-two years. I've also been Chief for twenty of those years. And my health gave out last year and I had to give it up. Anyhow, what I have to say today is to speak about the human aspects of what's happened to us as a result of the Provincial park. It began a long time ago at the inception of Quetico. There are people, our people, living in Quetico both sides of the border, on the American side and on the Canadian side as well earning a living. They lived a nomadic life; there was no border for our people. We moved wherever game was plentiful, or where better fishing or ice fishing was. We knew no boundaries. I'm old enough...I remember that to have been part of that culture as a young boy. I remember living in no specific area. I grew up on the trapping ground of Quetico Lake in the south, and I didn't come into Lac La Croix until they built the school there in 1950. We came together then as a community, and that's when life began to change for us. We are an isolated community; you have to fly in (or by boat)... We've also been at the dirty end of the stick I guess for Federal and Provincial Governments over the years because we haven't been in the public light, there's been no effort. We've been neglected by the Governments over the years because we're out at a lake. There was something that happened in Lac La Croix that was different to other communities on account of the isolation and being forced to make it on our own. There was no such thing as welfare in my days when I was growing up as a young boy. If you didn't work you starved to death, if you didn't cut wood you froze. That's how it was in those years. And then the 1960s came to ... (tape interruption)... they took away our livelihood, they changed our life altogether. It began in 1975 or 1977. Our way of life changed then. We were forced to live together in Quetico. Our people were told at that time that the Government was going to take care of us, the Provincial Government was going to take care of us. In our language there's no such thing as welfare. There's no such thing as public assistance. The language is interpreted as "We're going to take care of you if you move out of Quetico Park and you cease to trap and hunt. We will feed you." That's the process, you can interpret what happened when we were removed from Quetico. And our people, of course my parents, believed what the Government was telling them. And the elders believed everything went great for one year, they met their obligations for one year, they got free food. But in the second year everything was dropped, and the people were stuck on Lac La Croix with no way of making a living. They couldn't go into the park, they couldn't go on the American side either, they couldn't go into Quetico Park. See this wilderness issue, it's not the first time around, this is a recycled thing. It happened in the 1940s. My father along with all the other male people on the reserve were forced to go out and make a living somehow because the promised aid never came. In my family there were thirteen of us and we had to live somehow. And as Shirley pointed out there was something like 48 game wardens in the park at that time and they all had guns. And all of our people and families had to make a living so there was always clashes between ourselves and the game wardens. Everything went underground. My father had to trap in the wintertime at nighttime, sleep in old beaver houses to get away from these people to exercise their right and to also feed us. My father was one of those that was unfortunate enough to get caught. My father served in the Second World War, he was discharged in 1945, and he was in Federal penitentiary in Guelph in 1948 for having got caught trapping with beaver hides in Quetico Park. So these are the memories that we have. I'm not saying this to solicit any kind of pity.

In the last seven years we've come to face the reality, the dark side of what happened to us. We had to come to grips with our lives. We need to rebuild ourselves. When throughout the years you've been degraded and humiliated for so long ever since the treaties came, our women have been molested, our men have had their ability to make a living taken away. We degenerated, we became alcoholics. We degenerated in every way. We became self-abusers. We abused our women and our children, we ended up in a situation of multi-destruction. My father was an alcoholic, I became an alcoholic, and my children are alcoholics. Then we realized in 1977 that we had to do something. Our livelihood was going, and there was all this raping and killing and starving going on in our community and by 1977 there was no natural deaths in my community up to that point. All the deaths that occurred were violent deaths: murders, suicides, accidental deaths. We had to come to grips with that so what we done in our community in 1977 is ordered our reservation dry, alcohol-free, and also welfare free. And it's still in effect today.

We have the strongest policies regarding welfare in our community in Ontario as far as I know. But also at the same time the imposition of the Quetico Park policies on motors and also (on American side) took away the only livelihood that we had as guiding, hunting and trapping. We were ordered by the Minister at that time to find a new way to make a living. But when you're fifty-five miles in the bush, nowhere, what else can you do? You can't manufacture anything, there's simply nothing else to do but get in the tourist business. So then again we had a lot of problems again. It degenerated further, it went into further alcoholism and to further welfare situations where some of our degenerative symptoms came back at us.

The stage we're at right now is trying to rebuild ourselves as human beings, to come to grips with what's happening to our people in Quetico, to come to grips with what happened to our mothers and fathers. My mother was a young girl, when she was removed from Kawa Bay in the winter of 1931 and to me that hurts having that memory, and I guess that's what it's all about, to talk about how we feel as human beings, as the original people of Canada and of Ontario. Quetico Park was built on the exclusion of our people being in Quetico. There was no presentation such as happened here today. Our history was simply eliminated. There was no mention of our people, there was two mentions of our people in the history books that I read: one was a white settler was met by wild bears and Indians and later a reference to women. And the pain of all that... we're never going to let it go anymore. We have to tell the story to people.

Everybody believes it's a paradise, Quetico Park. We believe it's a paradise. But there are graves there, there was bloodshed there, there are tears there. I have a cousin died in Quetico, and I'll never tell people where my cousin is buried, they'll go and desecrate that grave. Two years ago there was artifacts stolen from Quetico, some of the grave sites, but particularly from our cave in Quetico. It was taken by Natural Resources, the Ministry of Land and Forest at that time, they have taken away artifacts from our cave in Quetico and lord knows where those have gone. It took me eighteen years of wrangling to get some of those back from Natural Resources and we finally got them back three years ago and we returned them to the cave last Spring in their rightful place.

So now, in order to rebuild ourselves, to give us some of our needs, we've quit pointing fingers at white people, we've quit pointing fingers at Indian Affairs, at the Provincial Government, and all other people, and instead we looked at ourselves. Looked at us. We've lost many things over the years. We used to own the country... well, we didn't own the country but we lived in this country. Our pride, our dignity, our Governments and our willingness to live... Most of us that were born in that reservation, particularly in my family, we've survived a horrible existence and an alcoholic fate. I went through the humiliation of being in a residential school where my religion was degraded, my Indian-ness was degraded, everything that I lived for was degraded. So I became a product of a whole system to degrade me, and I ended up hating myself, hating my Indian-ness, hating my wife, my children, I took it out, I acted out that way, I took it out on people. I didn't like myself because I could no longer provide for my own family. So we started on another journey. After we sobered up there was something else still missing. We had to reclaim ourselves for some reason, we had to get back to work making a living for our families, stopping the abuse in our reserve. That's where we came into conflict with Quetico Park and the United States, and the only livelihood that we had was taken away at the same time as we were rebuilding our lives. So that's where we are at today. We were given temporary exemptions. Although I have to admit that the desperate situation and lack of clarity of the last year, we were going to occupy Quetico Park. We went through all the democratic processes of making that decision to enter the park. It was only a few days before we were going to move that we arrived at a temporary agreement with Natural Resources to stop that. We have 'till April to come up with that agreement.

So we believe, as Indian people - we've always believed, even before the Sparrow case, that we have a right to hunt and fish in Quetico based on the treaties that were negotiated by our forefathers. These are legitimate treaties built in honesty and sincerity by our people. And we live by those treaties. We still have people on my reserve, my elders, that believe that the Queen is some day going to live up to this treaty. That's how deep the commitment is in our people. But we've been shafted throughout the years, but we still believe and we're supported now by the Sparrow case that we can access all of Quetico by what ever means we want to exercise our rights. This is subject to court case, but that's our perspective. We believe that we can jump in a boat and go anywhere and hunt and fish. But the agreement that we have with the MNR is to try and work something out, to discuss ways and means where everybody's interests can be met. We recognize that white people want to escape the society that they've created and go into Quetico Park to escape ... we know that, we appreciate it. But also we have a right to make a living, we've always had that right, that all we're asking for is to be able to keep working, we don't want handouts, we don't want anything else. But we can't build these bridges, these obstacles that are in our way right now and that's the Wilderness aspect of the park.

We've had a very tough time over the years. I got sick over the constant changes in our relationship with Quetico Park and at times I was bitter and angry, and at times I felt hopeful. I'm at that stage again where I am hopeful. We have a year to work things out, to be in dialogue with people, with non-native cohabitants of Ontario. I was

against it myself personally, I'm more into it, but now I'm enjoying letting you know who we are, what we're doing, and really I don't see too much differences. We were in the spotlight last summer, publicly. We were operating in a vacuum. We were doing this on our own by force, that was the only solution that we had at our disposal, out in the bush, was to bring it out into the open. But what happened was that nobody knew what we were doing. We didn't know what Parks Council was doing, Friends of Quetico, the Quetico Foundation was doing, we were all regarding each other as enemies. One of the agreements that we have with the MNR is that we sit down with all these groups that are interested in Quetico and do a dialogue, work on our common objectives, and it's been working very well from our perspective. We've had visits from Lloyd Burridge and several members of our Parks Council over the winter and I believe they're coming back again so that they'll be able to view us in our environment too, to see us as we really are. The story anyway that with our children - it's a real one, it's how things were so bad - like when they heard that Parks Council were coming to our village, the little kids got scared, and all these evil white men were coming over there to kick us out of our reserve again, and they were really scared. That's an example of I guess how doing things in isolation affected both sides. For non-Indians, we want the whole country back. But that's not the case. We want to live in a partnership with other people in Ontario. We have to learn to put forth our position and make our positions clear to each other, and the only way to do that is through situations like this. Somebody mentioned this morning that when the country first started we were partners, we were the majority in this country and we helped people settle in through Canada. We were partners and then somehow we became subjects along the way and that's where the problems began. If there's going to be any solutions as we see it, in Quetico and elsewhere, we have to back to that partnership again.

So we view the Sparrow case as not a victory for us, that is something that we have to jump up and down for. What we get is a responsibility for the environment. The onus is on us now to do something to protect the environment, to protect the wildlife that's there. We have been trying but moving slowly toward the possibility of introducing our own laws for our own people. Because in reality we have a lot of abusers in our community that hide behind our hunting and treaty rights. But we also have no means of stopping them either. We have to find some way in the Indian Government process where we have our own courts and our own laws, or adopt Ontario laws some another way - either way, to control that abuse that our people are inflicting. But there it requires again a co-partnership. (tape inaudible) We have until the end of April to come up with some kind of a working solution and we have a lot of work to do. I thank you for listening.

Lloyd Burridge: I'd just like to reorient... Lac La Croix here, in relation to Quetico and there are no roads into it. They're hemmed in by Quetico on two sides, by Crown Land on the other sides, and south, the United States, and they can't even go to the United States because there are no roads at all. This is very unique and I think this is something when you're dealing with Native issues is that each band, each circumstance has to be looked at on its own merit.

In early December we, the Provincial Parks Council, visited Lac La Croix and we stayed over, and I think we were probably one of the first non-native groups to stay overnight and get to know them, get to know people in a more informal fashion. And one question that was thrown at me, right at the very beginning, I had just walked in to use Leon Jourdain's phone actually, that's Steve's brother, and the question that was thrown at me was "What is an Indian?" and it was asked by a five year old girl. She looked at me and she says "What is an Indian?" What do you say to a five-year old girl? I simply stated that an Indian is a member of the First Nations. "Nope," she said, her eyes sparkling "its ME!" And you know, that struck home because it shows a sense of pride, it shows a sense of dignity in a little five-year old girl. She's starting out right, as part of a generation that hasn't got the alcoholism, that hasn't got the abuse, that generation is starting off very well. But where is it going to go? How far along is it going to go? One of the things in connection with that was the view of the Natives towards the land.

The Lac La Croix First Nation has a love of Quetico, they don't want to see it destroyed, they don't want to see anything happen in Quetico which is going to downgrade it as an experience for anybody themselves and non-natives. On the other hand, what are the economic opportunities for a band of 260, 270 individuals who don't have a road, who don't have an airport, who can't get out and about, who are hemmed in by the Park on one hand and by the Americans to the south.

By the way if anybody is interested there's a very good book on the Ojibwa by Basil Johnson, an Ojibwa himself who's written many books and one of them is called Ojibwa Heritage and it's an excellent book if anybody's interested. He's written Ojibwa Heritage, he's written Ojibwa Culture, but one of the things that struck me was this little poem that was in this book and it talks about the tree of life and how the Ojibwa feel about this whole area:

THE TREE OF LIFE
A tree images life
It grows

Unwell it heals itself
Spent it dies.

A tree reflects being
It changes
Altered, it restores itself
Ever to remain the same.

A tree gives life
It abides
It lends existence yet
Endures undiminished.

Trees give me everything
Serve all my needs,
To the trees I can give nothing
Except my song of praise.

When I look upon a tree
I remember that
The apple tree can
Allay my hunger
The maple can
Slake my thirst,
The pine can
Heal my wounds and cuts,
The bark of birch can
Form my home, can
Mould my canoe and vessels
The tissue of birch can
Keep the images that I draw
(and by the way the sacred scrolls of the Ojibwa were often done on birch bark)
The balsam groves can
Shield me from the winds
Fruit of the grape vine can
Lend colours to my quills
The hickory can
Bend as my bow, while
The cherrywood provides
An arrow shaft.

The cedar ferns can
Cushion my body in sleep
The basswood can
Become my daughters' doll
The ash, as snowshoe, can
Carry me across the snows
The tobacco can
Transport my prayers to God
The sweetgrass can
Aromate my lodge
The root of evergreen can
Bind my sleigh and craft
the stump and twig
Can warm my lodge
The rose and daisy can move the soul of woman
The leaves wind-blown can
Open my spirit.

And that kind of sums up how they feel about it. Two of the small children gave us submissions when we were at Lac La Croix. One was Kathy Geyshick, representing grades 6 and 7 in a class and she just stated very simply "We

want to be treated as regular humans. We do not like to hear about how our grandparents were treated badly. We would like to roam in our land freely. We would like all our children to hear about positive things in their heritage. As students at Lac La Croix we would like to be able to dream about having jobs working in the Park. We would like to see the land stay wild with no one making mills on it or other harmful things and we hope the plans in the future will be fair." And one more student, Andrea Jourdain, representing a grade 6 class said. "I don't like to hear about people saying our people were thieves and selfish. I don't want to be treated badly just because I'm a Native person. I'm very proud to be a Native person, I like the bush, I would like it to stay that way without mills that are harmful to the environment. We like the wilderness the way it is. We would like to keep the trees green and also our livelihood. The guides have been going into the park many years before it was a turned into a park. I'd like to thank the people for giving us access to the park which we already had and getting to the burial mounds and keeping our Indian heritage. Thank you"

In 1873 it was mentioned that the Lac La Croix First Nation signed Treaty #3 which guaranteed them that they'd be able to exercise their traditional hunting and gathering rights in the traditional area which included Quetico Park but Quetico Park wasn't there at that time. It hadn't even been thought of. And the park was set up but the Lac La Croix band was not consulted. Families were forcibly removed from their traditional lands, in midwinter families were removed from Hunter's Island. And for those of you who are familiar with the north, can you imagine moving by foot from a place of residence to another place? Disturbance of trap lines by Provincial officials, detention you heard of from Steve, detention and incarceration of community members for trapping, hunting and fishing...

And then on June 3rd, 1991, a real historic event took place and I really want to emphasize that because the Minister, Bud Wildman stood up in the legislature and for a politician to do this is really something. He gave an apology. How many politicians have you ever heard say "Yeah, I was wrong" on anything, never mind something as serious as this. And I'd just like to quote what he said because it's very important. He said: "Mr. Speaker, the Elders and Chief of Lac La Croix First Nation are in the Spéaker's gallery today and I want to say very directly and personally to them, as well as to the members of the House that our Government is prepared to make a public apology to the Lac La Croix First Nation for the lack of respect that has been shown towards its people and towards rights."

