

Brief

On

The Algonquin Land Claim

Presented to: The Honourable Brad Duguid
Ontario Minister of Aboriginal Affairs
AMO Conference – 2009

On behalf of the members of the Eastern Ontario Wardens' Caucus (EOWC), I would like to take this opportunity to thank you for meeting with us today regarding the Algonquin Land Claim, an issue that is so vitally important to the Algonquins of Ontario and to the citizens of eastern Ontario, Ontario and Canada. The EOWC strongly supports the Land Claim process as the most appropriate mechanism to implement a fair and equitable Algonquin Treaty that will allow all Parties to move forward in a mutually beneficial and positive manner. It is also recognized that there are many challenges to overcome to successfully resolve this Claim in a manner acceptable to all Parties and the citizens of Canada.

Many of our municipalities and ratepayers have been involved in the process via the Municipal Advisory Committee and the Committee of External Advisors. Although participation on these Committees has been helpful, the EOWC is concerned that there are a number of municipal issues and concerns throughout the claim area that may not be given the emphasis they truly deserve during the negotiations.

We request that the following matters be given very careful consideration during the Land Claim process:

Concerns Related to Land Selection

- The Governments of Ontario and Canada must ensure that the costs and impacts related to the transfer of land are borne fairly by all citizens of Ontario and Canada, rather than disproportionately by those citizens residing in municipalities in the land claim area. It seems that equity would be most readily achieved with an emphasis on a monetary settlement, rather than a land-rich settlement.
- Crown lands are an extremely important component of eastern Ontario's economy, including our tourism, recreation and primary resource industries. On a yearly basis, thousands of

residents and visitors utilize Crown lands for fishing, hunting, camping, snowmobiling and many other outdoor activities. Numerous tourism and forestry operators rely on Crown lands as a key part of their operations, and tourism represents one of the few economic sectors with potential for future job growth. These same operators are a very significant contributor to the municipal tax base in eastern Ontario.

Loss of access to significant portions of Crown land will significantly impact residents and municipal economies throughout the claim area.

Concerns Related to Governance

- The Province has indicated from the outset that there will be a level playing field related to taxation. It is understood that some form of taxation is being considered, if development occurs on Crown land, with no taxation for undeveloped lands. The Province needs to consider that residents pay taxes on vacant lands throughout the land claim area, albeit at a reduced rate in accordance with our property assessment practices. It has been the experience of municipalities that undeveloped lands require services such as land ambulance, policing, fire protection and transportation and that a fee for service is not a practical solution.

If the Algonquins have exclusive ownership of lands, taxes should be levied against the lands, similar to residents in eastern Ontario.

- Municipalities have been assured that self-government is not being considered, with the exception of the Pikwakanagan Reserve. This has been understood to mean that organized municipal government will continue to apply across the land claim area, to Algonquins, as well as other citizens.
- For Crown and private lands not included in the Algonquin Treaty, it is our position that Algonquins should be subject to the same laws as other citizens related to hunting, fishing and other land related matters.

Concerns Related to Finality

There are a number of groups in the land claim area that are not part of the Algonquins of Ontario. These groups have accused municipalities of not consulting with them on numerous matters, as is required by Supreme Court Decisions.

- If these groups are not represented by the Algonquins of Ontario, municipalities are very concerned that their assertions will continue to impact municipalities and the development and use of private land in eastern Ontario, subsequent to an Algonquin Treaty.
- The Shared Objectives of 1994 and 2006 was signed by the Chief Negotiator-Ontario, the Principal Negotiator-Algonquins of Ontario and the Negotiator-Canada. One of the Objectives was “to protect the rights of private landowners, including their rights of access and use of their land;”

The recent policy position by the Province indicating that municipalities also have a duty to consult under Section 35 of the Constitution of Canada, has caused concern among owners of private land and at the municipal level within the claim area. Specifically, it seems that access to and use of private land may not be protected during the negotiations, as was originally committed to by the Parties. The Consultation Process Interim Measures Agreement appears to override the Shared Objectives.

Once an Algonquin Treaty is ratified by all Parties, municipalities require clarity on the duty to consult for private lands within the claim area.

Concerns Related to Public Openness

The Municipal Advisory Committee and the Committee of External Advisors were established in 1996 to provide a forum for input for municipalities and other stakeholders. Unfortunately, the Committees are not being utilized as originally envisioned. Most recently, the Committees are simply a forum for disseminating information on decisions that have already been agreed upon

by the three Parties. At the latest meeting on August 6, 2009, for example, two Agreements signed on July 27, 2009, were distributed to the Committees. In our view, the intent of advisory committees is to review materials and provide input and advice before decisions are made.

To this point, neither the advisory committees nor the general public have been consulted on, or are aware of, Provincial or Federal policy direction on:

- ownership status or management of transferred Crown land
 - public access to transferred Crown lands
 - management of resources in Algonquin Park
 - management of resources on transferred lands
 - municipal service requirements for transferred lands
 - governance issues for transferred lands
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- The EOWC strongly urges the Provincial and Federal Governments to commit to open and transparent discussions regarding policy direction related to the land Claim and to providing the Municipal Advisory Committee and the Committee of External Advisors with an opportunity for real input into the process.

On behalf of the EOWC I thank you for taking the time to meet with us today and considering our issues. We also wish you success in arriving at an Algonquin Treaty that is acceptable to all Parties and the residents of eastern Ontario.

Ron Emond
Chair
EOWC