Algonquin Negotiation Representatives Special Resolution on Eligibility January 22, 2020

MOTION 20200122-01

SPECIAL RESOLUTION of the ALGONQUIN NEGOTIATION REPRESENTATIVES on the Proposed Beneficiary Criteria

Movers: Doreen Davis, Connie Mielke, Robert Craftchick

Seconder: Stephen Hunter

WHEREAS negotiations with the governments of Canada and Ontario towards a modern day treaty with the Algonquins of Ontario (Treaty) are reaching a critical point requiring decisions by the Algonquins of Ontario on vitally important issues;

AND WHEREAS the beneficiaries of the Treaty must be Aboriginal rights-bearing Algonquins;

AND WHEREAS to meaningfully progress with the Treaty negotiations, the Algonquin Negotiation Representatives (ANRs) who are elected in future ANR elections must be representative of, and must take instructions from, only Aboriginal rights-bearing Algonquin beneficiaries;

AND WHEREAS enrolment under the beneficiary criteria will take place in two phases: the first phase being based on certification of Applicants by the Enrolment Officer that will be governed by these beneficiary criteria, and the second phase involving the establishment of both an enrolment board, with the power to consider additional and alternative evidence relevant to the enrolment of Applicants and an appeal board to address appeals and protests arising from enrolment decisions;

AND WHEREAS it is understood that, subject to any subsequent adverse decision on an appeal or protest, those who satisfy the beneficiary criteria set out herein will qualify to vote in future ANR elections, will be eligible to participate in ratification of an Algonquins of Ontario Constitution and the ratification of the Treaty, and will be beneficiaries of the Treaty, once ratified:

THEREFORE BE IT RESOLVED that the ANRs hereby adopt the following criteria for inclusion in an Algonquins of Ontario Constitution and in the Algonquins of Ontario Treaty to determine the beneficiaries of that Treaty, and for use as the basis for eligibility for candidates and electors in future elections to be held for ANRs for the Present-Day Algonquin Communities or Collectives of Antoine, Bonnechere, Greater Golden Lake, Kijicho Manito Madaouskarini, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan, Snimikobi, and Whitney and Area:

1 DEFINITIONS

"Adopted" or "Adoption" means adopted in accordance with the law of a province;

- "Algonquin Ancestor" means a person who was born on or before July 15, 1897 and identified in an historic record or document dated on or before December 31, 1921, in such a way that it would be reasonable to conclude that the person was considered to be an Algonquin or Nipissing, or a sibling of such a person, and includes the persons listed in the schedule of Algonquin Ancestors, as amended by the Algonquin Negotiation Representatives from time to time and which may be viewed at the Algonquins of Ontario Consultation Office and Algonquin community offices. In this definition, a sibling of a person is a person with a common Algonquin parent;
- "Algonquin Collective" includes Historic Algonquin Collectives and Present-Day Algonquin Communities or Collectives and means geographic, familial and socio-cultural collectives of Algonquins, as demonstrated by:
 - (a) Documented Presences; and/or
 - (b) Documented Relationships between and among Different Family Lines;
- "Algonquins of Ontario Constitution" means the constitution to be developed by the Algonquin Negotiation Representatives and approved by the beneficiaries;
- "Applicant" is a person who applies to be enrolled as a beneficiary;
- "Application Form" means Appendix A, Appendix B, or any future form of application that may be developed by the Algonquin Negotiation Representatives for the purpose of enrolling beneficiaries;
- "Beneficiary Data Area" means the area from which data relating to beneficiary decisions may be drawn, and is comprised of the Settlement Area, municipalities and unorganized territory in Ontario immediately adjacent to the Settlement Area, the Mattawa Overlap Area, and Allumette Island, Calumet Island, Fort William/Sheenboro and Fort Coulonge in the Province of Quebec;
- "Cultural or Social Connection" to a Present-Day Algonquin Community or Collective includes, but is not limited to, the following:
 - (a) full-time or part-time residence within the geographic area of a Present-Day Algonquin Community or Collective and participation in social or cultural life of the Present-Day Algonquin Community or Collective;
 - regular visits to a Present-Day Algonquin Community or Collective during which social or cultural connections are maintained, for example during vacations;
 - (c) regular hunting, fishing, other harvesting, or other traditional activities with members of a Present-Day Algonquin Community or Collective; or