The Lac La Croix First Nation consists of about 260 members, 254 band members on the survey that I saw. 113, or 44% are less than 18 years old. Another 71 are less than 30. So you've got 72% of the population under 30 years old. There's only 23 full-time employment opportunities within the band, and around 70 part-time, and the part-time are less than five months a year. The unemployment rates for the summer are 26%. In the winter, 82%. The average annual income is around \$11,500. Where do the dollars come from? Mechanized guiding and trapping. That's it.

I should add there's some jobs run by the park, mainly for part-time students. The Lac La Croix First Nation is very, very traditional, you can see from their isolation. They speak a very pure Ojibwe and as a result of that there are some real opportunities that may be able to work out and one of the things that... it really doesn't directly hinge on this park, but they're considering a cultural centre. A cultural centre on the traditional ways of the Natives to be offered for other Natives, and beyond that possibly to non-natives, but for a start to other Native people who have also lost a tremendous amount of their own traditions over the years. They're very industrious. Here's a quote from 1878, when a Dominion land surveyor came through the area (this is at Lac La Croix): "The Indians seem to be inclined to work and live more on their reserve than any other bands. When I arrived there I found a number of them busily putting up a squared log house, they had already built a small stable and they had five or six acres of land cleared for crops the next spring." Steve has already outlined to you what has happened to the band over the years, he was very modest though because he was the Chief and he was very instrumental and I can understand why he's a little bit burned out over the last year or so, because it was Steve as well as the other elders that in 1977 switched the reserve from wet to dry. And it was Steve and the other elders that decided that no one would take welfare, that if there was any public assistance coming from the Government it would be pooled into a major fund, and the Natives on the band would work for them. And that's how they built, for example, their gymnasium. So they pooled it all and then distribute it, and that's the way they do it.

What about the non-native view of the park? I think it could be summed up very simply. Non-natives, non-aboriginals consider Quetico Park to be a sanctuary: a place to go for physical, spiritual renewal from the urban concrete asphalt and steel as well as the stresses and strains of modern civilization. The beauty, the quietness, the solitude, and the myriad opportunities to enjoy its wildness accentuate the attractiveness of Quetico. In letters that I've been receiving it's been mentioned as the Crown Jewel of the Province, precious, unique, the inheritance of us all, a sense of serenity between earth, sky and water; from an American I return to Canadian waters because they have the wilderness values that are no longer available in the United States. The wilderness is fragile, its magic is so very easily destroyed and once gone cannot be regained. Quetico's forest treasure, peace and quietness in an

undeveloped setting. Solitude and pristine nature which Quetico provides. I truly love Quetico as it is and hope and pray there can be a settlement reached without too much change in the park.

The basic dilemma facing the Parks Council is how to provide further economic opportunities for the Lac La Croix First Nation while ensuring that the wilderness values of Quetico, those values of Quetico have become known world-wide, are protected. The proposal that the Lac La Croix First Nation has put forward is basically in two parts: a long-term and a short-term. And because we're short of time I'll cut right to where the rubber meets the road and in terms of the long term, Steve has mentioned already that we're trying to develop some sort of a relationship between the Lac La Croix First Nation and the Ministry of Natural Resources, the Government of Ontario, in terms of providing long-term economic opportunities within the park. For example at Pukaskwa National Park on Lake Superior, this has been in being for about twenty years and now about 50% of the staff are Aboriginal. It didn't start off that way, it started off with small training, development and now they've reached that point. And we're looking at setting up some sort of committee to move that agenda along. In the short term, we're looking at developing interpretive programs based on the culture, we're looking at greater involvement of the Lac La Croix First Nation in the management of the park over the long term. And Steve has touched on probably what is the most contentious issue and that is the increased access by the Guiding Association - which by the way is only about 30 members - the Lac La Croix First Nation Guiding Association has 30 members, none of whom are less than 30, and there's a feeling that it's an activity which is going to slowly evolve out of the economic sphere for several reasons. First of all, it's damn hard work, guiding. It's not an easy job at all. And secondly, it's a rich man's game. People fly in, generally Americans fly in and they're taken out on guided expeditions. And during the average day they would fish in the morning and catch a number of fish, and then have nice meals on the edge of the lake, and in the afternoon they basically do some more fishing but it's basically catch and release - and then they return back to the lodge in the evening. The fishermen (tape inaudible)... Basically they have... the lakes around Lac La Croix are available to them on a mechanized basis, they've been available to them since the inception of the Guiding Association. And what they're looking at, and what they were granted in 1991 is access to some lakes in the north, and of course a huge cry went out, "If we give them those lakes, they're going to be fished out, they're going to be run over by motor boats..." and at the end of the season after they were given the lakes, I asked them how many trips did they take. One of the lakes, they went twice. On another lake they went once. There wasn't that much economic opportunity. But it was the fact that they were able to do it. And now what the proposal is looking at is giving access to some lakes in the north for some time and then pushing to getting access to some lakes in the south for a period of time, probably over a four year period, that would mean a four year access in the north and a four-year access in the south, and then maintaining some access in the lakes around the Lac La Croix First Nation itself.

I think that that's all I want to say on the proposal at this time. I think that there's a key message that we have to keep in mind, it's that the community is a distinct cultural unit and the Native value system is much different from our own. Lac La Croix's area of influence certainly involves a much larger area than just the reserve and the community is undergoing a healing process which started in 1977 and has had it's ups and downs but they're making a very concentrated effort on doing it now. We're talking not just jobs for the Lac La Croix First Nation, we're talking about pride and dignity, we're talking about self-determination, we're talking about transition. The future is going to involve new relationships between the Lac La Croix First Nation and the Government of Ontario and I think that what we have to look at is treating each other with dignity and respect and coming up with a solution which is going to be viable on both sides. So now it's over to you to give us the solution. Thanks very much.

Questions and answers inaudible

TEMAGAMI WORKSHOP

Terry Fiset
Reeve, James Township

Professor Bruce Hodgins
Historian

Rita Moore-O'Sullivan
Second Chief Teme-Augama Anishnabai

Facilitator
Rick Lindgren
Rapporteur
Steve Johnstone

Rick Lindgren: For those of you who don't know me my name is Rick Lindgren, I'm with the Canadian Environmental Law Association, and I'm going to be facilitating this workshop. I'm not sure what a facilitator does, but I'm just going to sit here and listen and learn. On the far end we have Steve Johnston, who's a community and environmental activist, he's worked in the Temagami area, he's going to be recording the session. This workshop is going to work like the last one you attended: we're going to hear briefly from each of the participants and we're going to throw it wide open for discussion. The only ground rule to remember is that there is no ground rule, we just want to have a free-flowing discussion including potential solutions. I'll introduce you to the participants, I'm sure they're known to most of you already but I'll go through the introductions anyway.

To my immediate right is Rita Moore-O'Sullivan. She was born and raised in the Temagami area and most of you probably know that she's the Second Chief of Teme-Augama Anishnabai; she's their representative on the Wendaban Stewardship Authority; very very active in the whole history of the dispute surrounding the Temagami area; she's quite active in a number of aboriginal associations and groups, she's a respected elder and has four grown children.

Next to her is Terry Fiset he's the Reeve of James Township, in the Elk Lake area. He's been Reeve for seven years, and prior to that he was the Deputy Reeve for three years, and at lunch he tells me he's not sure he's going to run again.

Terry Fiset: I'm not running again...

Rick Lindgren: (laughter) Terry runs a family business in the area, he's lived in the Elk Lake area for all his life, again active in the community, and he also is a member of the Wendaban Stewardship Authority.

On the far right (and that's not appropriate, on your far left...), is Dr. Bruce Hodgins, and I'm sure most of you know him, currently Professor of History at Trent University, and he's affiliated with the Frost Centre for Canadian Heritage and History. Again, an active participant in the Temagami discussions, he's an avid canoeist, I don't think he'll be offended if I call him a prolific writer on the Temagami issue. He's written a number of books and articles including The Temagami Experience, I'm sure all of us have read that. If you haven't you should.

With those very brief introductions, I'd like to get right into the discussion and I'm going to call upon Terry to lead us off, and he's going to speak for a few moments; he's going to be followed by Rita then Bruce then it's wide open.

Terry Fiset: Well, I'd like to thank this many people for showing up to listen to this today. I know when I was asked to speak, or would I consider speaking at this conference, I was sort of a little leery because I'm an environmentalist's worst nightmare, I'm a logger, we're a family business and we're in the logging business. And I was wondering, should I come to this, what would I say? And after I received the information, I figured we've got to put our points across as a municipality, where we stand, how we've been affected by different land use issues, and we live the reality of the caution and different things. So what I'll do is give you a bit of a background on the township of James and just how we have been affected, and probably the dialogue later on will give you more insight into it.

Our population is approximately 570 people. We're located in the northern part of the land caution area. We're a resource-based community, we started off in the early part of the century, and we were a fur trading post. We were about 10,000 people at that time, it was Elk City it was known as, we were one of the larger Hudson Bay posts. And that progressed and we got into the mining, a lot of silver mining, and that kind of potential, and into the lumbering stages which is what we're presently at. We always have been a resource-based community and hopefully will continue to be. We also have an active tourism program; only it's not to the scale of these others.

Presently, in Elk Lake there's one operating sawmill employing a little over a hundred people, and two logging contractors employing about another seventy people. Elk Lake, we're the centre of some of the outlying areas - Gowganda which is slightly to the west of us; Matachewan to the north of us. Matachewan is an improvement district, it's the same population as us but it's not a - it doesn't have a formed council. This is the first year they've had elections, they had an appointed body by municipal affairs. Gowganda doesn't have any form of council or authoritative body, it's got a recreation committee, that's as far as it goes. So we do represent some of the outlying areas on certain issues, strictly because they don't have budgets and they don't have ways of handling it.

We're really the only community lying between Temagami north to Timmins. There's organized municipalities in between - there's Charlton close to the Highway 11 corridor and Gogama off the 144 corridor, but we are the only organized community in there. This is a little background to see that there are a few points that are coming up later on, and as a community we've been directly involved in all the major land use issues in the Temagami area - in some cases probably more so than the Temagami area. We don't have the profile in name that is synonymous with Temagami, but we do know the problems that are situated in Temagami. The first one is with the land caution that come into place in '73. Our whole township came within the caution, and they put a total freeze on us. About two-thirds of our township is Crown land, so the only development we had was what we had at that time. So since then we haven't had one commercial lot for sale and haven't been able to develop one commercial lot until just recently when the Township of James and three in Temagami were removed from the caution by the band, which is appreciated.

The caution has had a lot of - I don't know if detrimental is the word, but it froze us in time, put us in a void and I'll just give some of the things that it's implemented or imposed upon us. And in this, it's no reflection on the band, or any animosity, or things like that, just the reality that we are living.

With the total freeze in the caution, like I say we had no commercial property for sale or development, so our tax base has been more or less frozen. Two-thirds of the township is Crown land with limited residential developments, strictly the lots that were available to us at the time we could use for development. We had a ten lot subdivision proposed, we had the roads made to it, the lots were all surveyed, and then the caution come into place before they were registered a title. Those lots have sat there ever since.

And we do have a scenic community, we've got two rivers meeting in Elk Lake - the Makobe coming from the Lady Evelyn Park, comes right into Elk Lake, and the other is the Montreal River. So we do have a scenic community and we do have a lot of room for development and a lot of inquiries into development areas, and cottage, retirement, whatever. But this was frozen and there was nothing we could do with it. And presently with some of the restrictions and land use guidelines that the Ministry has, we're still not out of the woods so to speak with our development. Our cemeteries weren't legally where they were supposed to be and they couldn't be expanded either because they fell within the caution. People laugh when you tell them that and that's usually what gets put in the press, they couldn't even expand their cemeteries, it just goes to show you what position we're in and how long we've been in that position.

And it really has to be lived to be understood and to that point I... the band, the TAA has said, you know the freeze, and you know their rights have been maybe not abused, but not respected for certain periods of time... We're in that same boat for that eighteen year period and with the caution being lifted, we came into 1992, frozen from that point in 1973, and any development we do has got to be in '92 dollars, it's got to be full environmental assessments if it's development of cottage lots, all these things. We don't have a large budget as our community, and 55% of our budget goes to the school board, so we do housekeeping and those kinds of things, but to try and develop our community with what we've got is pretty tough. And our population is getting older, not bigger. This was ... see the original... I wasn't on Council at the time that it came in and people probably ask why didn't you make deals with the band, talk to the band, relinquish ... explain the hardship. And we have met with Chief Potts and members of the Council, they come up to Elk Lake, and they put our presentation to us and when I first got on Council, it was more or less an unwritten law that no negotiations would take place with the band relinquishing lands. If you had to sign a document saying: could you relinquish a gravel pit, can you relinquish... whatever. you're accepting ownership of the land, or... you're agreeing that the Natives had ownership of the land, and that was just the perception that was there, whether it's the reality or not. We didn't have the money to use the legal consultation

in this process. So really nothing was done, and maybe part of that's our fault for letting it go on this long without trying to push the issue any further.

We are the community that's been affected the worst by... most adversely by the caution and the few other things that happened since then. They're not directly related to the band or the issue here, but they are environmental concerns and major issues which we've been put in the middle of whether we like it or not. Some of them, the implementation of the Lady Evelyn Smooth Water Park, and with the implementation of its wilderness classification, that's our back door. The road access into that area, that was our back door, and there's been... timber harvesting had taken place there, some of our oldest regen areas are within that park boundary. Presently, when the final restrictions come in, the road will either be removed - we're not quite clear on that yet, whether it'll be removed - but no fishing, no hunt... er, no hunting was allowed in there, or motorized vehicles, we live with gates on it for a three month period a year, which people became accustomed to, and the only thing that took place was logging the far side of the park, but not within the park.

So it was a chunk of land base that was more or less taken away from us because we are in the ... In the recreational tourism field, it's more fishing and hunting and you know, snowmobiling, we're geared to that type more so than the canoe-tripping, but we do have that too. So we look at it as we lost a chunk of area when this come into place, plus our oldest regen sites are within that park boundary. And they're not being managed or maintained, even looked at anymore. These are realities, tax dollars went into them, they should be at least considered and looked at. They'd be the first things back in rotation age for harvesting.

There's a few other minor issues, then there was the wildland reserve that was attempted to be put in. That came all the way up to the Township of James including the Township of James and we had to fight that issue tooth and nail. It was an expansion of the park, with all the restrictions that would have been imposed. And we fought that with every bit of resources we had, which wasn't a lot of money, but it was a lot of time. For what we had to go through, it was an awful education, and this morning it was alluded to by Brennain about some of the mistakes that were made in the past in the environmental movement, how it had got off track and off base in things that it tried to do - park expansion in that area at that time was one of the wrong things and it resulted in some rifts in their organizations, but it also created an awful rift in our municipality and an awful hardship on it. At the time of that, you couldn't get a bank loan in Elk Lake, you couldn't get a mortgage in Elk Lake, and you couldn't get anybody to move to Elk Lake if you tried. So these things all have to be kept in perspective because we've been through it, and I'm not saying all this on a negative note, it was a learning experience to say the least.

There was the Red Squirrel Road issue, I'm sure most are familiar with, that was a logging company or part of it was a lumber company out of Elk Lake, they used to mill in Elk Lake, it's a partner in the sawmill there and their timber allotments were in that area. So as a community we fought for them because they're the mainstay of our community. We fought for them and for the survival of our community to ensure that that road was there and the timber supplies could be there. We know what ended up resulting out of it, with the closure of the road and the reallocation of timber limits to Liskeard Lumber which maintained their survival, but it cost us a lot of time and a lot of money and money that we didn't really have - we had to put a lot of projects on the back burner because of it.

