

April 18, 2013

Honourable Kathleen Wynne  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, On M7A 1A1

Honourable David Zimmer  
Minister of Aboriginal Affairs  
160 Bloor Street East, 4<sup>th</sup> Floor  
Toronto, On M7A 2E6

Dear Honourable Premier and Honourable Minister

Re: Algonquin Land Claim Preliminary Draft Agreement-in Principle (AIP)

I am writing this public letter as an expression of concern to a number of provisions in the Preliminary Draft Algonquin Land Claim Agreement-in-Principle released to the public in December, 2012.

I am copying this letter to each Member of the Provincial Parliament in the land claim area with the respectful request that each Member also respond to the issues I am about to raise.

I advise that a similar letter is being sent to the Prime Minister of Canada and the Minister of Aboriginal Affairs and Northern Development with a copy to each M.P. in the land claim area.

In the interest of disclosure I should say that upon my retirement as the Chief Administrative Officer of the County of Renfrew I acted on a part time basis as the Municipal Representative on the Ontario Negotiating Team for the Algonquin Land Claim from May, 1996 until December, 2009.

I believe no responsible citizen questions the right of the Algonquins of Ontario to a modern day treaty. I believe the Algonquins of Ontario Principal Negotiator and the Algonquin Negotiation Team have done an excellent, professional and extremely successful job of representing their constituents in their negotiations with the Federal Negotiating Team and the Provincial Negotiating Team.

I am a political realist. I am very cognizant of the pressures on the Federal and Provincial Governments of the day to demonstrate positive action on aboriginal files and to have an example of success on a particular file to demonstrate that priority particularly to non affected urban dwellers and the national media.

I believe the Canada Negotiation Team and the Ontario Negotiation Team are responsible for representing the interests of non-Algonquins in the land claim area while respecting the legal imperative that the honour of the Crown is always required in dealing with aboriginal issues.

In meeting the Ontario obligation to approximately 1.4 million non Algonquin residents of the land claim area I note the formal commitment set out in the three party "Statement of Shared Objectives" signed by Canada and Ontario in 1994 and re-affirmed by Canada and Ontario in 2006. That document commits to "keep the public informed on the progress of the negotiations." I submit that neither Canada nor Ontario have done so.

After 20 years of on again, off again, limited negotiations and now the development of a draft AIP in total secrecy over the past 3 years we the public have now been presented with the draft in a series of information meetings over a two week period. Unfortunately, these occurred in the middle of the winter, including the school mid term break, and during a period when cottagers who have a huge interest in some aspects of the AIP provisions are absent. At the information meeting I attended in Pembroke on March 14 it was stated to the effect that "this is not an information meeting but rather the commencement of a comprehensive consultation and dialogue process." That statement of commitment strains credibility given the fact that Ontario's own web site makes it clear that changes in the draft would require the consent of the Algonquins of Ontario. How can meaningful consultation and dialogue take place to deal with the non-Algonquin public's concerns if the Algonquins of Ontario have a veto over any changes?

The land selection process was conducted in such secrecy that I am told by municipal elected officials that when Ontario chose, after the land selection process was complete, to meet with municipal officials those officials were only allowed to attend if they first swore a declaration of confidentiality. Now we have a completed land selection process with zero non-Algonquin public consultation and input. Perhaps the lake on which I happen to live can serve as a good representative example of a case in point. Every Crown Land island on the lake, excepting the tiniest, along with Crown Land with lake waterfront, is selected to be deeded in fee simple to the Algonquins of Ontario. Where is a degree of proportionality when 1.4 million non Algonquins live, work, recreate and pay taxes in the land claim area yet virtually all Crown Land on a lake, currently used extensively and available to all citizens, is negotiated to be deeded to a collective of an estimated 10,000 Algonquins of Ontario?

Hunt Camp licensees on Crown Land (many for multiple generations) had no formal contact while land selection proceeded in secrecy until they recently received a letter from Ontario advising that the Crown Land on which the camp is located is now intended to be deeded to the Algonquins of Ontario and that the licensees would have the option of “negotiating” with the Algonquins of Ontario. Yet from 1994 onward Canada and Ontario were committed to “keep the public informed on the progress of negotiations.”

