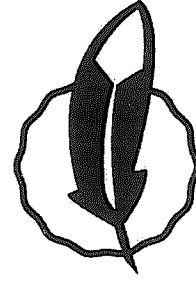


Algonquin Negotiation Representative Elections



Algonquin Negotiation Representatives (ANR) Election - a Backgrounder

Historical Summary

In June 1991 the Algonquins of Pikwàkanàgan and the Government of Ontario formally began a process of negotiations to work towards the settlement of an age old outstanding land claim. A year and a half later, in December 1992, the Government of Canada formally joined the land claim negotiation process. Two years later on, August 25, 1994, the three parties signed the *Framework For Negotiations*. Since then the overall process slowly moved forward until it was derailed in 2001.

In mid 2003, **Robert J. (Bob) Potts**, a Senior Partner with the Toronto-based law firm **Blaney McMurtry LLP** was consulted by the Algonquin peoples of Ontario to act as their Principal Negotiator. An experienced litigation lawyer and negotiator Mr. Potts is well versed in the legal, political and economic issues surrounding native land claims / treaty settlements. He has successfully negotiated several types of claims on behalf of First Nation peoples in Alberta and Ontario.

Historically, the Algonquin land claim is the culmination of a long standing continuous attempt by Algonquins to address an historic injustice. The Algonquin peoples have never signed a treaty nor taken any treaty benefits for their land claim area. The first written record of Algonquin complaints date as far back as 1772 and are as current as 1983 when a new petition from the Algonquins of Pikwàkanàgan was made to then **Governor General of Canada, Edward Schreyer**.

This petition acknowledged that in seeking justice, the Algonquin people did not want to create injustice for others. Most of the words of the 1983 petition were taken directly from their many petitions of the 19th Century. The various Algonquin leaders have emphasized in their proposals to both governments that non-Algonquin landowners in the claim area should not be concerned about losing their property. The Algonquin claim would affect only Crown land and it was made clear that an essential element of their final agreement would be the protection of private property.

Rebuilding the Nation Through An Electoral Process

Today, the Algonquin people of Ontario are embarking upon a new path in their long journey towards self-sufficiency and the rebuilding of their Nation. For the first

time in over a hundred years Algonquin people of Ontario are unified in their commitment to reach a settlement of their land claim without further delay. As result of this decision they will soon go to the election polls to choose representatives from each of their communities to represent their interests in the upcoming land claim (treaty) negotiations with Canada and Ontario.

On July 30, 2004, the electoral process was agreed to by means of an *Addendum* to the March 25, 2004, *Protocol Agreement* signed between *Chief Kirby Whiteduck* and the *Council of the Algonquins of Pikwàkanàgan First Nation* and *Chief Doreen Davis* and the *Representatives of the Algonquin Nation Negotiation Directorate*.

The following is a cursory look at the Election process. For more information please consult the Algonquin Election process at <http://www.blaney.com/algonquin.htm> or you can phone our toll free information line at 1-877-287-4570 (please note that it will only be activated on September 17, 2004).

An Independent Election Process:

The *Addendum* calls for an *independent election process* for communities in Ontario including: *Sharbot Lake, Mattawa/North Bay, Greater Golden Lake, Ardoch, Antoine, Bonnechere, Bancroft, Whitney* and other communities within the region who are comprised of Algonquins who can demonstrate that:

- a) they have a geographical connection with the Algonquin territory in Ontario.
- b) they have a history of common interests, traditions and needs arising from their common Algonquin heritage.

All Communities of Algonquins, including those listed above must have a minimum of 125 persons of Algonquin descent.

Any group of persons seeking to be recognized as a Community of Algonquins for the purpose of electing an *Algonquin Negotiation Representative (ANR)* must do so in writing to the Electoral Officer on or before the election is called.

The Electoral Officer and Volunteers

To ensure that the elections for the Algonquin Negotiation Representatives (ANR) is an independent and fair process, *Robert E. (Bob) Johnson, First Nations Election Services, Six Nations, Ontario* has been appointed by the Parties to act as the Electoral Officer to plan and implement the elections.

He will ensure that the Election Rules are complied with. As the Electoral Officer he may also appoint Assistants and/or Volunteers to help him in fulfilling his duties. Those persons appointed shall not be Candidates in the election process.

The Enrolment Officer

Joan Holmes of Joan Holmes and Associates Inc., Ottawa, Ontario has been retained by the Parties for the following purposes:

- (a) to conduct a comprehensive review of the underlying materials filed and employed in support of those persons who were added after November 17th, 2001 to the List compiled under the then existing ***Algonquin Enrolment Law*** and verify that their inclusion on that List was correct (with the exception of those persons who were accepted by the Enrolment Board and their descendents);
- (b) to serve as the Enrolment Officer to process and determine whether applicants meet the criteria to be an Elector.
- (c) to assist the Electoral Officer, as needed in verifying the Communities of Algonquins.
- (d) to assist the Electoral Officer in determining which Community of Algonquins each Elector who has not designated a Community is appropriately a part of.