And the most recent one was the spill that happened in the Montreal River a couple of years ago, or a year ago in the Fall, and it was quite extensive, and our water system was a municipal, more or less, antiquated system, that drafted right out of the Montreal River when you couldn't even run the foot valve, they'd block up within two, three days. They were changing the filters hourly, the river was polluted that bad - the result largely of a beaver dam that just got out of control, it just wasn't managed properly. And this is another thing where it's a resource that's not being managed properly, the beaver population that we've got. They live on water, the erosion problems that we've got in some of the places along the Montreal River, up toward Gowganda and that. They live on the water, they cause a problem but the anti-fur trade and whatever reasons have made that a resource where it's cheaper to go and pay a fine to keep your trap line than it is to go and trap beaver and skin them for nothing. So the spill in the river was more or less going to be the end of us because we couldn't afford to handle any more of these issues, and we did what we could. The government has to be commended on assisting us the way they did through that spill. And they've agreed to help put a water system, a municipal-run water system in for us on wells, which is a definite step forward and a show of commitment from the government that they're going to actually finally come and help us out in this community.

So through that we managed to, well, we learned quite a bit to say the least. On land use problems, major issues, and we couldn't think of the past anymore, we couldn't dwell on the past anymore and think negatively that we weren't going to survive. All these issues, we fought, and we spent in the neighbourhood of 14,000 to 18,000 dollars a year, which may not seem like a lot of money but when our total tax levy for the municipality that we raise on

taxation, about \$250,000, \$255,000 - and 55% of that goes to the school board, it's a helluva chunk of dough. And we did that and we didn't maintain the status quo.

So I sat on the John Daniel Temagami Area Working Group through the Red Squirrel Road, the park expansion type-thing, you learned a bit more of the background, you learned that there are a lot of armchair experts out there, who really don't have a clue what's going on but they're going to make a decision on your future, or they'll make comments towards your future. And we have to be more site-specific and address and listen to the concerns of some of the local people a bit more.

And the educational factor on all these issues, from the land caution right through, is really lousy to say the least. People are really ignorant to what has gone on. And people in our own municipalities, in our own district, are really unaware of some of the issues and how they have affected us and what they really are. People look at the recent court ruling on the land claim as they lost, so let's get on with business, it's over with. That's a simplistic way of looking at it maybe from the way it's been projected in the press. You've got to live through it to understand it's a lot more complex than that, that it's not over, the negotiations have to take place on obligations that weren't met by whatever level of government and these are things that we - Rita will probably talk to that maybe a little more - but these are things that we've been involved with as a community because we fell within the caution and we fell within all these other issues. So it doesn't make us an expert but we're a hell of a lot more educated about the land use problems that have happened in our area than most people, whether it be Southern Ontario or elsewhere. And I sat in on the one on Quetico a while ago, and to listen to that when all you got was blurbs from the press and different things, it was an eye-opener, the comments and suggestions by interest groups or whatever, because you see some of the actual reality and have some of these people talk to you for the presentation. We're really making a lot of decisions where we don't take the people who actually live there into consideration. And I'm not saying this in the sense that it's an emotional thing - "poor Elk Lake, they've had some hard times, let's give them everything now" - I'm not saying it in that light at all, but the education that's needed out there, it's something drastic. It's not a question of let's save everything, that's not going to work either. If we don't harvest the beaver population, or put it this way: if we don't manage the beaver population - probably is a better way of saying it - we could have problems of a lot greater magnitude. The faecal count in the drinking water that we've had in Elk Lake, and we've got MOE, we've got everybody down our necks for things like that because we're drafting out of the river and these are some of the actual problems. It's easy to say "No we're not touching this resource, no more trapping or no more management of that resource", someone's going to pay for it, and we have already.

On that note, I'd just like to go into a little further... that's the background of what's happened to us, so we said we either dwell in the past and we're going to die in the past because we can't hack one more even minor skirmish, or even minor land use issue, we're going to be gone, and if the province wants to babysit us, babysit us because what the hell can we do? All we can do is turn on the street lights and clean the sidewalks, that's about it.

So I was asked to sit on the stewardship authority, for the Wendaban Stewardship Authority, for the four townships that were to be administered in conjunction with the TAA. I'm on as the provincial representative on there, and when we first got into it, I didn't think I was going to survive personally. Each side had its own corner it was locked in, but no, each side had its own corner it was locked into and they weren't going to bend, not a bit. And it took quite a while to come around, and the government has been patient, I'll give them that. But they took a long time to do things, but they were patient there anyways which give us a start. We went through some pretty tough times right off the bat and it got to an acceptance level. If nothing else that we've achieved, we've got to get an administrator which has just been done, or an administrative assistant, and... if nothing else has been accomplished, there's been a greater understanding of each side. And I don't say that's a shift from one side to the other, we definitely have different ways of thinking on certain issues to the band and the band likewise. And I've met with Chief Potts on a couple of occasions, when we've made some presentations to the band council on different initiatives we have, and we know that you're never going to be thinking right here, but at least there's an acceptance that you can work together, and that's what we're trying to work towards anyways. And we know that we've got to get along, because we're not going to survive.

What it boils down to is a matter of survival, we've never had any bad words towards the band, and I don't think the band has ever had any bad words towards us. And we put a proposal together and this isn't a lobby-type thing but I have to put it out here 'cause there are some government people - we put a proposal together on a community forest initiative, what we want to manage, what we can co-manage and look after and different things. We have some experience in land use problems. And we are the residents of that area. We met with the band council and put that proposal to them, because the whole area we were looking... or about two-thirds of the area we were looking at for our community forest fell within the caution, everything we do more or less falls within the caution because our municipality's in there too...and they agreed it was a good initiative, and supported our initiative towards that which

goes a long way towards working towards our future, you know we could see where it could be a development tool for our future, and that we've lived through some of these actual situations.

Maybe we can assist in... I wouldn't say developing policy, because that can take forever, but in working towards some kind of better solution because we actually live there and we know what some of the issues should be and could be, we've looked at a resource centre, an eco-resource centre, which is an educational type facility, and our whole goal in it is to educate the public. We're not going to educate the world, but educate our corner of the world so at least they know what the hell's going on. And it's got to be done, whether it's done through a centre like we're proposing, or whether it's done through the school system or whatever, it's got to be not a one-sided issue where it's protectionism, it's got to be sustainable, it's got to be economically sound, and socially acceptable. And we can achieve that, but it's got to be started and it's got to be started now because the educational factors... people are making comments and they don't have a clue, they really don't have a clue. And we know because we live and we have been a resource-based community since our inception and I think really that was my last thing. Education is the key to resolving all these issues. Now when it comes down to settlement of the land caution and negotiations, people can either get up in arms and scream and yell "What's going on?" or they can be educated to why things have to go on the way they are, and why they are being done. And I don't know who gets that job, but we're trying to educate our own little corner anyways which is the best we can do, with the monies and things we have available. Thank you very much.

Rick Lindgren: Thank you Terry, I think you've given us a lot to chew on there, and I do have a number of comments and questions I'd like to put to you, and I'll save them so we can hear from Rita.

Rita Moore-O'Sullivan: Thank you, thanks very much for coming. I'm just going to give you a little bit of background how I was raised. We lived in the family lands when I was a child: we went in September to our family grounds and came back to the village in June and went to school during the summertime. And everything was done at the family lands as soon as we got there, because there were preparations. We had our own extended community of my grandparents and my uncles and aunts and people in that particular area besides family. And the women stayed there and the men continued on towards the rest of the family lands and sort of farmed the land and went round and round each different area. So we had much work to do before the hunting started and the trapping because there was fish to be salted, and meat to be dried, and wood to be made into snowshoes and sleighs, and things that were needed during the winter months and snowshoes to be knitted or weaved or whatever you want to call it. So there was lots of work that was done, wood to be cut by the men before they left, so there was a lot of work to be done before the men went away and there was a lot of work to be done by the women when the men were gone, because we in our family were a family of nine, and the other families had their families as well. So the women had their share of work to do. And I think that's why I have such a great appreciation for water and fire because I carried so much water and saved water and cut water holes and everything. And another thing was that heat and warmth, there was no such thing as turning up an electric heater so you have to go out there in the woods and bring it in and make a fire and keep it going. So it's something that I really appreciate, water, and I give my children lots of goings over sometimes about water because I always say I don't think that anybody's that dirty that they have to wash as often as you do and take so many showers. They say well we're trying to be clean. Well I don't know, there's a great need today I think for preserving the water, that was one of the main jobs of Native women was looking after water and when you look at what's happened to the rivers in the United States where 48% of the rivers are dry...I wouldn't want to see anything like that happening in Canada but that's happening right in our own area where we live in Temagami because there're creeks that are drying up. There's roads that have been put in that have caused things to happen to rivers, there's been cutting by lumber companies that have caused river banks to fall down and the water gets shallower and the sun dries the water out and there's no more fish in it. So I noticed a lot of changes in that particular area since I was a young person up there, and I certainly think that not only the Native people have to work towards preserving the land, we have to all work together.

I think the Wendaban Stewardship Council was a step in the right direction of getting people working together, and like Terry said, for a while we sat there wondering, well, what are we going to do here with these people, but we got going and we're able to do some things now.

The first lumber people came in our area 1936, and some of those old people who laid out the cuts for the lumber companies, after three or four years of cutting you couldn't really tell where the cutting had taken place because there were so many seed trees left and the roads had been done so very carefully and a lot of the hauling was done on the ice, the first two years hauling was done on ice. And the ... that was one of the reasons why I think the Red Squirrel Road was such a shock to us because a lot of that hauling no matter where it came from in that particular area where the Red Squirrel Road was going into, could have been done on the ice. And the government spent millions of dollars on police work and taking us all to court and the road being built, which is not being used at all, which could have been avoided if it was done properly through the people in the particular area because I think that

with the Goulard Lumber Company when we talked with him up on the road, I think that he would have understood the reasons why we wanted the logging done on ice, he said you cannot... Mr. Goulard told me himself that logs couldn't be hauled on the ice, and I said that's not true, they did haul logs on ice, and he said no they didn't. Now I rode on the logging trucks in 1936 so they couldn't tell me that they didn't haul them on the ice, I know they did.

We helped make roads for the Temagami Mines to haul ore from the middle of the lake down to the train stations, so there are ways of making roads on the ice to haul, and ore is heavy material, and our elders have the knowledge of that land also, they're experts. They know the water systems, they know the animals that are there, they know when they breed, and when they produce their babies and everything else. And if we lose the knowledge of our elders right now, we're going to lose an awful lot and they're still able to teach us a lot of things.

But then when you leave the family lands and you go to live somewhere - I lived in the city, in Toronto here, I worked here for 10 years, and then I went home and married and then I had my own family, started raising my own children, but I never taught my children anything that I was taught. And I think that my generation are the ones that made mistakes along the way, I don't know if we taught our children to be greedier, or ... I know one thing that we did, I think it was my parents' generation, it was get your children speaking English first of all and then it was my generation I think, get them to be educated. But now I find myself teaching my grandchildren things that I never taught my own children, about land, and preserving and conserving and things like that. Which was taught to me, but I was too busy rearing a family to really teach them, but of course, like I say, we had elders next door to us, our grandparents. My mother was busy mothering but my grandparents were there to teach us along with my parents. So there's been a lack, maybe in my generation, of teaching our children, maybe not only the Native people, but I think among all the peoples, because we end up with all these yuppies and guppies (laughter) ...

But we talk about wilderness and you know, I see traffic signs on the ice by the Wilderness Society, and then posts all the way along the road. And you talk about people that want to preserve trees, I counted 240 trees marking the roads one time, and they all sank in the water after the ice went. So they talk about doing this and doing that and they want to preserve this and preserve that, but they're not helping. They're making a little bit more mess as they go along. And it's hard sometimes to make people understand the things that we see and they don't recognize it. Now today there's a bunch of roads you can see to the island, it's not very far but there must be 20 trees going across to that one island, and they'll all sink in the water next year. But MNR don't say anything about that either, that all these trees are all along there, they'll all sink in the water, some of them float ashore, then you see them down there...

So we have to all work together, not just Native people and the lumber companies, it has to be everybody. We can't say two people in two canoes, or two in the one canoe, we've got to all get in the same boat and paddle together, everybody, not just two sides. The anglers and hunters have to come in with us, they're needed too. They can say, well we don't want this to take place, we don't want that to take place, but there's things happening in the bush that they should be looking at too. There's moose yards that are being cut out, there are moose calving areas that are being destroyed, there are fish spawn areas that are being destroyed, the anglers and hunters need to help us to protect those things. And so do the environmentalists have to. We have to all work together, not just one or two people. Not just the Ontario Government and the Teme-Augama Anishnabai, it has to be everybody. And I believe that that's the direction that we have started now, there have been some positive things started, and some of the things that have taken place with the MNR, and the stewardship council the bilateral process, we have done some things in the bilateral process that have worked good in some ways, they didn't work out so good but I think we're going in the right direction and if we can continue in that direction I think it'll work out very well.

And I think the women have to accept responsibility because there are ... the men have lead the way most of the century and we were sort of chattels but now we're not.. and I think women have responsibilities that they have to accept, and walk with the men and help them. We're seeing more women coming into politics and other areas, that are really positions that women should have had a long time ago, and we really do need to accept this responsibility because we are the backbone of this nation and we have to... to work with the men... And I think that it can be done very well. And I believe that the people in the North should have a say in what's going on in the North. I don't think I can sit up in Temagami and make a decision for somebody down the road there, I believe that the people that live in that Temagami area have to make decisions for that area, and that's all I'm going to say.

Rick Lindgren: Thank you very much again...

Rita Moore-O'Sullivan: Oh, I have something else to say... I have some information here on the Teme-Augama Anishnabai if anybody would like some.

Rick Lindgren: Ok, we can distribute that shortly. Again there are a number of issues that have been touched upon, and we'll get to those very shortly, but now I call upon Bruce to continue the dialogue.

Bruce Hodgins: Thank you very much. When I approach this kind of panel, particularly since the Wendaban Stewardship Authority was established, I find the task a difficult one, partly because I'm not exactly sure where the process is going. And I'm also ... with my background at Camp Wanapitae and elsewhere coming from so many different perspectives...it's never clear to me any longer what hat I'm wearing. Sometimes I just pull it down a little tighter and figure it's only my own. But I wouldn't mind talking later on during the discussion about this question of wearing many hats because I think that's what many of us have come to carry on our heads in the last couple of years. But we have made tremendous strides. I think it even possible to say that at least from my perspective, Terry and I have become friends, and we were on ...

Terry Fiset: That's a hard one to choke down, isn't it, Bruce ?

Bruce Hodgins: ... it was only when he gave that speech earlier that I realized how much we still disagree. And it's partly the success of the Wendaban Stewardship Authority I think that that's been made possible. We were on opposite sides on the Daniel Group, the only thing that nearly all of us could agree on was that Daniel wasn't doing a good job. And I got sick in the middle of it, and my son took my place and so the final shouting didn't happen between Terry and myself. But it is an interesting thing, and maybe this is helpful, I don't know - but I was refused gasoline service at the only gas station in Elk Lake by one of the largest and most significant businessmen in Terry's community, and I had a group of twelve children with me in two different vehicles. The property of that gas station backs right up on to the Makobe Wilderness Park. I was cursed at in four-letter words with all the children there, this is only a couple of years ago. It was that all canoeists were evil, and all canoeists by their very existence were contributing to the death of Elk Lake when in fact clearly it would seem to me that the future of Elk Lake relates to that wilderness waterway that goes right by that gentleman's property.

And that ultimately became an issue that got as high as Members of the Provincial Legislature and the Vice-president of Petro Canada. Wanapitae, of which I'm the president, loaned it's facility in the north end of Lake Temagami to the Teme-Augama Anishnabai as their near-site headquarters for the road blockade, they took it over for the six or seven weeks of that blockade. I was arrested and charged with criminal mischief and many other people went to jail for me, and those charges were only formally dropped a month ago, and other people were prevented from doing other aspects of their lives for actions that they took believing, in the depth of their hearts, that what they were doing was correct.