- (d) frequent attendance at social or cultural events or gatherings of a Present-Day Algonquin Community or Collective;
- "Declare" means the making of an explicit and formal statement;
- "Different Family Line" means a Family Line other than the Family Line of an Applicant, provided that the two Algonquin persons being compared are separated by four or more degrees of family relationship by blood in accordance with the Consanguinity Chart attached as Appendix C;
- "Direct Lineal Descendant" means a person directly descended through the maternal or paternal line and includes Adopted persons;
- "Direct Lineal Descent" means direct descent through the maternal or paternal line and includes Adoption;
- "Documented Presence" means a documented presence in an area, including but not limited to a historical document recording birth, baptism, confirmation, first communion, marriage, death, burial, residence, harvesting, or petitioning the Crown in relation to collective Algonquin rights and interests in that area;
- "Documented Relationship" means a documented relationship between a person in a Family Line and a person in a Different Family Line through intermarriage, coresidence, sponsoring or witnessing important life events such as births, baptisms, marriages, confirmation, first communion, deaths, burials, or petitioning the Crown in relation to collective Algonquin rights and interests or harvesting with an individual in a Different Family Line;
- "Enrolment Officer" means an individual appointed by the Algonquin Negotiation Representatives as the enrolment officer for the purpose of enrolling beneficiaries;
- "Family Line" means all persons in the line of Direct Lineal Descent from an Algonquin Ancestor to an Applicant, including that Algonquin Ancestor and the Applicant;
- "Historic Algonquin Collective" means one of the areas identified as Allumette Island and the banks of the Ottawa, Bedford and adjacent townships, Golden Lake and the Bonnechere, Mattawa and environs, Mattawa-Pembroke route, and Madawaska, as shown on the map attached as Appendix D;
- "Mattawa Overlap Area" means the area delineated by the north shore of Lake Nipissing from North Bay to the eastern boundary of the Township of Commanda (alternately, to the Nipissing Indian Reserve); hence northward to the northeast corner of the Township of Flett; hence eastward to the northeast corner of the Township of Parkman; hence southward along the west bank of the Ottawa River to Provincial Highway 63 in the Township of Poitras; then following

Highway 63 to the City of North Bay;

- "Mission at Lake of Two Mountains" means the Sulpician mission at Lake of Two Mountains, near Oka, Quebec;
- "Modern Period" means from July 16, 1897 to June 15, 1991;
- "Petitioning Period" means from January 1, 1728 to July 15, 1897;
- "Present-Day Algonquin Community or Collective" means one of the following: Antoine, Bonnechere, Greater Golden Lake, Kijicho Manito Madaouskarini, Mattawa/North Bay, Ottawa, Pikwakanagan, Shabot Obaadjiwan, Snimikobi, and Whitney and Area;
- "Settlement Area" means the area shown in the map attached as Appendix E;
- "Treaty" means a modern day treaty between the Crown in right of Ontario, the Crown in right of Canada, and the Algonquins of Ontario.

2 ELIGIBILITY

- A person who is a Canadian citizen is entitled to be enrolled as a beneficiary of the Treaty if that person is:
 - (a) a member of the Algonquins of Pikwakanagan First Nation in accordance with the Algonquins of Pikwakanagan Membership Code dated April 2009, as amended from time to time; or
 - (b) an Applicant who:
 - has completed an Application Form in which he or she Declares himself or herself Algonquin and that he or she has a presentday Cultural or Social Connection to a Present-Day Algonquin Community or Collective; and
 - ii. is in a Family Line with Direct Lineal Descent from an Algonquin Ancestor; and
 - iii. is in a Family Line that was part of an Algonquin Collective during both the Petitioning Period and the Modern Period; or
 - (c) a person who is a Direct Lineal Descendant of a person described in (a) or (b).
- The Registrar of the Algonquins of Pikwakanagan First Nation shall certify whether a person seeking or proposed to be enrolled is a member of the Algonquins of Pikwakanagan First Nation under 2.1(a).

Certification By Enrolment Officer

- **2.3** The Enrolment Officer shall certify:
 - (a) whether an Applicant meets the requirements of 2.1(b) ii; and
 - (b) whether an Applicant meets the requirement of 2.1(b) iii, applying either the criteria as set out in 2.4 and 2.5 (Approach A) or the criteria as set out in 2.6 and 2.7 (Approach B).

