



Algonquins of Ontario

Landmark Supreme Court Decision on *Tsilhqot'in Nation*

Pembroke, Ontario (June 26, 2014) – Today, the Supreme Court of Canada released its landmark decision in *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44. This decision is the first in Canada to actually declare that an Aboriginal group possesses Aboriginal title to particular lands.

The unanimous decision clarified that Aboriginal Peoples who are described as “nomadic” or “semi-nomadic” can establish Aboriginal title to large tracts of land by using and occupying that land through traditional hunting, gathering and other harvesting activities. This decision overturns a decision of the British Columbia Court of Appeal that concluded that such groups can have only small areas of Aboriginal title, an approach described by many as a “postage-stamp” approach.

The Algonquins of Ontario (AOO) congratulate the Tsilhqot'in Nation on their historic court victory, one that came at the conclusion of many years of hard work. The AOO have been engaged for many years in negotiations towards a Treaty with the Crown, represented by the governments of Ontario and Canada. The Algonquins of Ontario assert Aboriginal rights and title to a Settlement Area in Eastern Ontario.

Chief Kirby Whiteduck of the Algonquins of Pikwàkanagàn First Nation and one of sixteen Algonquin Negotiation Representatives said that “this is a very important legal development for the Tsilhqot'in Nation and for all Aboriginal Nations whose traditional way of life was based on hunting, fishing, trapping and gathering.”

Robert Potts, Principal Negotiator and Senior Legal Counsel for the Algonquins of Ontario concurs stating that “the unanimous decision by the Supreme Court of Canada makes it clear that Aboriginal Peoples, such as the Algonquins, who have a light footprint on the land, can establish ownership of large tracts of land through their traditional land uses, such as hunting, fishing, trapping and gathering.”

Algonquin petitions to the Crown seeking recognition and protection for Algonquin land and other rights date back to 1772. In November 2013 Ontario, Canada and the Algonquins of Ontario had negotiated a proposed Agreement-in-Principle (AIP) that would form the basis of an Algonquin Treaty, if all three Parties ratified it. However, Mr. Potts notes that the government of Canada has so far failed to instruct its Chief Negotiator to initial the proposed AIP and has given the Algonquins no reason for that lack of action to date.

“The Algonquins of Ontario leadership along with our legal counsel will be giving careful consideration of this ground-breaking decision and how it might strengthen the Algonquin legal claim for Aboriginal title in the Ottawa Valley as well as our position in the ongoing Treaty negotiations,” explains Chief Whiteduck.

Chief Whiteduck also reiterated that the “Algonquins of Ontario remain committed to a Treaty that will reconcile Algonquin Aboriginal rights and title with the rights of others on the basis of a full appreciation of the legal position of the Algonquins.”

Quick Facts:

- The Algonquins of Ontario claim includes an area of 9 million acres within the watersheds of the Kichissippi (Ottawa River) and the Mattawa River in Ontario. Unlike many other First Nations, the AOO have never had a land surrender treaty with the Crown.
- The AOO are comprised of ten Algonquin communities. These include the Algonquins of Pikwàkanagàn First Nation and the Algonquin communities of Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area.
- Based on a Protocol signed in 2004, these communities are working together to provide a unified approach to reach a settlement of the Algonquin land claim.
- The “nomadic” nature of Algonquin land occupation was noted by the Supreme Court of Canada in its 1996 decision *R. v. Côté*, [1996] 3 S.C.R. 139, a case involving fishing by Algonquins in Quebec.
- The House of Commons, the Senate and the Supreme Court of Canada make laws for all Canadians while situated on land that was never lawfully purchased from the Algonquin Nation contrary to formal legal rules established in 1763.

Learn more:

- Supreme Court of Canada decision in *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44 at <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do>
- Algonquins of Ontario Treaty Negotiations at www.tanakiwin.com

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