I was part of the lobby establishing the wilderness park, and going back to 1973, preceding the establishment of the caution, I was one of the four founders of the Save Maple Mountain Committee back in 1972 and '73. I think in the course of the bitterness that went along with the controversies of the late '80s, I considered it my primary responsibility to say that while I was an environmentalist, and while I was a nominal member of the Temagami Wilderness Society, I increasingly found myself in extreme tension with its director, though we remained on speaking terms. I think the only time that Gary Potts and Brian Back spent any social time together was over a bottle of beer that each of us had in my living room. And then they fell apart again a couple of days later, for obvious reasons, but I considered it my minor role that I was trying to at least keep those two wings - the environmental movement and the position of the Teme-Augama Anishnabai - on speaking terms with one another and trying to understand their positions. I probably failed in that, partly because of the direction that the Temagami Wilderness Society took in the last few months, but nevertheless I was glad that my arrest took place on the aboriginal blockade rather than on the environmental blockade, though I was there.

It seems to me that with the Wendaban Stewardship Authority some terrific achievements have been made, and the most important I think is the one that Terry alluded to, and that is the development of friendship amongst the people on that body that I think have a ripple effect back to the various groups. And I want to emphasize, whereas Terry implied something different, and that is that there's been no division twelve versus twelve at any moment in the Wendaban Authority. And in fact, there's probably a closer affinity amongst the six Teme-Augama Anishnabai representatives than there are amongst the six so-called Euro-Canadian or Ontario representatives and... because in fact those six come from a terrific variety of positions and many of those positions have not been worked out with one another yet, and a lot of the battles still lie ahead. But I think they will go in a different direction than they might have gone if we hadn't had that authority. I have no problems with the mandate of the Wendaban Authority either and it seems to me that that (tape change)

... focus of the major controversies of the late eighties... (tape inaudible) but the focus of that controversy was where the three roads were in fact coming together, one of them while not quite meeting the merger of the Liskeard and Red Squirrel Road, and also at the core of the old-growth forest and at the core of the canoe-tripping

waterways, at least those that were south of the wilderness park. And so those four townships were turned over to this body and it seems to me that that certainly lowered the temperature. But the problems that still lie ahead, it is my sincere belief, and I've written to the Minister in this regard, told him earlier on and told him more recently that the size is too small. The Teme-Augama Anishnabai wanted a larger size, and that's the size ... and have designated the boundaries of that larger size, and it seemed to me that that was the only way to make the thing fully function, because we're in fact supposed to deal with an ecosystem that is in too small an area, and it doesn't follow the watersheds. And we're being forced to follow four townships which were imposed upon... geographic townships which were imposed upon it basically for purposes of logging.

Also the organization has within ... the one problem with the mandate that it has within it is a suggestion that it's supposed to move to self-sufficiency over the long haul. Now there's no immediate expectation that that has to happen, but if this small area is supposed to move towards expectations of self-sufficiency, it can only be done in fact if there would be a major resource-extraction industry in a small area. And if the centre of the four townships is the old-growth forest, the core of the old-growth forest which was one of the main items in the agenda earlier, and also some of the most important spiritual places for the Teme-Augama Anishnabai, and therefore there are many of us that have pledged several things. First of all, that the east-west road cannot become a throughway, I mean that's what the thing was about early on; the Liskeard road cannot be linked up despite this roadway that was built with the Red Squirrel Road, and the road from the south can't join in a T-junction. Secondly that there's general agreement that the core of the old-growth forest should not be harvested except perhaps if there's a scientific decision that with the removal of fire from the area, effectively that some harvesting is necessary in order to maintain the old-growth forest.

So we're left then with a lot of water in the four townships, used to be called the Wakimika Triangle, after all, there's a lot of water in the area, with the core of the old-growth forest which is at the centre of some of the ecological concerns, and with geographic lines that don't amount to what they should. Now I think there's also a problem and that is it seems to me that many of the MNR people on the ground see this as a temporary phenomenon. As Terry said he didn't believe that it would survive. I firmly believe that it will survive, because it seems to me written almost in blood, and it was proposed by the Liberal government, and it was endorsed by the New Democrats and I don't think the Conservatives are coming back to power... So it seems to me that the Wendaban Stewardship Authority, unless the twelve of us totally screw up, and that's not beyond possibility, but I don't think we will, and therefore I think we're there, and I think we're saddled with an area that must be much larger, and with some issues that have to be sorted out, and greater clarification on this matter of being self-generating in terms of income. We have to come to grips then fully with the question of roads. It's clear that that is not an issue that again will divide the Ontario representatives from the Teme-Augama Anishnabai, because there appears to be a clearcut majority, and something moving toward a consensus that the trunk road system could never be open for operation.

And I'm not going to stick with the Wendaban, I'm going to move to something else in a minute, but I'm concerned about the economics of what we're talking about. I too... I mean I've been heavily involved, it's been my temporary home every year since 1956, and it's certainly my spiritual home, and I've been involved perhaps not as long as Rita and some other people in the Temagami area though I was first there in 1936. It seems to me that those economic practices and logging practices that Rita talked about are the ones that did take place. I know that as an historian and I know that from my personal experiences in the early years, that the damage to the environment by logging when it was a winter activity and when horses were doing most of the work, and when the roads were short and moved from the bush to the waterways, and they were very temporary winter roads and when you didn't clearcut, that in fact it was less of a strain on the environment. Also it didn't produce clash amongst people concerned about wilderness and people concerned about the economic future of the area, and people concerned about ... Teme-Augama Anishnabai concerned about their homeland and their relationship with the land.

But I'm not positive that resource-extraction can take place in the small scale that's necessary in order to meet the other conditions. Can we have small-scale logging using an update of the old technology and the old methods, without using trunk roads in the period when the market is down - and it's not just down because of the recession but because of competition from other sources - and when the easily accessible pine has been to a large degree devastated. And I don't believe in fact that we have a major future for pine harvesting in the Temagami area. I think we have a significant small future for pine harvesting in the area, the question is whether we can make it economical for the interests, whether they be Teme-Augama Anishnabai, or River Valley or Elk Lake interests that are looking towards the future to deal with that.

I certainly never did approve, and many many of the people I moved with never did approve of the concept of attempting to eliminate logging from the Temagami area, and that was another piece of mythology that was moving around the area, and a lot of our semantic arguments over the concept of multiple use, whether multiple use meant logging; and then everybody used the land after it's been logged, or whether it meant in fact that various activities

can take place in various places within the N'Daki Menen, all taking into consideration principles of conservation and stewardship, which I think was the position that most of us who had deep roots in the area, not necessarily the position of some of the outside spokespersons.

I come back to the question the other two speakers have emphasized, it does seem to me depending on how this is defined, that people that have a stake in the area are the ones that should be involved primarily in working out the compromises and keeping a cool head while they're doing that and making sure that there are human relations that develop across the line when they're doing those kinds of things.

I think there are problems though that relate both to the Wendaban question and to the broader question, and that is it seems to me that the negotiations that are going on - I could broaden out now from Wendaban to the whole of the N'Daki Menen - it seems to me that the negotiations that are going on between the Ontario government and the TAA potentially have an explosion ahead of them. First of all, I think the two sides are still much further apart than some people would like them to be. And I believe that the people on both sides of the table have the best will in the world and we're lucky with the kinds of people that are involved in this negotiating process, but it seems to me that when we get to talking about the nature of the sole jurisdiction of land that the Teme-Augama Anishnabai need and require in order to have a viable future, that there's going to be difficulty, and the gap between them and other people may be very very large indeed. And it seems to me that the concept of dual stewardship or dual management has only begun to be understood by most people in the area and (tape inaudible) various hats I wear, I'm an elected Board Member of the Temagami Lakes Association, and a former president of that body, and I think that's made up of the cottages and the youth camps on the lake. A couple of us on that body have long, long personal relationships with Teme-Augama Anishnabai, and that has helped things, it goes back three and four generations in many cases. But we've had our problems in trying to educate everybody to the level of the degree of change that's going to happen in the next ten years, and I know how hard it has been for me. I face a meeting about two weeks from now when I have to convince an awful lot of people that the position that I take on preparing people for an acceptance of a large sole-jurisdictional area of the TAA and a large area of dual management, I have to convince people, most of whom don't have the same long-standing background in terms of that personal relationship and 40% of them are American who have a completely different approach towards long-standing relationships, between aboriginal people and urban-based society. So we have rough times ahead of us in order to pull people towards that sense of understanding. And it's not going to be easy and we need support from other people in order to try to do that. But I think that at the same time you have a viable organization and a sense like the Comprehensive Planning Council that is... and the whole process that has come out of the Temagami Advisory Council from an earlier period, it seems to me they're planning for the whole area, in a comprehensive plan apart from the four townships, they're going ahead with deep sophisticated research on a future for the whole area, not taking into account the terrific impact of the negotiations going on between the Government of Ontario and the TAA. So that as I understand it, we will end up with a large part of the area under sole-jurisdiction TAA, and another part of it under dual management or dual stewardship. And some people see dual stewardship to be MNR carrying on roughly the way it did before, but taking into account perhaps advice from the Teme-Augama Anishnabai. That's of course not what dual stewardship means at all, and also, even if it was to be totally dual stewardship, it clearly doesn't mean a Toronto-based monstrous bureaucracy like MNR fundamentally being the body that represents the Ontario position.

So I think there's a terrific amount of education that is still required with the MNR and with the CPC in terms of understanding where we're going. I think it's important to know that the people on the lake with deep roots to the area, the people who established many of the organizations and that some people blame for the whole crisis in the first place - editorials coming out of North Bay and out of the Tri-towns said that the Temagami Lakes Association and their agents in the three political parties were in fact largely responsible for the whole mess in Temagami. I don't agree with that for a moment, but I think it's important to bear in mind that their bottom line involved no mainland development beyond what now exists on Lake Temagami and many of the major lakes in the area, and no new road access to Lake Temagami and any of the other areas in the core part. Some of us have brought them to accept the fact that there will have to be TAA development of the mainland and I think with help, I will be able, with a couple others, to convince members of the Temagami Lakes Association that that will be necessary in the future, that many of the families of ... many of the Anishnabai families will indeed wish to go back to mainland areas of great historic significance, and that indeed, there will have to be mainland sites even of commercial operations along the Temagami Lake Forest Access Road and on some other sites. And all those battles are still ahead, and we have to deal with them as they come up.

And I think I'm going to end in a second but to say that the protection of the waterways is terrifically important, the protection of the canoe routes, I think nearly everybody involved on the lake does not want a repeat of the Algonquin Park experience. I'm sure some of you were in the Algonquin Park sessions where I was not there. The issue is not just a matter of conflict between some wilderness purists and the Golden Lake Indians, but also the

question that to a large degree there is something hypocritical about the whole nature of much of Algonquin Park when in fact you've got strips of wilderness along the waterfront, and behind them you've got forestry practices that are now probably pretty good, my understanding is that the Authority is working quite well, but the operation has been rather recent and that the whole thing is cut up by forest access roads that zigzag up around wide areas of the park that are quite visible for anybody flying over the area.

So that kind of thing is still all ahead of us, and it seems to me that we're going to have to have a lot of patience and tolerance as we work our way through these matters. I'm going to stop now, I'd gladly respond to controversy.

Rick Lindgren: We've invited questions and comments, and we might as well turn to them and as I indicated please feel free to address any other questions or comments or statements to any of the other speakers involved. And please, could you identify yourself and your affiliation?

Question: I'm Ray Bonenberg and I'm with MNR. The question about the process, for anybody who could answer... When did you feel there was a turning point from things being not workable to things starting to be workable, and what caused that? What dynamics occurred for so that there was a team that started to move ahead?

Bruce Hodgins: History has no beginning and no end and everything is caused by something else. And if you consider that an answer, you're crazy. [laughter] I call April an important date, April 1990, before the election. ["What happened?"] Well, April 1990, it seems to me is the time when there was a major shift in government policy in terms... that's when the announcement was made of what became the Wendaban Stewardship Authority. That's when it was clear that the road was not going to be used, that's when it was clear that processes would have to change from the Temagami Advisory Council, in which most of us had no confidence... and if you don't push me too far to focus on a single month, it would seem to me it's those kinds of developments - the road just before was nominally completed in December of 1989, and one vehicle passed through the road and then the snows came and happily there was a big spring runoff and most of the road was washed out... So it seemed to me that that made a significant change at the very top. And it's important for me to say that that was in April before the September election changed, and it seems to me that what the election did was to convert a fundamental change on the part of the previous government into something very deep with the new one. And it seems to me then that the statement that was made that win or lose, win or lose in the court case concerning the fundamental land claim of the Temagami Anishnabai, that negotiations would continue without fundamental change. I think that that was an astonishing breakthrough in terms of everybody, of nearly all the positions, even those as Terry mentioned who would not have agreed with that position. The fact is that you got that position entrenched in everybody's mind, that in fact there was going to be fundamental change on Lake Temagami and that meant also that the caution was not there forever, but that it would outlast the question of the land claim. That produced terrific animosity in the political township of Temagami because it effectively implied that they were not winning even if they'd won in the courts. But it does seem to me that it cleared the air and the concept then of moving to establishing a part of Ontario that would not be under the jurisdiction of the Ministry of Natural Resources, even if it then turns out to be four dinky townships, that that was an important move and then I think another terrifically symbolic move and that is the same man that was Minister of Natural Resources was to be Minister in charge of ONAS and eliminate that incredible dichotomy of having the Attorney General who arrested Indians being the same man who was sworn to protect them. Again, those are changes that happened in September of the previous year, and then you got a whole change I think in the thinking of people in the Ministry of Natural Resources. And that was exciting and it came not just because of Temagami but about this whole question of reorganizing the Ministry in terms of districts and all that kind of business. Now this still isolated my friend, but it seemed to me that when the composition of some of these bodies turned out differently, that they were to some degree taken into account in terms of the Wendaban Stewardship Authority Terry was on the Board.

Question inaudible...

Bruce Hodgins: Yeah, it could. Whether we will is another matter. I mean, we're getting along so well but our dynamic is not perhaps as good as it should be. And it does leave out corners of the debate, and it's such a small area, I mean I keep saying somebody's going to wake up and say why is the province making so much out of the Wendaban Stewardship Authority when it's four little geographic townships... But I think... [question inaudible] Well it seems to me that maybe some of the people on the Wendaban have to do that but I mean I think most of us on it are also working in other areas in this regard. I mentioned to you earlier, I see one of my largest and most difficult tasks to deal with, you might say, my constituency, not my legal constituency which is Ontario, in terms of Wendaban, but the area that I relate directly to in the area and that's what might loosely be called the Association of Youth Camps and the Temagami Lakes Association. To pull them into an area that when the land, the sole jurisdiction of lands come out in a couple of weeks I guess, will be public, to keep everybody calm in terms of realizing the degree to which change is going to take place. So in many cases the problems are not going to be

between the forces so much as inside the forces: between those that are working together the way we do in the Wendaban and those that are not. Does that make any sense? Am I talking in circles? (tape inaudible)

Well I mean MNR has even suggested to us that we've got to be careful that we don't meddle in affairs that are outside the four townships, we've already had our wrists slapped about that, and so I think we have to do it as individuals, we have to fight, I would argue, for a larger geographic base. In areas not under sole jurisdiction we have to argue for a much larger geographic base, and then I think we could succeed. But I mean one of the issues probably you don't know, the only issue that really was emotional in Wendaban was when in fact we got into the question as to whether corners of the controversial road system could be used by the Ministry - through the Ministry of Natural Resources - to allow logging operations to continue in areas outside of the Wendaban, and we said we wanted to know whether or not they were being cut in sound environmental ways. In the end we agreed unanimously - I think it was almost unanimously, only one against it - we agreed effectively to allow that but it meant that little bits of the road that had been so emotionally important to people in the past were and are being used to get into areas that are outside - the loop in and loop out. And of course we were told that if we didn't agree they were going to build more expensive roads outside of the area, effectively with the taxpayers money whether it was a trunk road, or 50% if it was not. And we agreed to that, but we were severely slapped for concerning ourselves with environmental matters outside of the four townships. Happily it worked out.

