

Letter: Algonquin First Nations seek recognition of their aboriginal title

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The “game changing” June 26 decision of the Supreme Court of Canada in the Tsilhqot’in case has rightly received attention from The Gazette. Unfortunately there has been scant commentary on its significance for reconciliation with the indigenous peoples in what is now called Canada-Quebec-Ontario.

The much talked about case was the first to recognize aboriginal title to the traditional territory of a First Nation. The decision also laid out the process for asserting and establishing aboriginal title while outlining the broad strokes of responsibilities the First Nations’, provincial and federal governments have in reconciling interests during the process when aboriginal title is asserted and when it is established by court or an agreement.

In January 2013, our First Nation, along with the Algonquin First Nations of Wolf Lake and Timiskaming, submitted a Statement of Assertion of Aboriginal Rights and Title to the governments of Canada, Quebec and Ontario as part of the process of finalizing and submitting the evidence required to establish Aboriginal Title and Rights over 34,000 square kilometres of our three communities’ combined traditional lands, which straddle the Quebec-Ontario border along the Upper Ottawa River. The Tsilhqot’in decision affirmed that this is the best path forward to ensure our people’s future well-being. We fully expect the federal government to now change its Comprehensive Claims policy to recognize — not deny — our Algonquin Aboriginal Title and Rights.

We have every confidence that our aboriginal title will be recognized, at which point there will be an acknowledgement of, in the Supreme Court’s words, our “right to decide how the land will be used; the right of enjoyment and occupancy of the land; the right to possess the land; the right to the economic benefits of the land; and the right to pro-actively use and manage the land.” In the interim, as we move down the path of asserting our aboriginal title, the Supreme Court wisely advises the best way to avoid future problems is to obtain our consent over any decisions that impact our ancestral lands.

Failure to do so could mean having to change decisions retroactively. Undoing decisions is a costly and conflict-filled process that is best avoided and the Supreme Court clearly states the way to do that is through consent.

The main question now is whether or not Canada, Quebec and Ontario will move forward in a productive way, or continue dragging their heels and dodging their responsibilities for reconciliation with our Algonquin peoples.

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