To many people the harvesting provisions of the draft AIP are very problematic. The draft AIP provides for unlimited hunting and fishing on all Crown Land in the land claim area 365 days per year by all Algonquins of Ontario for their own or bartering purposes. That activity is subject only to the requirement that if conservation, public health or safety becomes an issue then “Ontario or Canada would consult with the Algonquins prior to implementing any measure necessary.” But even this is subject to providing “reasonable means would be considered to minimize the impact of proposed conservation measures on Algonquin harvesting rights.”

One is left to wonder why there are no allocation provisions (as between Algonquins and non-Algonquins) in the draft AIP for fish or any animals excepting moose and elk. Other modern day treaties such as the Tsawwassen First Nation Treaty contains allocation provisions. Where is the protection in this draft AIP for the unique species of trout in Algonquin Park or the carefully nurtured fisheries in so many of our pristine lakes and rivers in the land claim area? If, as I believe, everyone represented by the three parties to this draft AIP are committed to responsible conservation measures, why would anyone want the legal right to fish or hunt without limitation of numbers, species, season or methods of harvesting? This is a modern day treaty being settled in Eastern Ontario where fish and wild life resources are critically important to the economy and culture of the area. Why would Canada and Ontario not, as part of the negotiating process, insist on some protection for these resources?

As long as I can remember Ontario has rightly called Algonquin Park the “Jewel of the Ontario Park System”. Why is Ontario not insisting on reasonable limitations on access within the park and reasonable allocations for fishing within the park?

It seems many are resigned to this draft AIP being a “done deal”. I can certainly see a public backlash developing. I sincerely believe it necessary that Ontario now, belatedly, take the lead in creating a truly open dialogue with the non-Algonquin public in the land claim area. It will be time consuming and intense. But I believe it essential that Ontario become immediately proactive in opening up true communication and consultation with the general public across the land claim area. How else can the perception of a “secretive done deal” be mitigated? How else can non-Algonquin “buy in” be achieved?

Surely in the interests of community harmony Ontario has an obligation to the general public who also deem the public lands and waters of Eastern Ontario and its fish and wildlife values enormously important for our economy, our culture, our heritage, our way of life and our quality of life.

These negotiations have been going on for twenty years. The end result will be a "final agreement" that has constitutional protection under the Canadian Constitution. This is the only chance to get it right. What will happen to the social fabric of Eastern Ontario if we don't get it right?

I have no doubt the negotiating teams of Canada and Ontario have conducted themselves consistently with the directions from their respective political masters. However, the treaty model developed for remote Northern Canada simply does not fit in developed and populated Eastern Ontario. I urge that political direction be now given to totally change this process, even at this late date, to one of open, informative, comprehensive and true discussion with the non-Algonquin public over the next several months or longer if necessary.

Sincerely

Michael J. Johnson  
Eganville, On

Cc Hon. Bob Chiarelli, MPP, Ottawa West-Nepean  
Grant Crack, MPP, Glengarry-Prescott-Russell  
Victor Fedeli, MPP, Nipissing  
Randy Hillier, MPP, Lanark-Frontenac-Lennox and Addington  
Jack MacLaren, MPP, Carleton-Mississippi Mills  
Lisa MacLeod, MPP, Nepean-Carleton  
Jim McDonell, MPP, Stormont-Dundas-South Glengarry  
Phil McNeely, MPP, Ottawa-Orleans  
Hon Madeleine Meilleur, MPP, Ottawa-Vanier  
Hon Yasir Naqvi, MPP, Ottawa Centre  
John Yakabuski, MPP, Renfrew-Nipissing-Pembroke  
Steve Clark, MPP, Leeds-Grenville  
Todd Smith, MPP, Prince Edward-Hastings  
Brian A. Crane, Q.C., Ontario Chief Negotiator