Michelle Swenarchuk: I have never heard that side of the issue before and I'm interested that both you and Rita (tape inaudible)

Terry Fiset: Well, there definitely is a role but the education has to start, so you understand this is just touching the surface of what's gone on, the same as when I sat in on the Quetico and that was a totally different light from what I'd realized. We know, just taking the timbering practices, we know there have been issues that have been... that are wrong, there have been wrong practices, but there's been some good ones too. They never make it to the top, and it's always let's pick on our negatives, and we're a society that is like that - let's look at some of our positive aspects. And one perception throughout this whole issue is that it's all an old growth area, and we fall within that too. We aren't, we're a boreal forest, we're a different type of forest altogether than the old growth pine and the old-growth pockets that are around the Temagami area, it is different... and it's shorter growing cycles, things like this, it's an education. And what we did as a community, Bruce talked about the turning point being the Stewardship Authority, we looked at it, at the closure of the Red Squirrel Road, that that's going to be the end of us, that there's the death knell...

The Lady Evelyn School of Water Wilderness Park, that road going through the Wilderness Park, I bet you there are not ten people, not even that in this room realize that that road was through there about twenty years before that park ever was put in place. Those are realities. We live there, we understand that, and that's the thing that we've got to protect the wilderness... and I've lived in Elk Lake all my life and my parents before that, and we've lived there and I'll continue living there because I like the area. We're small, we're forty-five miles off the Highway 11 corridor, we don't get a lot of traffic through it, other than for local business, but we live there. We know what it's like, I like moose-hunting, I like fishing, and we're not the kind that, "Well, good, if we can't cut it down we'll blow it up", that's not the case. We're living there, we live there, that's our reality, that's our livelihood. So to talk in philosophies, we can't do that. We talk in realities...

Question: So what (tape inaudible)

Terry Fiset: Helping the educational factor. And one of the things, when I said the Red Squirrel Road was a turning point, we knew that would be the end of us, that we can't fight anymore these battles unless the people are educated and they understand where we are coming from. The Natives have got somewhat of the same problem, but I don't want to stand on Rita's choice, but the education portion is one of the key things that's needed, and before someone makes a comment, come and make an assessment of the situation first hand. Through the whole issue, if we had one person come in Elk Lake to understand what the issue was, it was all the Temagami issue, we were affected directly the same way. And it was never Elk Lake as part of the issue, but we were dragged into it as part of the whole area. And those are some of the things that I think before comments are made and before policies are put in place and lobbying takes place, let's get an understanding of what the grassroots portion of it is.

Question: (tape inaudible)

Rita Moore-O'Sullivan: There is a place for you to do education for us and to (tape inaudible) for us because that is the problem like Terry said. We are not getting to the people, and there's a great fear up there. They're afraid of the Indians, people are afraid of the Indians, they're still afraid of Indians. They're afraid to let us have some

control of the land. As long as they had total control everything was fine. But as soon as we wanted that land...that is our land that we have used all our lives and our grandparents and parents for centuries. They're still afraid of us. We would never do the things that have been done to us to anybody, but there is still a fear there. We know that we have to go through the water system to protect that land, but we can't do that because now they say you have to get out and use these square pieces? And you can't tell a moose you've got to run in this little piece and run along that area of creek, they have to go where they want to go and they follow water systems - all the animals follow water systems. That's how we learned to live, because we followed the animals. But the people have to learn to understand not to fear us, we're not going to hurt them. But that fear's still there. Bruce knows that and Terry knows that. But they don't know what's going on, that's the problem. There's not enough communication... There's a lot of things that we need help on.

Terry Fiset: When this is all over, when whatever is laid out for sole stewardship, joint stewardship, Crown land, municipal lands, whatever, when it's all done, we're still going to be living there. And I don't care what happens, we're still going to be the ones living there, we're going to live with what happens out of it. So it is our future, we should have some input into what our future is.

Rick Lindgren: I think Bruce wanted to make a statement...

Bruce Hodgins: Yeah, I think that maybe some other people should make a comment here, but I would urge you... I agree with every word Rita said, but she was talking fundamentally about the use of the southern support systems for aboriginal communities in the north and their futures. And I agree with that but there was also the question about, what about the role of environmental organizations, which by definition, are going to be southern Ontario based, that's where Ontario-wide organizations are based unfortunately, and I live also in Peterborough and they're not based in Peterborough, they're based in Toronto, and that's where everything is going to be based. It does seem to me that the bulk of the people of Ontario who are concerned about this thing believe rightly or wrongly that these precious areas are part of their heritage and part of their ownership. Now I'm primarily talking about lands that will not end up under sole jurisdiction of the Teme-Augama Anishnabai. I take that as number one, and after that statement is made, it does seem to me that there's a place for CELA that ran this conference; there's a place for the Ontario Federation of Naturalists, there's a place for the Parks and Wilderness Association; there's a place for all those kinds of environmental lobbies. It seems to me that they have a vital role to play in the future of Ontario, the same way that many of us are concerned about what's happening both to aboriginal people and then to the environment in Brazil because it's part of our country here and it's part of our province. So I think Terry has to accept the fact that there will be province-wide involvement, there has to be MNR involvement, there has to be... I mean in fact if there hadn't been the Ontario involvement in the Teme-Augama Anishnabai case, nothing would have got solved. I mean let's bear in mind and call a spade a spade, I mean the fact is that under the Constitution, land and land reserved for Indians is a federal matter, and the Federal Government was doing sweet boo-all, you know... that it was in fact an Ontario initiative, believing of course that they perhaps had not been fair at all in the past, and lived up to their fiduciary responsibilities, or their legal responsibilities, depending on which phrase you choose to live with, that the fact is that the land had not been sorted out win or lose in the court case, but the fact is that the Ontario government's involvement in a supportive capacity through ONAS that we've got in terms of the Indians as far as we have. And also we have to define what local people are, and certainly people who have been for three and four generations part-time residents of the Temagami area consider themselves as much residents of Temagami as somebody that came into the north town site of the village of Temagami five or six years ago to work in the lumber mill, and passed on to some other place. I'm not talking about Terry and his family, but I'm talking about roots, and the people with the deepest roots are clearly the Teme-Augama Anishnabai, and then there's another group of Euro-Canadians that have been there for several generations. But I think there is a role for environmental organizations from the south, but above all they must be informed, and they must be educated about the problems in the area, and that's why I took exception with the leadership of the Temagami Wilderness Society at the peak of the controversy.

Rick Lindgren: We'll leave it at that, I'm sorry to keep you waiting. Can you identify yourself please?

Question: Yeah, Gary O'Connor, I'm with the Temagami Comprehensive Planning Council. I'm in total disagreement with Terry (tape inaudible)... misinformed. We must pool our resources and educate the public to our (tape inaudible). Ignorance and (tape inaudible) Ignorance builds fear, and you know what fear can do: it can cause (tape inaudible)...

Exchange inaudible

Rick Lindgren: Well, perhaps I could make a brief response. Without getting into the particulars of it or why the Council has been misinformed, I think we've touched on the issue that all three of these people have agreed upon,

and that is the need for proper dissemination of information, and the fact that it was disclosed to you, or apparently it was not disclosed to you in a proper and timely fashion is not necessarily the fault of this conference, or these participants. I think what you've identified is the clear need for that information to get out there. And I think that is a common thread that has run through all this presentation today. And in fact although I'm a little bit disturbed by the nature of the allegation, I don't think anybody would disagree with the proposition that we need good information, and everybody needs to have it.

Terry Fiset: Just in response to that, I don't take exception to anything somebody tells me, I've been told a lot worse than that too, but no, I don't take exception to it, education is a problem. What the people in this room... I'm sure a lot of them got an education today too on what some of the issues are. The trouble with everything we've dealt with through that whole issue, the hidden agendas that have been in there, by everybody and their dog, I don't care whether it's the Native groups, the municipalities, the wilderness societies, the Lakes Association. The hidden agendas that have been in there, and a lot of things surface - every meeting you go to you learn something new and speaking solely for myself, as Reeve of the municipality, I've got a full time job that takes up - you work about 12, 13 hours a day at it. And I get about \$1,200 bucks a year, to be the Reeve of the community for the hassles I get, and no expense account... Why I'm a sap, a nice sap (laughter)... no, those are things, when you're dedicated to your community. And I don't know, right or wrong, you are - or I am anyways, dedicated to the community. And with the monies we have available for this, and the resources and people, we're doing the best we can. And I know it's not enough, I know it's definitely not enough, and that was one of my reasons about coming down here today, maybe I could educate one roomful anyway on what our position is, and we saw that like I say when the Red Squirrel Road was closed, we've got to do something because we're not going to survive. What do we do? We try and educate the people. We sat down with a group of residents in the community, how the hell can we do it? We came up with a proposal for an eco-resource centre which is an educational-type facility, research and development, show the good and the bad. And it was really quite an initiative, that the municipality undertook and we got funding from the government last year on it, and got consultants hired working towards helping us achieve that goal. Hopefully it will work out for us. If it doesn't, hopefully it's an education that someone else in the province can use to better this. And all we can do is educate our own little world with the resources we have made available to us. And I'm not saying that as a pitch to give us a hundred thousand dollars and I'll go and educate the world, no.

We'll do what we can, and as people, we've got pickerel rearing ponds, we restock the river, we're bringing it back, we've got a spill that wiped out a lot of the pickerel. Those are all things that we're committed to working towards, some of the plantations that we've worked on with different groups, they're all things that we have done but there are educational things that happen to be needed. We've got groups of students coming in not on a real regular basis, but you know bi-annually from the high schools and the public schools around, coming in and looking at some of the operations and those kinds of things. Those are life's realities that people have to get that background before they can go and make any decisions.

Members of the Stewardship Authority, when we went into the Stewardship area, I think there were nine of the twelve members had never been into Acadia Township, that's the area we're managing. You ought to take a look at it, here's the area we're managing, and what the hell's going on? We've got nine members who were never in here. And that's not slamming any of the members either, we got an education within ourselves and how that's taken about has to take place, and that is maybe one question that has to be answered: how do we even develop a package? The Comprehensive Planning Council is an excellent avenue that should be explored and used more because it does have the data base and the resources to work with, that is an excellent avenue for our area, and I'm glad to do whatever I can to help contribute to it, but we're limited, we can only do so much as individuals, we can only do so much. It would be nice to say that we had another few people in the community that all pitch in and work at it and you could take a break and stay home awhile, but no, it doesn't work that way.

Bruce Hodgins: Can I make a comment as well? I just wanted to do that, and that is... you know we talked earlier when the Wendaban came in to actually solve some of the problems, and I said the people on it I think it's incredibly broadly based, and the people are very well informed and becoming more informed, there's a person on the Windabin Authority, the fourth member of this panel who didn't turn up, who's also on the CPC. There's a complete interlock there with one person. The TAA put out a monthly bulletin which is important reading, it brings you up to date exactly with what's going on, the Temagami Lakes Association puts out a 20 or 30 page newspaper four times a year, I get all the material from the CPC and it's a huge pile about that high, I try to get through as much of it as I can. I think there's a phenomenal amount of information going around amongst the people that are concerned, and I suspect if you created yet another group apart from what we've already got, that we'd be doing exactly the same kinds of things.

Rick Lindgren: I had a question for all three members of the panel. It seems that all three of you are quite optimistic about the future of the Stewardship Authority, and Bruce you touched on the mandate. I'm wondering if you could clarify for me anyways the mandate of the authority, and perhaps we could have a clarification of its relationship to the other process which is resolving the land claim issue

Bruce Hodgins: Somebody else might want to do it, but in a word, it's that joint stewardship over the area for sustainable development, following the principles of the Brundtland report. And that means preservation and conservation, and all kinds of other items, the complete land management of a very small area which is at the centre of the controversy - it only has symbolic significance outside of those four townships.

Terry Fiset: The Stewardship area for sustainable development in forestry is too small an area, that's the reality, but the thing is to make it larger before we prove what we can do is a mistake too. What do we want? We've got to set what goals and objectives we want for those townships. If we don't do that, there's no sense making it twenty townships because it'll just be limbo land anyways. And we've got a lot of growing steps because we have total management of that area, or responsibility for that area, that you have to set things in place and understand what we want to do. Do we want any goals out of there, is it going to be open to prospecting and developing, or open to mining? If not, does it have to be expanded? What do we want for sustainability out of it? If it's timber harvesting, we probably won't achieve it because the area is too small for that, but in other fields it may be. But it has to be explored a little bit further and to expand it would definitely be wrong until we understand where we want to go as an Authority and what we want to do, because if we're going to achieve sustainability, where we can finance ourselves, we have to look at what our options are and are we going to open that area up for anything where we control that area for development to a sustainable end? Or are we going to leave it as is with no real management guidelines and no development taking place, and these are questions that the Stewardship Authority has to answer.

Bruce Hodgins: Well there was one joint executive meeting a week ago, one short meeting. And you know the two Chairs are in the same corridor of Nipissing College, you know they have coffee together, presumably if they're around every morning and afternoon, and there's an overlap of membership. So structurally that's still to come. But I would argue that that relationship is probably not as significant in the long run as the relationship between the CPC and the process of bilateral negotiations between the government of Ontario and the Teme-Augama Anishnabai. And I think that that's a real serious problem.

Rick Lindgren: Do you have a comment Terry?

Terry Fiset: No...

Question: I'm Bart Fielders, I'm provincial negotiator for the Temagami (tape inaudible)...

Speaker:... he's the most important guy in the room, by the way...

Question: ... with respect to the Stewardship Authority (tape inaudible)...

Question: I'm co-ordinator for the Teme-Augama Anishnabai, from our perspective we have two experiments in co-management, one is the Wendabin Stewardship Authority which is a governing body and we're looking to see how that works, and the other (tape inaudible) is also part of the MOU and this is a much more standard kind of attempt at co-management with the Ministry of Natural Resources particularly in forest management. The reason I'm alluding to it is that we've had some successes around wetlands, but these are two experiments because in the negotiations for a treaty of coexistence, we don't know exactly what's going to all work out, because we don't have any successful models to look at. So these are really attempts to try things out on the road down to a treaty.

Rick Lindgren: Any other comments or questions you would like to address to the panel? Because if not, I'd like to attempt to summarize what I've heard here today and I think the messages are fairly clear and fairly succinct. I think we all heard that there is a clear and compelling need for both aboriginal and non-aboriginal groups to work together, and we heard time and time again that the key to that is education and proper and timely communication. Rita referred to the need to use and retain the knowledge of local people, particularly the elders, and we also heard that there was a need to further develop and better explain concepts like dual stewardship and dual management. The Stewardship Authority that has been established seems to be something that has a fair amount of support and I hear a fair amount of optimism about its future role and its future utility. And again, I think we're going to hear time and time again at this session the use of the canoeing analogy, but I think Rita hit the nail right on the head to use another metaphor; we all need to get into the same boat, and she listed all of the groups that have to have some say in ensuring that all of the objectives are met. I heard from Terry in particular and also from Rita that there is

a need to involve primarily local people to find local solutions that are appropriate and that are consistent with aboriginal and treaty rights. There seemed to be a recognition of the need for non-local groups to become involved, but the precondition to that is becoming knowledgeable and becoming informed. That seems to be the message that I've taken from the last 90 minutes of discussion. Is that a fairly accurate summation or should we revise it? That's the message that I intend to deliver on the group's behalf tomorrow, if you think it needs fine-tuning, if you think we've completely missed the boat, this is your chance to correct it.