Approach A

- 2.4 The Enrolment Officer shall certify that the Family Line of the Applicant was part of an Algonquin Collective during the Petitioning Period for purposes of 2.1(b) iii, where:
 - (a) a person in the Family Line of the Applicant had a Documented Presence in the Beneficiary Data Area or at the Mission at Lake of Two Mountains for a minimum of 20 years commencing during the Petitioning Period and ending no later than December 31, 1901; and either
 - (b) another person in that Family Line had a Documented Relationship with a Different Family Line during the Petitioning Period in the Beneficiary Data Area or at the Mission at Lake of Two Mountains; or
 - (c) that Family Line includes two other persons in different generations who each had a Documented Presence during the Petitioning Period in the Beneficiary Data Area or at the Mission at Lake of Two Mountains, and at least one of those two persons or the person in 2.4(a) had a Documented Presence in an Historic Algonquin Collective or at the Mission at Lake of Two Mountains

provided that the persons relied upon under this section must be different persons.

- 2.5 The Enrolment Officer shall certify that the Family Line of the Applicant was part of an Algonquin Collective during the Modern Period for purposes of 2.1(b) iii, where:
 - (a) a person in that Family Line had a Documented Presence in the Beneficiary Data Area during the Modern Period; and
 - (b) that Family Line includes either
 - i. another person who had a Documented Relationship with a

- Different Family Line during the Modern Period, regardless of the location of that Documented Relationship; or
- ii. another person who had a Documented Presence in an Historic Algonquin Collective during the Modern Period

provided that the persons relied upon under this section must be different persons.

Certification By Enrolment Officer: Approach B

- 2.6 For purposes of 2.1(b) iii, a Family Line is deemed to have been part of an Algonquin Collective during both the Petitioning Period and the Modern Period if the Enrolment Officer can certify that:
 - (a) a person in that Family Line had a Documented Presence in the Beneficiary Data Area or at the Mission at Lake of Two Mountains for a minimum of 20 years commencing during the Petitioning Period and ending no later than December 31, 1901; and
 - (b) persons in two different generations in that Family Line, other than the person referred to in (a), each had a Documented Presence in the Beneficiary Data Area or at the Mission at Lake of Two Mountains during the Petitioning Period; and
 - (c) persons in two different generations in that Family Line, other than the persons referred to in (a) and (b), had a Documented Presence in the Beneficiary Data Area during the Modern Period.
- 2.7 Three of the five persons relied upon under section 2.6 must have a Documented Presence in:
 - (a) one or more Historic Algonquin Collectives or at the Mission at Lake of Two Mountains during the Petitioning Period; and/or
 - (b) one or more Historic Algonquin Collectives during the Modern Period.
- Where the Enrolment Officer is unable to certify that an Applicant meets the requirements of 2.1(b) ii or 2.1(b) iii due to lack of required information in the Application Form, the Enrolment Officer shall inform the Applicant of the additional information required for its consideration and shall retain the Application Form until it is complete.
- Where an Application Form has been fully completed but the Enrolment Officer is not able to certify that an Applicant meets the requirements of 2.1(b) ii or 2.1(b) iii, the Application Form shall be retained by the Enrolment Officer for possible consideration by an enrolment board and

an appeal board or until further arrangements are made for their retention.

3 EXCLUSION

3.1 An Applicant who:

- (a) self-identifies as a member of another Aboriginal group that asserts section 35 rights within the Settlement Area; or
- (b) is a member of another Aboriginal group that is party to or takes benefits under a treaty or comprehensive land claims agreement

is not eligible to enroll as a beneficiary of the Treaty.

Approved by ANRs

Approved: 14

Opposed: 1
Abstain: 0

Absent: 1

Non-voting Alternates: 0

FORM 1: APPLICATION FORM

Application to be enrolled as an Algonquin Voter for the Ratification of the Algonquins of Ontario Agreement-in-Principle



FOR INTERNAL USE ONLY -NOT TO BE COMPLETED BY APPLICANT Access ID Number:

THE DEADLINE FOR SUBMITTING AN APPLICATION FOR ENROLMENT IS APRIL 30, 2012.

If your application is not received by that date you will not be eligible to vote on the Algonquin Agreement-in-Principle.

