

Tues. May 19<sup>th</sup>  
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**UNITED NATIONS  
ECONOMIC AND SOCIAL COUNCIL  
PERMANENT FORUM ON INDIGENOUS ISSUES  
8th SESSION, NEW YORK,  
MAY 18-29, 2009**

Russell Drabow

**SUBMISSION BY THE WOLF LAKE FIRST NATION**

**RE: ECONOMIC & SOCIAL DEVELOPMENT**

**INTRODUCTION**

Chairperson, Members of the Permanent Forum:

On behalf of Chief Harry St. Denis of the Wolf Lake First Nation I want to thank you for giving me the opportunity to speak to this agenda item. This is the first intervention by the Wolf Lake First Nation at this Forum.

The Wolf Lake First Nation is one of ten communities who form the Algonquin Nation. The traditional territory of the Algonquin Nation includes the entire Ottawa River watershed in what is now known as the provinces of Quebec and Ontario in Canada.

**BARRIERS TO SOCIAL AND ECONOMIC DEVELOPMENT**

The Wolf Lake First Nation welcomes the establishment of this Permanent Forum as a venue within which Indigenous issues can be addressed on an international level. As you have no doubt heard from other Indigenous delegations during the previous sessions of this Forum, working within domestic fora is often frustrating and has serious limitations, because of the imperatives of state governments to protect their own political sovereignty and territorial integrity, and their tendency to maintain entrenched economic interests, which usually implies denying the rights and interests of Indigenous peoples.

This is the case of the Wolf Lake First Nation. The barriers to social and economic development are caused by unilateral one sided policies of both the government of Canada and the government of Quebec. One of the biggest barriers to the Wolf Lake peoples' social and economic development is Canada's land claims policy.

Even though section 35 of Canada's constitution "recognizes and affirms" the Aboriginal and Treaty Rights of Indigenous peoples, the government of Canada has a "Comprehensive Land Claims Policy", which sets out the terms for negotiations with Indigenous peoples regarding Aboriginal Title.

However, the terms of the land claims policy are not only inconsistent with the Articles 10, 26, 27, 28 and 32 of the UNDRIP, but the land claims policy is also inconsistent with Canadian case law. For example, the land claims policy requires the extinguishment of Aboriginal Title, despite

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the Supreme Court of Canada's ruling in the Delgamuukw case of 1997, where the highest court in Canada held that Aboriginal Title exists in Canada and sets out the legal principles and tests for establishing Aboriginal Title.

For those Indigenous peoples who are negotiating under Canada's "Comprehensive Land Claims Policy", their lands and resources are still taken away while they are in negotiations and negotiations often takes decades before a final agreement is reached.

The government of Quebec benefits from Canada's "Comprehensive Land Claims Policy", because the terms of the land claims policy allows the provincial governments to continue to give Indigenous peoples lands and resources to third parties, even as negotiations take place.

Recent Supreme Court of Canada cases such as the Haida, Taku River and Mikisew, require the governments of Canada and provincial governments, including Quebec to consult with Indigenous peoples and in some case to accommodate Indigenous peoples when making decisions that affect the lands and resources in the traditional territories of Indigenous peoples.

However, both the governments of Canada and Quebec have unilaterally developed "Interim Consultation Guidelines" as a response to the recent case law. These federal and provincial guidelines are designed to provide for minimal consultations with Indigenous peoples, but the federal and Quebec guidelines are drafted to try and avoid accommodation of Indigenous peoples rights and interests in favour of non-Indigenous land and resource development.

## **RECOMMENDATION**

In conclusion, we are aware that several members of the Permanent Forum has conducted a mission to Paraguay and Bolivia to examine what has been described as "debt slavery" of the Indigenous peoples in those countries, and although we recognize that the Permanent Forum is trying to reduce the number of recommendations, but we do recommend that the Forum members undertake a study of the government of Canada's land claims and consultation policies in relation to the Articles of the UNDRIP and the resultant barriers to the social and economic development of Indigenous peoples in Canada.

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## **BACKGROUND TO THE WOLF LAKE FIRST NATION**

The Wolf Lake First Nation does not, as yet, have a Reserve land-base. It does, however, have an established settlement at Hunter's Point, located 37 km northeast of the town of Temiscaming, Québec.

The majority of its 273 members live in or near the vicinity of the municipality of Temiscaming, which is at the bottom of Lake Timiskaming, across the narrows from Ontario. The members of the Wolf Lake First Nation continue to use and occupy their traditional territory in the Dumoine River-Kipawa Lake area of Quebec and portions of Ontario.

The Algonquins were among the first Indigenous Nations to come into contact with, first the French-speaking peoples and then the English-Speaking peoples in the 1600's and the 1700's.

After the British conquered the French in 1760, the Algonquin Nation along with other Indigenous Nations entered into peace and friendship treaties with the British in a series of peace and friendship treaties from 1760 to 1764. Through these treaties the British Crown promised to protect the Algonquin territory from trespass.

The Algonquin Nation never ceded or surrendered its Indigenous Title or Rights.

Despite the treaty promises, the Algonquin peoples, including the Wolf Lake peoples have been the subject of numerous impacts from non-Indigenous activities on Algonquin territory, without the consent of Algonquin peoples, including flooding by dams, clearcutting of forests and competition from non-Algonquin sports hunting and fishing.