Question: I don't know if it's implicitly implied in your discussion, but on the one hand yes we need cooperation between aboriginal groups and non-aboriginal groups, but at the same time what aboriginal groups are constantly saying is that no, we do not want to be just another stakeholder, we don't want to be lumped in as just one other group along with environmentalists, labour, church, whatever but that if we are going to go towards some kind of cooperative partnership, that our treaty and our aboriginal rights also need to be recognized and incorporated, and I'm sorry but I didn't hear that, and I don't know you, and you say you've gone through a lot of this over the years, so maybe you already accept that, but I didn't hear that from you, especially Mr. Fiset.

Terry Fiset: Well, yeah, we... in one proposal we put forward to the TAA with regards to this management of a community forest, we proposed it as a stakeholder, the TAA would come in as a stakeholder, along with the different groups, tourist operators, the municipalities, and we would have different representations: not one with veto powers over the others. We'd all be in it together, but you know, the area we're looking at is around Elk Lake, so I mean it makes... we have the knowledge of that... geographically we're separated a bit, but we made an offer and it was on caution land, but we made an offer to the TAA to participate in an initiative that we got going, or that we would like to see go, to work and to coexist, and there's a lot of understanding... Some of the band members have to realize on what is done today, a lot of it's governed by budgets too. And certain things, whether it's spraying for example - it isn't acceptable in some cases, or maybe in all cases, but why is it done? If budgets aren't there, things have to take place. These are all issues that have to be addressed, but I think can be addressed sitting down at a table with the band members and the TAA, and discussing these kinds of things. And I don't have any problem having an open discussion with them, and we took that format to their Executive Council on their island and they told us that no, we don't agree with what you've got, they said it's a really innovative initiative, we'd like to be a stakeholder, we'd like to participate in this, and work along with you, and they commended us for our presentation. So I think we don't want them alienated, we don't want them isolated, but we don't want to be alienated or isolated any more either. So we'll all come into this thing on the same basis.

Rick Lindgren: If we can finish the discussion on that very point, I think Terry you'd have to recognize that there is a qualitative difference and position of the aboriginal groups vis-a-vis other stakeholders in the sense that their rights have been recognized under the Constitution and at law, whereas other stakeholder rights have not. And in that sense, they may not necessarily be... I think that has to be generally acknowledged, that is the state of the law.

Rita Moore-O'Sullivan: It's something that the people find very hard to accept, the aboriginal rights of the Native people...

Rick Lindgren: And with that, I'd like to thank the panellists for a very interesting, very informative discussion, and I thank you for participating.

[Applause]

**WEBEQUIE FIRST NATION - WINISK PARK
WORKSHOP**

**Fred Jacob
Webequie First Nation**

**J. Dennis Murray
Ministry of Natural Resources**

**Facilitator
Barbara Rutherford
Rapporteur
Karen Campbell**

Barbara Rutherford: My name is Barbara Rutherford, I'm with the Canadian Environmental Law Association and I'll be facilitating this afternoon's workshop for the Webequie First Nation and I thought just I'd have the panellists introduce themselves to you. Karen Campbell is the articling student with CELA and she's going to be reporting this afternoon.

Barbara Rutherford: Okay then Dennis, if you'd like to start off...?

Dennis Murray: I'm Dennis Murray and I'm District Manager with the Ministry of Natural Resources in Geraldton.

Let me assure you that my friend Fred and I have already been in the same canoe together and we'll probably talk about that this morning, and also let me assure you that I sit in the back and do all the paddling and Fred sits in front and does the fishing. I'm not sure that these things are equal here, but we'll have to work this out later.

I wasn't sure, in fact I didn't have any idea who's coming here today. I have a few slides. I had no idea who was coming today and what your backgrounds were or are, so if I look like I'm testing your intelligence with some of this I apologize while I try to set the stage and do a little background work on you because, again, I don't know at all what you know about Webequie First Nation and the issue at hand.

So what I'll try and do is very briefly describe Webequie, where it is and a little bit about the history, just to put things in perspective, the building of the park which surrounds the Webequie community, the Winisk Waterway Park. We'll try to identify - and Fred will certainly help me if I miss anything - identify the issues and concerns here, there are more than one, and how we've been attempting to resolve these issues to date, and really where we are at this point in time.

I'll refer to the map there as well. The community of Webequie is a Native community located some 400 km north of Geraldton. Now you're probably saying where's Geraldton? I say to people, well do you know where Thunder Bay is? Well, maybe but I'm not sure - anyways... Here's Lake Nipigon, Thunder Bay is way down here somewhere, this is the northern TransCanada route, Kapuskasing, there's Geraldton here and due north, Webequie, that little red dot. (tape inaudible) Along with the community of Webequie we've got Summer Beaver, Lansdowne House the Kasabonika Reserve and the Fort Hope Reserve. (tape inaudible)

Webequie is a community with no sewers or running water. They do have an airport, an air strip: that's a 3,500 foot gravel air strip located just south of the community, and hopefully soon it will be turned over to the band to own it, operate and maintain it, although it will be subsidized. There is electricity, phone, school and at least one store. There are about 550 people in Webequie and they still carry out traditional activities: hunting, trapping, fishing, and there's little economic opportunity in the community except the furs and trapping, and that's one of the real issues up there.

Before 1970 the Webequie people were descendants (or are) of the Aboriginal Ojibwa who occupied a rich belt of land along the north shore of Lake Superior. These Ojibwa ancestors were semi-nomads. In the community there's more people during the summer, and the people left during the winter for a more nomadic lifestyle. Because the Ojibwa people move with the food supply and the seasons, they never established large permanent settlements or the Government structures that go along with them. However they did develop a social organization that involved

clans. These clans were made up of immediate family groups, they were structured to provide support for each other. Marriage could only take place across clans. The resulting clans were interconnected by marriage thus uniting all clans into the large Ojibwa tribe. Again, hunting, fishing and gathering were the main occupations of these people until the coming of the Europeans in the late 1600's.

I don't turn the overhead off after each slide, I didn't take that course...

With the coming of the fur trade, the Ojibwa people moved further north to take advantage of the trade opportunities, their traditional clan organisation gave way to the development of small family trapping units of 20 people or so. Around 1800 the Ojibwa people began to spend more time at posts, buying supplies and services provided by the European traders. This process resulted in communities of a permanent nature providing the basis for present day settlement. The traditional social structure of the Ojibwa people gradually broke down and the people became a loosely joined group of family units as opposed to the clans as in the past.

In 1905 the James Bay Treaty was signed, through the 1800's to 1900's the Native way of life gradually changed from nomadic and independent to settled and dependant. The centralization of the Native people around permanent settlements resulted in social problems, dependence on Government funding, and localized pressure on natural resources. The exact time that the community of Webequie was settled was not known, it might be some time in the early 1900s...

Now, getting around to the issue of Winisk River Provincial Park, you can see it - this green area is the Provincial park - a little unusual in that most watery parks, if not all others?, in fact the only consistent 200 metre strip of land is the high water mark on either side of the river. In this case there is this huge block of land... completely surrounded ... the community itself is adjacent to the park.

Now here's where the problem starts as I see it. In 1966, the Government of Ontario, in consultation with the Webequie, set aside a large block of land as the "Winisk River Indian Guide Territory." And I'd say for all intents and purposes that is this block right here. In 1966 the objective of this action was to provide an area in which the Webequie natives could develop a guiding service and hence improve their economic situation. In other words it would be a kind of a buffer zone as well.

Two years later, in 1968, Ontario established the Winisk River Provincial Park, which included the Winisk River and the area previously designated as Indian Guide Territory. The community of Webequie is located right in the middle of the park. The local Webequie people were not consulted during this process. That is a major problem. The existence of Webequie inside the park causes many complications due to the park policy, and park regulations. The delineation of the park boundary was not based on the protection of significant natural features, but rather was based on the established boundaries of Indian Guide Territory. That was another error.

Ten years later in 1978, the Webequie community and the air strip were withdrawn from the park to alleviate problems associated with park regulations and community activities. And in 1985, the Interim Management Statement was written providing interim management direction re: permitted uses of the park. In other words there's still no park management plan. And Webequie has refused to become involved in the preparation and the planning until such time as a reserve is established. The park management plan has not been written so the park becomes a complicated issue in negotiations with Webequie. The Interim Management Statement states that treaty Indians may pursue traditional activities within the park. However, as mentioned, activities such as aggregate extraction, tourist camp development, operation of a sawmill etc. are not permitted and were to be dealt with through the park planning process. But here we are years later and nothing's been done.

So what we're saying is how long can the Webequie wait until we can assess this. Park policy PM 1.00 also outlines permitted uses and restrictions in Provincial parks.

Now, the issues and concerns of the Webequie, again as I see them: the Native people believe that all land is owned by the Creator and that the land and its resources should be shared by all, which we heard this morning. The Webequie depend on a large land area for their livelihood (including the park and beyond). You can see this area in blue is called a traditional area. That is in effect the Webequie trapping circle. All the land outside of that is taken up by traplines from the other neighbouring First Nations bands.

The Native people are very close to the land; it has a spiritual dimension for them. Thus the Webequie people are concerned about large scale development such as mining and hydro development and its impact on the environment.

The area that the Webequie have an interest in is a large piece of land considered to be their "Traditional Use Area", and that's what I was just referring to. This area includes the park block and all ten of their traplines as indicated on the map. On that same map you can see some of those traplines are fairly large.

Over the years, starting in the 1960's, the Webequie people began to voice their concerns regarding the land and their role in its use and management, and concerns with the restrictions park policy places on the people.

Now I came on the scene up there in March 1989. So the year before that, the Webequie people made a presentation to Ontario. In May, 1988, Webequie First Nation made a formal presentation to the Provincial Government outlining their concerns. This presentation seems to have been a turning point in that much more discussion has taken place to the present time as compared to pre 1988. The concerns of the Webequie are outlined below in general terms.

Now, here we are three years later and we're still talking. In other words, nothing has been done yet, so things sure do move at a very slow pace.

As I said, the concerns, as I see them:

1. The people of Webequie wish to establish a reserve and are concerned that the existence of the park will hinder reserve negotiations.
2. Park regulations restrict Natives in their economic and traditional pursuits. Park policy prohibits aggregate extraction, expansion of tourist businesses, construction of trappers' cabins, etc.
3. There is concern that park regulations will prohibit Natives from exercising their treaty rights to hunt, fish, trap and gather.
4. The Webequie want to be partners in the control and management of natural resources within the park and traditional use area through the establishment of co-management agreements.
5. Decisions about the land and its use are made without First Nation's involvement. The Webequie want to be directly involved in all land use planning for their traditional area. I think you may have read or heard that Mr. Wildman released an agreement this week having to do with northern fire initiatives. There is a committee, a working group of volunteers, who are to assess, over the next 18 months, fire management in the far north. In other words, we are going to reassess the Provincial fire management strategy and how we deal with forest fires and other smoke hazards in the far north.
6. Webequie First Nation want to achieve economic independence and self-Government and want the Governments of Ontario and Canada to support this objective.

Now, resolving the issues. In 1990, a Memorandum of Intent was drafted to be signed by Ontario, Canada, the Webequie First Nation and NAN (Nishnawbe-Aski Nation). This Memorandum outlines the intent of all parties to negotiate to resolve issues of concern. This document has been revised several times and is still not signed and hopefully we are close to that. It involves everything that we have been talking about here.

As a response to the 1988 presentation by Webequie to Ontario, the Geraldton District MNR hired a park planner in July, 1990. The objective was to have the planner work closely with the Webequie First Nation to develop a park management plan that meets the needs of the Webequie and the Parks System. The MNR made a commitment to include Webequie First Nation in all planning decisions and not to approve any reports without Webequie's agreement. So what we are saying is that if anything is done regarding the park it will be done jointly.

Numerous meetings have been held between MNR staff and the Webequie First Nation Council to discuss the park and related issues. Terms of reference were drafted by the planner as well as a very preliminary draft management plan. That was done in house, through the MNR. During an October 10, 1990 meeting between MNR and the Webequie, Fred Jacob, who was a Band Councillor at the time, stated that the Band Chief and Council will not sign the Terms of Reference for the park plan until the Memorandum of Intent is signed. The Memorandum of Intent also includes co-management.

Regarding aggregate extraction, the Webequie need the aggregate for the development of water and sewer systems. Hopefully this will be done sometime in 1992. To access gravel outside the park is unreasonable because of the cost of transporting it to the community ... roads have to be built ... Webequie First Nation has identified a good

aggregate source inside the park. In September, 1991, our office initiated what we call an SE 054 (excuse me for perpetuating the bureaucracy at times) requesting an exemption to the park policy to be made to allow aggregate extraction in the park. This is still pending because we are hoping to get the reserve issue resolved, and then that would resolve the issue of First Nations needing aggregate, sawlogs, etc.

Regarding tourist camp developments, Winisk River Camps, an outpost camp business, is owned and operated by Webequie Natives. They have outpost camps along the Winisk River inside the park boundary. The Interim Management Statement states that no new camps can be built in the park and that the issue will be dealt with during the park management planning. So here we've had a park for 26 years, that will not permit construction of another outpost without a park management plan, and that is vital to their businesses.

Geraldton District also initiated another SE 054, which would be an amendment to the policy, in September 1991, requesting that the policy be amended to allow for outpost camp development in remote northern parks. It was felt that a change to the policy would allow Natives in remote communities to improve their economic opportunities where few others exist. Unfortunately this amendment has still not been approved and the issue of outpost development will hopefully be resolved during the park planning process. So we are going to make an exception to the policy to allow this one camp because of the two brothers that own the business, they only wanted one outpost camp. So rather than wait for the whole planning process we hope to go ahead.

Co-management is a major concern in this situation. Although the Webequie identified their desire for co-management of traditional lands some time ago, they had not outlined a specific land area to be co-managed. Co-management has been achieved in a sense, in that the Geraldton District MNR has worked closely with the Webequie in dealing with park management, fire management and tourist development. We've done that through the NAN Interim Measures Agreement where the Geraldton MNR notifies and accepts input from Webequie concerning any development in their traditional area. And MNR does have a policy in the district that no disposition of land will take place north of the Albany River to non-residents. So that means only dispositions to Native people.

And the last issue, the reserve: the Webequie identified their desire to establish a reserve way back in the early seventies. However, not until the first week of December, 1991, did Webequie First Nation actually submit a proposal for reserve at a meeting held in Thunder Bay between Webequie, MNR and INAC. So that was just before Christmas. Fred, a few of the elders and his Chief met with us, which brings us to where we are now.

The negotiations for reserve land have progressed rapidly since their initiation in early December. The area being considered for reserve covers a large portion of the park's southern block. The reserve, roughly, would probably be in the neighbourhood of 100 square miles of land. Winisk Lake itself is not included in this area. The reserve would include aggregate reserves, sawlogs, sources of sawlogs, trappers cabins, burial grounds, the community itself and the airstrip.

If the proposed reserve is approved the southern portion of the park will likely be deregulated. There are two large ANSI (Areas of Natural and Scientific Interest) just north of the reserve which would be regulated into the park system. Also a portion of the headwaters of the Winisk may also be given park status. This is only proposed and is not accepted by anybody yet, especially the Band. This change in the park will provide better representation and protection of earth and life sciences. As mentioned before, the original block was not based on natural features only, a portion of the headwaters of the Winisk river.

With the changes to the park to include significant earth and life science features and the establishment of a reserve, both the needs of the Webequie people and the goals of the Provincial park system hopefully can be achieved.

(explanation of map)

High technology hasn't come to Geraldton yet, we still use tape to repair the map. Okay, that block, if you can see it is this square block here, that is the existing park ... This red line here is the Geraldton District line for the MNR. ... At one point in time, when the park was created, there were a number of other options. One of them was to have this area here as part of the park - some of the headwater areas of the Winisk River. Anyway, that square block, I don't know exactly how it came about, maybe out of frustration because we don't really know where all the headwaters are and what that is protecting. So we have said all along I think that this area not representative of the park. The Webequie people have been prevented from following not only traditional pursuits, but from obtaining resources and access to resources. You will see the two blue lines, these are ANSI's ... the black area is very roughly what the band has requested as reserve. I have modified it slightly and sent it back with Fred for the Band's review. The black area protects the rapids; the red dots are tourist camps; the blue circles are trappers cabins; the

yellow are fishing camps and the green I think are burial grounds, and the orange in here are gravel quarries. ... Its a very good quality gravel ... for sewer lines. ... There are 550 people in the area ...Webequie is on an island.