Last Name	First Name	Middle	e Name/Initial	Maiden Name
Also Known As			Date of E	Birth (Year/Month/Day)
ADDRESS:				
Street/Road # (and/or P.O. Box	()	Apartment #		
City/Town		Province/Country	Postal Co	de
Telephone	Email Address			
I DECLARE THAT to the best I AUTHORISE the Enrolment any inquiries and undertake any existing Algonquin enrolment fil I AUTHORISE the posting of a Collective to which I have claim	Officer, the Ratification Cor investigation they deem r le.	ommittee and the Review Con necessary to process this Appli n a member of Pikwàkanagàn	nmittee to use this infication, including revi	formation and to make ewing information in any cable), the Algonquin
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	, declare that:
	I identify myself as an Algonquin and wish to be on the Voter's List for the Ratification Vote of the Algonquin
	Agreement-in-Principle.
	I am a member of the Algonquins of Pikwàkanagàn First Nation. By submitting this Application Form to the Ratification Committee I consent to the Registrar of the Algonquins of Pikwàkanagàn First Nation to verify my membership.
nave	a present-day "Cultural or Social Connection" with the following "Algonquin Collective" (please check only <u>one</u>):
A	ntoine Greater Golden Lake Pikwàkanagàn Whitney and Area
Ва	ancroft Mattawa/North Bay Snimikobi
В	onnechere Ottawa Shabot Obaadjiwan
] o	ther (identify Algonquin Collective) :
EMI	BERS OF THE ALGONQUINS OF PIKWÀKANAGÀN DO NOT NEED TO COMPLETE THE BALANCE OF THIS FORM
LEA	SE CHECK OFF THE BOX OR BOXES THAT APPLY TO YOU:
v "C	ultural or Social Connection" to the identified Algonquin Collective is:
y "C	ultural or Social Connection" to the identified Algonquin Collective is:
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y "C	I am a full time or part time resident within the geographic area of and participate in its social and cultural life; Name the Algonquin Collective I regularly visit and maintain my social and cultural connections; Name the Algonquin Collective
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FOR INTERNAL USE ONLY -NOT TO BE COMPLETED BY APPLICANT Access ID Number:

CER'	TIFICATION BY ENROLMENT OFFICER:	Access ID Number.
For 1	Internal Use Only—Not to be completed by Applicants	
I hav	e reviewed the genealogical information provided by the Applicant:	
1)	I certify that the Applicant has demonstrated Direct Lineal Descent from	
	a person or persons on the Preliminary Schedule of Algonquin Ancestors.	
2)	I am unable to certify that the Applicant has demonstrated Direct Lineal Descent from a person on the Preliminary Schedule of Algonquin Ancestors.	
3)	I certify that the Applicant has demonstrated that the Applicant or a person in the line of Direct Lineal Descent between the Applicant and an Algonquin Ancestor was part of an Algonquin Collective after July 15, 1897 and prior to June 15, 1991.	
4)	I am unable to certify that the Applicant has demonstrated that the Applicant or a person in the line of Direct Lineal Descent between the Applicant and an Algonquin Ancestor was part of an Algonquin Collective after July 15, 1897 and prior to June 15, 1991.	
	Signature of Enrolment Officer	
CER	TIFICATION BY REGISTRAR, ALGONQUINS OF PIKWÀKANAGÀN FIRST NATION	
<u>For</u>	Internal Use Only—Not to be completed by Applicants	
1)	I hereby certify that the Applicant is a member of the Algonquins of Pikwàkanagàn First Nation.	
2)	I hereby certify that the Applicant is not a member of the Algonquins of Pikwàkanagàn First Nation.	
	Signature of Registrar, Algonquins of Pikwàkanagàn First Nation	

Appendix B:

FOR INTERNAL USE ONLY (NOT TO BE COMPLETED BY APPLICANT)

Access ID Number

Algonquins of Ontario

ENROLMENT APPLICATION FORM (Updated January 2013)

Note: The time period for enrolling to vote on the Agreement-in-Principle has closed. This application is for the gathering of information for the enrolment process on a go-forward basis

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Last			First		Middle	Initial	Maiden Name	
Date of Birth (YY/MM/DD)	***************************************	TEACH CONTRACTOR OF THE CONTRA	Date of App	lication (YY/I	MM/DD):			
Mailing Address:			Telephone:			Email:		
City/Town:			Province/Co	ountry:		Postal C	ode:	
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The information	provided in th	is section does not cons	titute an applic	ation for enro	lment on be	ehalf of these	family members	
		This section is	for information	n purposes or	nly.			
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nildren's Names and Age	(Minors unde	r 18):						
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Access ID Number

Algonquins of Ontario

ENROLMENT APPLICATION FORM (Updated January 2013)

(Plea	se check at least one)	
	I am a full time or part time resident within the geographic area (name the Algonquin Collective/Community) and participate in	
0	I regularly visit	social and cultural connections.
ם	I regularly hunt, fish, or participate in other harvesting or traditi (name the Algonquin Collective/Community).	onal activities with members of
0	I frequently attend social or cultural events or gatherings in	
	Other (provide details about your cultural or social connection	to the Algonquin Collective/Community (using a separate page if necessary):

