

# Ruling could be far-reaching

By [Chloe Sobel](#)

Thursday, June 26, 2014 9:50:12 EDT PM

The Supreme Court of Canada handed down a unanimous decision on aboriginal land title Thursday that could impact land claims across the country.

The court ruled that the Tsilhqo'tin First Nation has title to more than 1,700 square kilometres of land in British Columbia. The decision gave the "semi-nomadic" Tsilhqo'tin the ability to assert claim of a broad swath of land, as opposed to having to identify specific sites as decided in a 2012 B.C. Court of Appeal ruling.

The Ontario Ministry of Aboriginal Affairs said that the government would need time to review the decision to determine what implications it could have on land claim negotiations in Ontario.

The Algonquins of Ontario have been involved in land claim negotiations with the governments of Ontario and Canada since 2005. The claim covers their traditional land base of nine million acres in eastern Ontario, though due to an agreement not to expropriate private property or interfere with parkland, only one million acres were left for them to find land.

Negotiators ultimately arrived at a recommendation of 117,500 acres of Crown land to be transferred to Algonquin ownership, including more than two dozen parcels of land in Frontenac County.

A Supreme Court decision in 1996 described the Algonquins as semi-nomadic. Robert Potts, principal negotiator and senior legal counsel for the Algonquins of Ontario, said this drew an important parallel to Thursday's decision, which could be applied to the Algonquin claim.

Negotiations have been on hold for several months, Potts said. Negotiators had reached a proposed agreement-in-principle after numerous meetings to obtain feedback on the first draft. The Algonquins were to vote on whether to proceed with the draft after Potts and negotiators from Ontario and Canada initialed it, but Canada failed to instruct its negotiator to do so.

"In late 2013 it became apparent that that vote was not going to happen. Nothing was said to us as to why Canada wasn't going to give instructions to their negotiator," Potts said.

"We wrote letters to the minister, to the prime minister. We haven't had even the courtesy of a reply, even in acknowledgment "i but here we are, quite interestingly, with a decision that probably will change the perspective that we have on this entire process."

He said the treaty is 250 years in the making, dating from the Royal Proclamation of 1763, which forbade settlers from occupying land past a line through the Appalachian Mountains. First Nations still rely on the proclamation for dealing with land claims, and it is part of the Constitution of Canada.

"I would describe it as painful 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," Potts said.

Kirby Whiteduck, Chief of the Algonquins of Pikwàkanagàn First Nation and Algonquin Negotiation Representative, said this was a groundbreaking ruling.

"We want to wait and analyze it further, and have a close look at what it means with respect to the Algonquins and with respect to our negotiations, which seem to be stalled," he said, adding that he would consult with his constituents.

"It might lead to some changes with the current situation, I'm sure it will, and it might take time for us to move to a decision on what we do, how we proceed."

Alan Pratt, legal counsel for Algonquins of Ontario, said that their task now is to study the decision and see whether the legal advice he and Potts provide needs to change, but added that the decision sent a strong message.

"The message of reconciliation is important. There must be reconciliation within a context of justice," he said.