This hasn't really been accepted by anyone yet, and we are putting it together to see if we can find a solution whereby the Webequie will have a reasonable reserve which will include all their needs and we will satisfy the park system as well.

On this map over here, this area in the blue lines has been identified by the Webequie as an area they would like to be involved in in the co-management agreement. And that will be led by ONAS. I should mention these green areas - these are potential sources of sawlogs. And we have been so far successful in trying to protect those from forest fires in the last few years. I don't know if you are up on this, but for some reason we have had major fires for four of the past five years. The last three years we have had to evacuate the community entirely to Geraldton because of forest fires and smoke. One fire alone last year was almost 50,000 hectares. It was unbelievable. We have had to sprinkle the community twice in one summer. ... If you had been up there you wouldn't have believed it. So along with the issues I have discussed here there are also natural disasters to contend with as well.

(questions re maps - inaudible)

That roughly is where we really are with respect to the Webequie situation. Now my paddling friend, maybe Fred would like to ...

Barbara Rutherford: Thank you Dennis I think we'll save the majority of the questions for afterwards if that's alright and Fred, we can now hear from you please.

Fred Jacob: I think Dennis told the story. Its everything I was going to say.

Dennis Murray: He wrote my speech.

Fred Jacob: No, I did not write your speech (laughter). I didn't come prepared to meet people with degrees and stuff like that. I don't have a degree. I just have Grade 7, but what I want to tell you comes from my people and also myself as a native person and also as a negotiator for Webequie. Our traditional area is not the way it looks on that map. It was reduced by the Ministry of Natural Resources.

I just wanted to give some background as to where my people were and how we have always lived there and we will always live there for future generations to come. In 1905 when the Treaty was signed the Department of Indian Affairs told us that we signed the treaty in Fort Hope technically. But we never did. We did historical research with some archivists and some other people and came up with some evidence that our people never went down for the signing of the treaty in Fort Hope. This is 100 miles south. At the time of the signing of the treaty in 1905, this was the District of Canada. And up north of the Albany was what they called the District of Keewatin. It wasn't part of Canada when we signed the treaty in 1905.

Then around 1913, they handed it over to the Province of Ontario, and the Province of Ontario in turn had to sign treaties because Canada transferred the land over to Ontario as it exists now with the boundary over there and up along the coast to Hudson's Bay. And this whole tract of land that wasn't signed over or had a treaty. So they made an adhesion to Treaty #9 in 1930. At that time the people here and at Summer Beaver requested they sign the treaty too, because they never did sign a treaty. The technical question that came back from Indian Affairs was that you guys have signed the treaty and that's where our problems began.

Our communities have always been there. The place where we are living now on that island was the meeting place of our people. It always has been and it always will be, I think. There were the river people, the lake people and the inland people. They moved around in their traditional area.

In the early 1960's, Lands and Forests at that time used to come to Webequie and ask the people if they wanted reserve lands. My grandfather, and I'll be using a lot of my grandfather's name because he's the one that taught me about native spirituality and the native way of life and protecting it. He was the leader of the Band when they came, and what my grandfather told them was that they were not ready to have reserve land because they did not know how to manage money, manage the land and stuff like that. So he asked if there was a possibility of setting up some kind of a land trust to protect our area until we do decide to have reserve land.

In 1966 they came up with an agreement where our people said we want this land protected until we decide how big our reserve is going to be. That's when the Lands and Forests people said that they would create the Indian

guide territory. My elders believed that land was set aside for them, and they believed it was to be that way until our people decided on a reserve. In 1968, we didn't know it was turned into a park until our people started asking questions. And then all the other problems, not problems, but technical questions regarding park policies, economic development, implementing our rights to the land arose. We believe that we have rights to that land. We have explored so many different things as to how we can gain control of our land again because I strongly believe and my elders strongly believe too that the land was taken away from us. We were never consulted as to what was happening and to what went on.

From the first time I got involved in 1977, we explored all kinds of ideas as to how we could gain control. We have explored holding licences, existing licences within the traditional area, timber, mining. We have explored the Municipal Act, and all kinds of things in order to gain control of our land again. We have explored legal options as to what we will do if the negotiations weren't going the way we thought we expected them to.

Since the early 1980's we have started documenting everything that we want to protect in our area. The whole concept of Indian land management is preservation, protecting the environment and its also spiritual in the sense that we are connected with the land. We have presented about four statements since the early 70's till the middle of the 80's and we have presented our position in the 1988 document that Dennis referred to as to what we wanted. We wanted control and access to our traditional area, and that we wanted reserve land established and that any part of the traditional area of Webequie that can be co-managed, that agreements have to be negotiated. There are some areas that we want total control over, some areas that we want total access to, only because of our way of managing the land - we want to protect it. And the request that we made for reserve land covers the entire lake. We want to protect the lake and the shoreline of the lake. There is a place downriver that we call the First Rapids. It is a really big rapid and it is a potential site for hydro development and we want to protect that area. That is where we came up with our request for reserve land. It is on the Ministry table now to get back to us as to whether they will accept our proposal.

The other problem we are running into is the fact that the Department of Indian Affairs won't pay for more than three square miles of reserve land, that's the initial response we got. What we are asking the province is, and I think through verbal conversation is that land be transferred for a nominal fee to the Government of Canada because we always go back to the Aboriginal verbal agreement to our people by the Lands and Forests people in 1966 - that the land be protected. We were always under the impression that was it, and somehow it seems that over the years that requesting for clarification on what the park will do to us, verbal commitments that were made by previous district managers respecting what happens never happened.

You can do almost anything you want but policy is policy and regulation is regulation and once regulations start to get enforced in that area, a wilderness park .. nothing be done and that's what we are afraid of. We want something concrete as to commitment by the province that what we do up there and how we live up there is not illegal; does not violate the law.

So basically, if these negotiations with the province and the Federal Government don't work we have studied legal positions and I'm not sure if I should ...

Dennis Murray: Don't play your trump card, Fred.

Fred Jacob: I think it will be a good idea to bring that out in discussion with the group here. Don Colborne, a lawyer from Thunder Bay has been working with me on this issue for a long time and I'd like Don to give us a rundown on the legal options he has looked at.

Barbara Rutherford: Thank you, Fred.

Don Colborne: You've put me on the spot and I'll now disclose my perspective on the claim from a legal point of view. Although I am taken slightly by surprise, I think it's appropriate simply because from a legal perspective - and this conference is of course sponsored by the Canadian Environmental Law Association - we have the expression here of conflicts which can be resolved or at least addressed politically and can be examined from an environmental point of view and numerous other people from numerous other viewpoints. I would suggest that this also focuses on some interesting legal points and I won't spend a lot of time talking about them. The context though, I think would be one that was mentioned at the earlier plenary when the word neocolonialism came up. I think this isn't a "neo" example, this is pure colonialism example. This could be Rhodesia 30 years ago. This is incredible. There were not even any white men up there. I mean Ontario had not even occupied this land in any real sense when these initial conversations took place in the 50's and 60's. This was probably among the first visits of actual Ontario officials to this community.

I'm even struck by this, I think, completely discredited theory of Ojibwa spreading from Sault Ste. Marie. Does MNR still believe that? I don't think anybody in the ethnohistorical community thinks that way ... Most people, I thought, now, accepted that this territory was used from west to east and north to south by Ojibwas. When this process that Fred referred to started, there was no white presence at all. I mean even right now you can look on a map that's published by Ontario and you see a provincial park, but if you go there any of 365 days of the year you won't find a single white person. The odd time you would, somebody backpacking or canoeing through, but it's really just an invention drawn on a map in downtown Toronto, but there is not really much else that happens that one would associate with the activity of a provincial park.

So when Fred came to me and described what was happening, I pulled out my book of Ontario regulations and I started telling him some of the things that it was illegal for him to do in his own house. In a Provincial park you can barely light a cigarette. So it was bizarrely funny but also kind of sad, I guess.

The inappropriateness was so incredible that I suggested that, and I ask this as a question to the MNR representative here - why doesn't Ontario just begin the talks with the Webequie people - and I'm not involved in these talks, I'm not here as an advocate and I'm not paid to do this today either. Why don't you just take this park thing off the table? It's so inappropriate anyway. I mean, who cares? Surely there can't be any really powerful forces within the Ministry or anywhere else who really care that much whether it's a Provincial park or not. And then start with a clean slate and say okay, the Webequie people are there and Ontario has some Crown concerns, and we have to do our job and you have to do your job as a people. Let's have some nation to nation talks and resolve it. So I may leave you with that as a question - why it starts with "We put a park here for no obvious reason, but we are going to leave it there and try to negotiate around that fact of the park"?

Anyway that was the first thing that I noted from a legal point of view - the absolute bizarreness of this being a park when you had a residential community and you had a permanent economy living off this land historically quite successfully. The second thing I noticed, and one prelude to this is that Ontario only got this territory in 1912, and it got it on certain conditions, and the conditions can be looked up in Federal and Provincial statute law. The conditions basically say that the province must and is obligated to recognize the rights of the... and here are the words "recognize the rights of the Indian inhabitants in the territory." That was the condition on which Ontario got this land, and I think that you would agree that didn't happen. But until recently, we were able to shrug that off somewhere. When I say recently, I was referring to s. 35 of the Constitution which now really has entrenched those rights and you can't shrug them off any more and say "Well, it's just Indians or it's just the way we always did it." It's simply flat illegal to do that. That was I guess the second point that occurred to me and on which I advised Fred - the combination of the fact that Ontario has got the land on condition, and these are legal conditions, these are enforceable in any court and that those conditions are now even more enforceable than they were before because they have been constitutionalized.

Another thing I observed from the legal point of view is that the treaty itself, as a lot of people probably in this room know, was negotiated in circumstances where there were fears expressed by the Aboriginal leaders about possible loss of livelihood in the future and very clear assurances were given - "Don't worry, you won't lose your livelihood." And of course, then to plunk a Provincial park on top of the community wherein it's illegal to do almost anything except sightsee is so ridiculous it's just almost beyond expression. So it was clearly contrary to the treaty.

And I also advised Fred and the Chief of some of the basic law that anybody who has even got near the door of a law school knows about - things about the duty of the Crown to act fairly. So one doesn't have to look at the Constitution or native law or treaties or anything like that to recognize that what happened here is a collision between citizens and the Crown, where the Crown did everything wrong and still to this day seems to be moving in almost an unbelievably slow fashion. I would suggest that if this type of dispute arose in the context of private business and if it did not have the native rights, and whatever you want to describe it, as background to it, it would have been resolved on the basis of a quick negotiation years and years ago. It just seems to get dragged out, or at least, this type of conflict seems to get dragged out, for reasons which are not quite comprehensible but suggest to me sort of a racist background to the process. They are very resolvable, they are not all that complicated and yet whole generations of public officials work on this and never resolve it.

So I told Fred and I guess he's inviting me to say this out loud. If Webequie chose to go to court, Webequie would win. I almost never tell clients that. Very rarely, I'm a very conservative lawyer. This is a lead pipe cinch. This is hands down. Ontario is wrong, wrong, wrong. Ontario loses, loses, loses. But nevertheless, Webequie as so many native nations, aren't eager to rush to court and would much prefer to deal on a nation to nation basis. My understanding is that is what they are doing.

Barbara Rutherford: Thank you Don, I don't know Dennis, if you want to address some of those comments. From my perspective, I think it important to talk a little bit about the fact that the park is there. I would like to know why the park was put there to begin with. I don't know if you can tell us if you know what the history was and perhaps why it is that the Ministry is still holding onto the park.

Dennis Murray: Okay, a little more background that we may have missed too. As we have been talking the past three years, early on in the process, about three years ago, we gave notice to the Band that we will change the park boundary and move it whenever is appropriate.

Barbara Rutherford: Sorry, you would remove it?

Dennis Murray: We would change the park boundaries to accommodate the Webequie. Then we thought, let's not be too hasty, because at this point in time, while it's been restricted to Webequie for certain things it also kept out other outside interests. In other words, we have at least protected the land and resources from any environmental damage. So at least that is still there. So we jointly decided to look this over real well before we start changing things. At one point in time, Fred said he's not sure the Band even wants a reserve, if at all, because it would be too restrictive. So we have been mulling these ideas around for quite a while. We have given the Webequie written assurance that the park would be changed in the future and that's where we are now.

As I said early on today, there was certainly, in my estimation, a major error in establishing that square block of land as a park. It is not representative of what we think of as a waterway park. The whole park issue, still is much more on an issue now than before. Ontario tries to retain about 6% of its land base as park. The present Government wishes to increase that by another 2-3% even. That is Government priority. It should be representative of the land base. The park itself is designed to protect the waterways and the fisheries, not to inhibit the Webequie from carrying out their traditional pursuits, but it has, and we have acknowledged that, that they can't do things. And I'm arguing for the Webequie at this point in time. We are coming forward with this to try and resolve it both ways. The fact that the park will be there, outside the reserve, I hope very soon we can say, again will provide more protection to the Webequie people because it will protect it from mining, hydro, etc. It will protect the fishery which is important to the people as well, not only for food for themselves, but for tourism.

Why not just eliminate the park. I said we were prepared to do that to a degree through the change of boundaries. You just can't wipe out a park. There is Provincial... it's written, I guess...

Question: Well you are not saying why. Why did you all of a sudden decide in 1991 to inform the community that you would like to talk about changing the boundaries?

Dennis Murray: Okay, back in '66, I guess, I don't know, Fred wasn't even there, I certainly wasn't around. Apparently what we know of this was that the park must have been being considered at that point in time, and that block of land was, I guess, protection or some kind of a buffer zone for the band being considered as an Indian Guide Territory. Somehow, two years later it became a park and there is nothing documented as to why or how or what was the reason. I just don't know. I can't find anywhere that it's written.

So we started looking at it and we couldn't substantiate or find any rationale for that block of land, so we agreed that maybe it should never have been done that way at all. So, we are acknowledging that wasn't a good move to designate these lands as parks. I don't know if I've answered your question. There is so little known about this, there is so little documented. With most parks there is something unusual there, unique features or something, and we can at least see why the boundaries are there. This is a unique waterway park.

Barbara Rutherford: Fred, would you like to respond to any of that, to the assertion that you are not sure whether you want a park there, or not?

Fred Jacob: Well, as I said we have considered all kinds of ideas and, just like the Government, we are always changing our minds. We are trying to adapt to modern rules and regulations. The Government is trying to adopt ways that we can understand each other. And although my people are always willing and always will be willing to work with Government in solving this issue, we are not totally saying that we want this land to be protected only for us. Our people are the kind of people that share. And we will do that - share the land with whomever, as long as they don't destroy it.

And as far as the park is concerned, I strongly believe that it was my people that requested it, but not in that context. I think it was to be sort of like reserve land. And I've argued with the parks people and also with my friend

Dennis here, and why not turn it into a reserve, give it to us. What better way to protect that area, than to turn it into a reserve.

Question: Is the band a recognized band under the Indian Act?

Fred Jacob: Since 1985.

Barbara Rutherford: I wonder Dennis if you could just address the issue of compensation for giving up land, how much of a percentage is it for the Provincial Government if the Federal Government suddenly has to pay - how much is the money collection coming into this for the Provincial Government?

Dennis Murray: We haven't quite got that far. ... I wanted to try and bring ... of where we are at, at least ... Do you remember how long it was, Fred that you talked to Canada about a reserve?

Fred Jacob: It was several years ago. '86.