You	MUST select only ONE of the following:	
	I am not a member of another aboriginal group that asserts ab	original or treaty rights within Algonquin Territory.
		OR COR
	I am a member of another aboriginal group that asserts aboriginal	nal or treaty rights within Algonquin Territory.
I AU	THORISE the Enrolment Officer, or other personnel hired by the stigation they deem necessary to process this Application.	AOO to use this information and to make any inquiries and undertake any
I AU	THORISE the posting of my name in such public places as requi	red by the enrolment process.
I DE	CLARE THAT to the best of my knowledge the information conta	nined in this Application Form is accurate
	LARED AT:	The second secon
DEC	LARED AT.	
NAME	E OF CITY:	PROVINCE:
DATE	(YY/MM/DD):	APPLICANT'S SIGNATURE:
WITN	ESS NAME (ANYONE OVER 18):	WITNESS SIGNATURE:
WITN	ESS ADDRESS:	
LANTA	ESS TELEPHONE:	MATAIFOC CRAAIL.
AALLIA	EGS TEELFHONE.	WITNESS EMAIL:

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Access ID Number

Algonquins of Ontario

ENROLMENT APPLICATION FORM (Updated January 2013)

FAMILY TREE OF ALGONQUIN LINEAGE		
NAME OF PARENTS:		
Mother (Maiden Name):	Father:	
Date of Birth (YY/MW/DD):	Date of Birth (YY/MN	M/DD):
Place of Birth:	Place of Birth:	
MOTHER'S LINE:	FATHER'S LINE:	
Grandmother (Maiden Name):	Grandmother (Maide	n Name):
Grandfather:	Grandfather:	
Great Grandmother (Maiden Name):	Great Grandmother	(Maiden Name):
Great Grandfather:	Great Grandfather:	
Note: If there are additional ancestors, please ac Name of Person(s) from whom you are a direct d	ld a separate sheet.	vactors
	coordant nom the outedate of Algoridati Al	icestors.

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(If you need assistance with this sect contest up	Alaman de Rivertie (C. P.	
(If you need assistance with this part, contact you	ur Algonquin Negotiation Representative)	
SUPPORTING DOCUMENTS SHOWING A	LGONOLUN LINEAGE	
	FOOTOGOIS FISENCE	
Extended Birth Certificate	Baptismal Certificate	☐ Marriage Certificate
Death Certificate	Census Records	Other Documents:

FOR INTERNAL USE ONLY (NOT TO BE COMPLETED BY APPLICANT)

Access ID Number

CERTIFICATION BY ENROLMENT OFFICER

Algonquins of Ontario

ENROLMENT APPLICATION FORM (Updated January 2013)

have reviewed the garage leving the second s	
have reviewed the genealogical information provided by the Applicant pursuant to the criteria in the Preliminary Draft Agreement	ent-in-Principle ar
I certify that the Applicant has demonstrated Direct Lineal Descent from a person or persons on the Preliminary Schedule of Algonquin Ancestors. Provide name of applicable Algonquin Ancestor(s) below:	
I am unable to certify that the Applicant has demonstrated Direct Lineal Descent from a person on the Preliminary Schedule of Algonquin Ancestors.	
I certify that the Applicant has demonstrated that the Applicant or a person in the line of Direct Lineal Descent between the Applicant and an Algonquin Ancestor was part of an Algonquin Collective (as defined in the Preliminary Draft Agreement-in-Principle) after July 15, 1897 and prior to June 15, 1991.	
I am unable to certify that the Applicant has demonstrated that the Applicant or a person in the line of Direct Lineal Descent between the Applicant and an Algonquin Ancestor was part of an Algonquin Collective (as defined in the Preliminary Draft Agreement-in-Principle) after July 15, 1897 and prior to June 15, 1991.	П
gnature of Enrolment Officer:	
ERTIFICATION BY REGISTRAR, ALGONQUINS OF PIKWÀKANÀGAN FIRST NATION	
OR INTERNAL USE ONLY	
I hereby certify that the Applicant is a member of the Algonquins of Pikwakanagan First Nation.	G
I hereby certify that the Applicant is not a member of the Algonquins of Pikwakanagan First Nation.	
gnature of Registrar, Algonquins of Pikwàkanàgan First Nation:	

Appendix C: Consanguinity Chart

Degrees of Family Relationship by Blood

The subject person and the persons in blue-coloured squares are separated by 4 degrees or more of family relationship and are therefore considered to be Different Family Lines. Those in the yellow-coloured squares are too close in