Should the Enrolment Officer determine that a person's name be deleted from the Electors' List or that an application to be an Elector be denied, the Enrolment Officer shall specify the basis for such action and the person affected has the right to make a further written application to the Enrolment Officer on further and better material. The Enrolment Officer's decision on whether an applicant is an Elector is final.

Electing the Algonquin Negotiation Representatives (ANR)

The electoral process has the "sole" purpose of electing ***Algonquin Negotiation Representatives (ANR)***, whose only role is to take direction from the Algonquin electorate in each Community and to provide direction to the Principal Negotiator during the upcoming treaty negotiations with Canada and Ontario.

Each ANR will be elected to a three year term. However, if any ANR misses three (3) consecutive duly called meetings the position of that ANR shall automatically become vacant. In that event, or if an elected ANR cannot complete the three-year term for any other reason a by-election to replace the ANR may be held in accordance with the "Addendum" and the "Election Rules".

The Electors

Persons who declare themselves ***Algonquin*** and who meet the following criteria shall be added to the ***Electors' List***. They shall be entitled to vote in the elections for the position of ***Algonquin Negotiation Representative (ANR)***.

Algonquins who:

- (a) are 18 years of age or older on or before October 1, 2004; and
- (b) whose name appeared on or before November 17, 2001 on the List maintained under the *Algonquin Enrolment Law, May 31, 1994* - this is provided there is no adverse determination made in that regard by Joan Holmes, Enrolment Officer as a result of the review of that List (post November 17, 2001) which she is now completing.
- (c) subject to the review of the List to be made by Ms. Holmes were added to the List after November 17, 2001; or
- (d) can demonstrate direct lineal descent from at least one person identified in Schedule "A" annexed to the then existing *Algonquin Enrolment Law, May 31, 1994* - a copy of Schedule A can be accessed on the internet at <http://www.blaney.com/algonquin.htm>
- (e) can demonstrate direct lineal descent from at least one person previously accepted as an Algonquin by the Enrolment Board established pursuant to the then existing *Algonquin Enrolment Law*.

Any Algonquin who satisfies these terms and their application to be an Elector is accordingly approved by Ms. Holmes shall be added to the list of Electors maintained by Bob Johnson, the Electoral Officer.

Each Elector shall have the right to choose to affiliate with a particular Community of Algonquins if that Elector can show past or present residency within, or social or family ties to that Community. A form signed by an Elector that indicates such an affiliation shall be conclusive unless expressly withdrawn by that Elector or replaced with another similar signed form.

In any cases where no such choice has been made in writing, the decision of the Electoral Officer, who will consult with the Enrolment Officer in making that decision, shall be final with respect to the determination of which Community an Elector is appropriately listed as being part of.

The Election Rules

Once sufficient time has passed to allow the Algonquin electorate to file the required documents with the Enrolment Officer substantiating their entitlement to be Electors and receiving notification that they are on the Electors' list the Electoral Officer will call the election. At present it is anticipated that this will happen in late November 2004 with the Election Day to be in late January or early February 2005.

Notice of Election:

- 1) The Electoral Officer, Bob Johnson, will post the Electors' List of the Algonquin Communities in a prominent place or places in each of the Communities affected.
- 2) Each Community will determine its Election Day and the announcement of that date, place and time will be posted by the Electoral Officer 60 days in advance.
- 3) The Electoral Officer will publish the announcement of the election in local newspapers and on such websites as he deems appropriate.

Nominations:

- a) Any Algonquin Elector has the right to stand as a Candidate for the ANR position provided that:
 - 1) his or her name appears on the Electors' List as an Elector within that Community of Algonquins;
 - 2) an official nomination form is submitted to the Electoral Officer before 4:00 p.m. 30 days in advance of the Election Day.
 - 3) the nomination is supported by 10 Electors from the Algonquin Community in which the Candidate is running.

Candidates:

- a) Once the list of Candidates in each community has been verified by the Electoral Officer, he shall confirm the Candidates' List with respect to each Community and advertise each of those Lists to notify the Electors.
- b) any Candidate may withdraw their name at any time up to 48 hours prior to the Election Day. They need file a Notice of Withdrawal form with the Electoral Officer.
- c) if there is only one Candidate at the close of nominations that Candidate shall be acclaimed ANR for that community.

For more information regarding the ANR Election Rules and Regulations please consult the internet at <http://www.blaney.com/algonquin.htm> or you can *after September 17, 2004 call our toll free 800 information line at 1-877-287-4570.*