Dennis Murray: '86. At the time, I think, Canada was prepared to offer up about 1800 acres in this area (refer to map), not including the airstrip. What we are looking at here now is about 100 square miles of land. We haven't got a formal appraisal or even a letter of opinion on the land yet, but we are in the process of transferring land to Lansdowne House for a reserve. They have only asked for 3 square miles. And the letter of opinion says that that land is worth about \$16 an acre. If we use that \$16 here, we're looking at a maximum of just over \$1,000,000 for the land. We will have to sit down with Canada to see - Ontario transfers land to Canada, which holds the land for the Webequie and the location of reserves.

Question: Just for clarification - the black lines along the shoreline there, do they mean that the lake itself will not be part of the reserve.

Dennis Murray: That's right. We have ... If you look at all the different reserves, traditionally, the beds of the major water bodies, lakes and rivers, etc., belong to Canada.

Question: Yeah, I know, but why? Is it just tradition or is there a reason?

Dennis Murray: Its pretty well tradition, we look at water as air. That the water and air that we breathe is not to be owned, as we share it.

Question: But what you own though, is the land under the water.

Dennis Murray: You would then own the land under the water if the reserve includes water bodies.

Barbara Rutherford: Given that's what the Webequie want, (tape inaudible) apart from tradition.

Dennis Murray: When Fred came to me on behalf of the band with a request for land, I just put this together as a working map and sent this back to the band. Now we haven't gone to that community and had the chance to discuss - ie do we omit the bed of the waterway ... we just didn't get that far.

Barbara Rutherford: We have a question in the front row.

Question: Donna Pawlowski. I guess one of the issues that being raised is the conflict of Provincial policy ... regarding Provincial parks, particularly how they are set aside in Northern Ontario so what was the consideration of the MNR to alter or change the regulations to better fit the concerns of the people who live in that part of the province.

Dennis Murray: In the Interim Management Statement, most of the traditional pursuits for natives are guaranteed, such as trapping, certain activities used by non-natives should be phased out. One thing that is prohibited in the park policy is new tourism development. Now, its being dealt with in the park planning process, and as I mentioned earlier, we've had a park for 26 years and there is still no plan, so the band has been 26 years without being able to establish new tourism facilities. I don't think the band, or I should say, the First Nation feels very comfortable saying we'll look after you in the park planning process. That's not a very good guarantee. ... everybody has different opinions ... we'd like to give them something solid to control so that the Government and individuals just can't come and change things in the future.

Question: So on a province wide basis, or just for a particular community. I guess what I'm wondering is. (tape inaudible)

Dennis Murray: There are different classes of parks, and some of them are very restrictive. A waterway park boundary normally only extends 200 metres from the waters edge.

Question: Do you see a need to change the policy or the regulations.

Dennis Murray: Not in this case I don't project a change. But, again, you can certainly disagree with me. You'll see when we get to the end of it (tape inaudible)

Barbara Rutherford: Before we take the next question ... Charles is it?

Question: Charles Wagamese. Yes, I work for a group of communities in an area that is now known as northwestern Ontario. I'd like to pose this next question just as a context of being an Aboriginal person, not as representative of our Government. The Webequie people, as Fred has described, as he's passing on from his grandfather... he talks about sharing the land, and you can see the willingness to share, which to my mind speaks to our traditional native strength, that he can say this. But to say that you are going to share the land in the first place, doesn't that imply that there was a different source of land holdings, a different source of title? Aren't we playing in sort of like what the white people sometimes call a fishbowl, where an area of land has got a fence around it? Doesn't there have to be a creation, a recognition of Aboriginal title, instead of holding the land under a Federal power, under Provincial power, isn't there in reality, under a treaty of Aboriginal rights, a share ... that implies holding the title. Doesn't there have to be the creation of a new mechanism that deals with that, because right now, its my own personal opinion that the abrogation of the Aboriginal right... doesn't there have to be a legally recognized right for holding land?

Dennis Murray: As opposed to Canada holding land ... I hope you are not asking me to resolve this - I would do it if I could. Its just very difficult for us and maybe its a bit of an excuse to try and look at the large pictures that you are bringing out here. But we're so wrapped up in it that this may seem like a simple issue but in the three years I've been involved in it we haven't got too far. There's a lot of items here.

Comment inaudible

Dennis Murray: I guess it would have been nice to have someone here from Canada.

Barbara Rutherford: I'm keeping a speakers list, I have Peter in the back and then Lori. Peter would you like to respond -

Question: Peter Allen. Yeah, just a couple of comments. The gentleman that raised that last point raised a very interesting point and that is that, if I understood correctly - is there a mechanism by which land can be held, or a form of tenure for land apart from turning land over to Canada, or the province holding land? Or, I guess what we are looking for in terms of the question was "Is there a mechanism by which a First Nation can hold land apart from it becoming reserve land held by the Federal Government?" And I think what we heard this morning in terms of some of the things that Mr. Wildman said to us was that we are looking at different types of what we would call jurisdiction in terms of areas that would be co-managed. And co-management type agreements would come into that. We in fact, are looking at in some situations in Northern Ontario, where that one issue - is there a third mechanism by which a First Nation can hold property. It's a difficult one because, and I'm not a lawyer, because you get into some of the legal ramifications through the Indian Act and reserve status and the type of status which that type of land would fall under. Whether it would be under a corporation that was administered by the First Nation or whatever. There are some legal ramifications around that, and I think that's something that at some point we are going to have to wrestle with, and we're going to have to look at it with the First Nations.

And I want to just address another point that has come up and that is the whole issue of the role of Aboriginal people with respect to Provincial parks. One of the other workshops, I think that's going on concurrently with this one is the one that the Minister made reference to this morning, and that's Quetico Provincial Park. I guess some of the, what we would call injustices that were created over the years, when previous Governments or previous bureaucracies decided in their infinite wisdom that they were going to do certain things for the benefit of certain people, and, I think what we are coming down to, and as I look at this and as it has been explained, I think it is somewhat indicative of a new commitment, as I would interpret it from my perspective, that there is a commitment to try and find mechanisms whereby we can deal with some of the injustices and some of the inequalities and inconsistencies that Governments in the past have created, again in their infinite wisdom. And, I think I was involved

in one of the earlier discussions with Fred and Dennis up at Webequie back in '88 or '89 when we started to reach that point where we could see that yes, in fact there were some mistakes that were made and trying to get on with developing means by which we could co-exist and share. And I think that's the point that we are coming down to. We are coming to that realization that there has to be some form of sharing and access to that resource. To go back, as I think Mr. Wildman said again this morning, that to talk about self Government you talk about some of these other things - they don't work unless there is access to the resources, and I think Webequie is a perfect example where there has been a First Nation that has been very constrained because of a certain policy. When we talk about the role of Aboriginal with respect to Provincial parks, we have to start looking at those mechanisms by which we can ensure that there is a legitimate - and legitimate probably isn't the right word - there is a means by which there is a recognized way in which the First Nations can have a share in the benefit that ... a Provincial park may play wherever it is in Ontario. I just wanted to throw out some of those thoughts in relation to the presentations that have been made.

Question: Laurie Montour. I just want to bring up some points that were first brought up by Mr. Colborne and yourself. When Aboriginal people are looking for some kind of legal definition of Aboriginal title, we don't want it within the confines of the Indian Act. That is one reason why the confusion or conflict right now with the constitutional discussions is that Mulroney does not even want to recognize and ensure us the right to Aboriginal title or to self-Government. And even Brad Morse was talking earlier today that we see that right coming from the Creator, and not from any particular Government. Yes, it would be nice to have it legally recognized in the Constitution.

Secondly, I know that your speech was not written by Fred (chuckle) I don't know if its MNR policy or your words, but, I couldn't believe it but here it is 1992 and you are still using the words "prehistory"! Prehistory means that anything that happened to Aboriginal people before white people came here. What's another word - "tribe"! I didn't even know we still use the word-tribe here in Canada. I mean, do you come from the English tribe? Another phrase that was used was "this Ojibwa tribe has a loosely based form of Government" or whatever the words were that you used. I thought that, well that means, if the Government, or whoever the anthropologist was who was looking at it, if that Government did not match, line by line, the Government of the European anthropologist, then it was a weaker form of Government or not any kind of Government at all. Never mind the United Nations definition of Government. And then lastly the arrogance of this policy, where the Provincial park says that it will allow for this or allow for that. It sounds like some kind of benevolent dictator, generously offering something to these native people who have always been here. I don't know about Fred but if I were on the other end of the table, I'd be asking for compensation for the harassment. I'm sure that people have been charged, their equipment has been taken away; they have been dragged off to jail, who knows. They were probably breaking laws that they never even knew had existed. I'd also ask for some kind of compensation. And lastly, you said well we can't just automatically extinguish a park - you just automatically created the park, without any kind of consultation with native peoples. So why not just get rid of the park? If its 99% Aboriginal people there - they have always been managing the land anyhow, why not just quietly disappear? Let them have the land.

Barbara Rutherford: I have a speakers list, but would you like a response to that one?

Laurie Montour: Yeah, why not?

Dennis Murray: I said earlier on, I didn't know who was coming and what knowledge people here have had of Aboriginals, or how many people here are Aboriginal. I tried to bring everybody up to date ... I'm not an expert ... In the short two days I had to get ready for it I tried to condense years of information. I agree with you about the park, that's why we are trying to change it. And you'll remember I said earlier ... if that park disappears tomorrow, we could have all kinds of people could come in here ... destroy what we have, which is a natural environment. What we are saying is, let's not be hasty in getting rid of the park until we have established what you need to protect yourselves and sustain yourselves. That's what we are trying to do. And do it all at the same time.

We are recommending that we get rid of the park land (tape inaudible) permitted uses, I think what we are trying to say is the Webequie will be able to do whatever they have done in the past and what they want to do whether they are inside or out of the park. The permitted uses have been great in protecting the Webequie, and not allowing mining, clearcutting (tape inaudible) people sentimental to the Webequie way of life. So you can look at it two ways - so that's why we decided - partly through the process to look at from ... lets not be too hasty in getting rid of the park, and we admitted all along that wasn't the way. I think we are committed to changing it, but what we are saying is, tell us which is the best way to go ...

Barbara Rutherford: Can we just hear from you, Fred to tell us about what the Webequie people want in terms of the desire to have that Provincial park there. Do you think that it has protected you as opposed to keeping you from doing what you wanted?

Fred Jacob: Well, I think in the '88 presentation to Ontario, we outlined what our positions were regarding Webequie. We have identified the traditional Webequie area and it doesn't look like the one on the map. You have eliminated some land there (chuckle), a little bit. In '88 we said that we wanted total control over the major portion of that area and that where possible we would have co-management agreements. I think it comes from a position that we have always owned the land and that we didn't give it up. We are willing to discuss this around a table. As Mr. Wildman said this morning, on a Government-to-Government basis. We want to talk with the Government, but as a last resort, if that doesn't work, as I said, we are always studying legal positions. Within the last few years I think we have moved as fast as we can. Within the last ten years we have moved more than we have done in the past with people that wanted to sit down and discuss with us. Sometimes we thought that nobody cared about us. It wasn't until 1985 that we got band status. Before that we were just squatters in our own land. We do get services from the Federal Government ... We'd like to be able to control ourselves, and control our homeland. Meegwetch

Question: (tape change) Heather Ross. We prepared a document, we put it in front of two ministers, one from the feds, one from the province, who came up to Webequie on a beautiful sunny day, and there was an agreement to negotiate. We may even have called it a Memorandum of Intent, I can't quite remember what we called it. As I recall, we went through two or three years worth of negotiations and never got it signed. Now I see that this Memorandum of Intent has been on the table for some time, and I wonder how close that is to being signed. Bureaucracies do have short memories. Governments change and bureaucrats change and all this stuff gets lost. The Teme-Augama Anishnabai have been trying to get an agreement and have been negotiating for 8 months now and others in similar positions. How close are you to getting your agreement to negotiate, your Memorandum of Intent signed? This is not an agreement, this is only to talk.

Fred Jacob: Well, the agreement that they are talking about was a Memorandum of Agreement which was between the Federal Government and the province of Ontario and the bands Summer Beaver, Lansdowne House and Webequie. That agreement was negotiated out of - it doesn't exist any more. Then in '88 when we presented our statement to the province, we had a series of meetings and we came up with a work plan, and drew up an agreement. We called it a Memorandum of Intent to start discussion over the home area of Webequie. It covers everything from monies, lands, jurisdictional questions, provincial park policy, reserve lands, all the outstanding issues in that area. We are also thinking along the lines of how does the reserve land survive, how does our community survive in the future, royalty questions, the traditional home area, how much of this is to go to the Government, how much money should come to the community - those types of things, its a lot of things to discuss. That's what the intention of this agreement is. We had agreed on a draft of the Memorandum of Intent in August. It was due to be signed in the fall. Somehow it was tabled until we get the reserve question and issues settled. From what I can gather from the senior bureaucrats that I have been working with, the Minister was already to sign it, except for the Minister of Indian Affairs. Right now, I am all tied up with the negotiations for reserve land. I haven't got directions from the Chief and Council ... I imagine I will. So that's where its at. (question inaudible)

Dennis Murray: That's interesting, inherent in all our discussions that we have with the Webequie, regardless of what the issue is treaty or aboriginal rights, people still have to eat every day. We are trying to resolve these things and people say, well why don't you get this done ... Every year for the last three years, we have had to evacuate the community twice a summer; in fact, it took six months ... negotiating climate to resolve these things, as they are too busy trying to eat and protect the people; (tape inaudible) firefighters ..., public utilities. There are opportunities for economic development here, jobs ... if there is a park that continues to exist, then the Webequie would be park wardens, not big items, but we have to start somewhere there are tree planting contracts, timber industry opportunities (tape inaudible)

Barbara Rutherford: Its time to wrap up. I'd like to give Fred a chance to respond, do the Webequie want jobs as park wardens, is that part of your objective?

Fred Jacob: We have an elders council back home, and half of them don't believe that the park exists and when I tell them its the Winisk River Park, they don't believe me. It wasn't their understanding that it was going to be that way. They believe that its theirs. At one time, we were discussing that we didn't want reserve land. That's because my elders told me that we don't need reserve land because we have this land - its ours. Given the existing policies and regulations and stuff in that area, its better to put our position down in '88 - I have to get it through our elders council which is the (tape inaudible) Before, the Government was always after us to send statements or what it is

that we want to do or stuff like that, but we couldn't because the elders advised us not to. If we gave away our position that said that we wouldn't have the strength to negotiate Aboriginal title to the land, because we never gave it away. The bottom line was that we own the land. That's our own, and we'd like to keep it that way through this thing, ... relations policy that the Government - how can we put my people's ideas and the Government's together to make it work, hand in hand. Our people strongly believe that we should work with the existing Governments. We don't want to completely shut them off. We have responsibility here and we need to work together to make this work, sort of like the Two Row Wampum. You stay in your boat and we'll stay in ours, that's the same idea. The same concept that the elders teach us, the aspect of sharing that we would share our land with whoever needs it as long as they don't destroy it. I have presented so many things to the province and also to the Federal Government, I don't know what's taking so long - not to criticize anybody but, its a slow moving vehicle. I have worked at this for 14 years and I am still waiting. I've asked since '77 when we are going to get reserve lands. I've asked about the park - what the regulations were and what was going to happen to our people, I asked the District. They said they didn't have anything on paper that said what can be done and what can't be done. They made an interim management statement in 1989. That was after I requested it. Somehow I think it's all being made up as we go along. Maybe tomorrow we can even have a new park. Its changing all the time. Although we have verbal commitments, and some interim management statements that say that we could do things, that could change tomorrow. I think the bottom line is that we need control over our own territory. We want a recognized area of land, which may be reserve land where we can get our services that we have been promised.

Barbara Rutherford: I'd like to continue this workshop for the rest of the afternoon, but I think in fairness to the other workshops we probably should adjourn.