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Algonquins of Ontario to review proposed land deal after Supreme Court ruling



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SECTIONS

The Algonquins of Ontario will review their proposed land agreement in the wake of [Thursday's landmark Supreme Court decision](#)

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, saying the country's top court has strengthened their bargaining position.

The Algonquins have been negotiating for seven years with the provincial and federal governments over a vast swath of provincial territory. The provincial government signed a proposal in November, but the process stalled when the federal government did not follow suit, said Robert Potts, lead negotiator for the group.

“We have been waiting nine months for an answer from Canada as to what they want to do. Here we are, quite interestingly, with a decision that will probably change the perspective we have on this entire process.”

Like B.C.'s Tsilhqot'in First Nation in the Supreme Court case, the Algonquins of Ontario are described by the courts as semi-nomadic. Thursday's decision makes it easier for First Nations to establish title over lands that were used seasonally for hunting, fishing and trapping. Previously, eligibility for land title required intensive regular use of the land, in keeping with agrarian, rather than nomadic or semi-nomadic, practices.

The Algonquin land proposal [deals with nine million acres \(http://tanakiwin.com/wp-system/uploads/2013/10/ai-Algonquin-Traditional-Territory-in-Ontario.pdf\)](http://tanakiwin.com/wp-system/uploads/2013/10/ai-Algonquin-Traditional-Territory-in-Ontario.pdf) that stretch from North Bay down to the capital, east to the St. Lawrence River and west to the Kingston region. After public consultation, the group agreed not to interfere with private property and Algonquin Park.

“It's just a rather bizarre situation that has unfortunately been created, or fortunately for our purposes, by the passage of time,” Potts said.

Added Chief Kirby Whiteduck, a negotiator for the group: “With this ground-breaking decision, we're probably going to question what's been negotiated so far and we'll assess what we do from here once we get a better analysis of the decision.”

Aboriginal Affairs did not respond to a request for comment.

Larry Chartrand, a University of Ottawa law professor who has expertise in aboriginal issues, said the new rules are more sensitive to traditional ways aboriginal groups used land.

“It's a compromise decision but a very good one in the sense it's correcting a very unjust legal test for establishing legal title.”

Chartrand predicts there will be an increase in land title claims.

Potts wouldn't say whether this will change the nature of the proposed agreement, but there's no question the Algonquin have more bargaining power.

“We have worked in good faith with the objective of seeking a reasonable fair treaty for these people that is 250 years in making,” Potts said. “I would describe it as ‘shameful’ that it has taken this long and that the seat of our nation's power is right in the middle of it with the very court that makes the decision sitting on unceded land.”