



MITCHIKANIBIKOK INIK

Algonquins of Barriere Lake
Les Algonquins du Lac Barrière

KITIGANIK - Rapid Lake - Lac Rapide
Quebec J0W 2C0

Tel.: 819 435-2181 Fax: 819 435-2181



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SUBMISSION BY THE ALGONQUINS OF BARRIERE LAKE

INTRODUCTION

Chairperson, Members of the Permanent Forum:

On behalf of the Algonquins of Barriere Lake, I would like to congratulate you all on your appointment to this Permanent Forum; and on behalf of the First Nation, I want to thank you for giving me the opportunity to speak at this 1st session. Since this will be our only intervention during this session, we ask the Chair's indulgence if we are a minute longer in our presentation.

THE ALGONQUINS OF BARRIERE LAKE

The Algonquins of Barriere Lake (also known by their Algonquin name, "Mitchikanibikok Inik") is a First Nation community of approximately 450 people, situated in the province of Quebec, 3 hours drive north of Ottawa, Canada. The socio-economic conditions of the community are extremely poor:

- They have been marginalized onto a tiny 59-acre reserve at Rapid Lake, which is overcrowded, dusty and badly eroding.
- Unemployment rates are in the range of 80-90%.
- There is a housing crisis in the community – on the average, there are 7 persons per home, but the actual numbers go as high as 18 per house.
- Education levels are low and the incidence of diabetes is high.

On the positive side, the community has managed to maintain its language, customs and traditional way of life.

The Algonquins welcome the establishment of this Permanent Forum as a venue within which Indigenous issues can be addressed on an international level. As we have heard from other Indigenous delegations, 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 interests of Indigenous peoples.

The Algonquins have been the subject of numerous impacts, including flooding, clear-cutting and sports hunting and fishing. By the mid-1980's, the Algonquins felt under siege from increasing encroachments and developments on their traditional lands, primarily from forestry activities. They reacted to the perceived threat to their way of life with blockades and a public information campaign. The relationship with governments and the forest industry and forestry workers became highly conflictual.

The Algonquins did not want to stop outsiders from using their lands. They just wanted to make sure other users did not jeopardize their traditional way of life, and they wanted to make sure they received a fair share of resources developed on their lands. Thus, instead of taking a land claims approach, and being familiar with the Brundtland Report, which had just been issued, the Algonquins urged governments to implement the principles from that Report which included sustainable development and a decisive voice for Indigenous peoples in decisions regarding resource management within their traditional territories.

TRILATERAL AGREEMENT

The governments of Canada and Quebec, which had publicly endorsed the Brundtland Report, were embarrassed into signing a Trilateral Agreement with the Algonquins in 1991. The signing involved much fanfare, with four Ministers signing on behalf of Quebec and one Minister signing on behalf of Canada.

The Trilateral Agreement is modeled on the notions of coexistence and co-management. It mandates the preparation of an Integrated Resource Management Plan (IRMP) for the traditional territory of the Algonquins, based on the principles of sustainable development and protection of the traditional way of life, while at the same time allowing for versatile uses such as forestry. After an initial period of distrust and acrimony with forest companies, ways were found to reconcile First Nation and industry interests under the Trilateral Agreement.

An interim process was implemented, in accordance with the agreement, to "harmonize forestry operations with Algonquin traditional activities". Under this process, companies would develop their cutting plans in draft and submit them to the Algonquins, for review and approval, based on importance to their traditional economy. Often, measures to harmonize negotiations became quite protracted but in the end, usually resulted in a compromise. Once an agreement was reached between the Algonquins and the companies, the plans would be submitted to the Quebec government for its review and the issuance of requisite cutting permits.

As a basis for the development of the IRMP, a program of research and data collection was undertaken to document the state of the resource base the nature and extent of uses, by both Algonquin and non-Algonquin users. This was mounted on a Geographic Information System. Innovative research was undertaken to collect traditional ecological knowledge and integrate it with scientific knowledge into forest management practices. Companies played a key role in this research. joint research was undertaken to calculate and distribute the annual allowable cut (AAC) of companies in a way that minimized and spread out the impact of forestry operations across Algonquin families who were harvesting wildlife in various traditional management units.

Most importantly, a first draft of an IRMP for one of the traditional management units within the Trilateral Agreement territory, has actually been completed and agreed upon in principle between the Algonquins, industry representatives and officials from the provincial government. This proved that sustainable forest management, which balances forestry industry and First Nation interests, is a possibility.

CONTRAVENTIONS

Sadly, despite its successes and though the Algonquin IRMP was on the verge of completion, which would have established the Trilateral Agreement is a very promising model of sustainable development and reconciliation, last year the federal government unilaterally withdrew it's support for the Agreement. The government terminated funding for the project even though it had signed a commitment to fund Algonquin participation in the Agreement, which was effectively renewed through its conduct and undertakings.

Ironically, representatives from industry initially complained very loudly about the federal decision, as did the government of Quebec. Unfortunately, the federal government has still not relented and the community faces the prospect of a return to hostilities as the provincial government has now issued cutting permits to forestry companies. One of the companies, Domtar Inc., in which, a controlling interest is held by the government of Quebec, has insisted that it will resume cutting operations shortly, notwithstanding the Trilateral Agreement. Obviously, Quebec and Domtar have come to the conclusion that complying with the Agreement will result in a loss of wood volume and revenue, so it is an example of entrenched economic interests taking precedence over the interests of the Algonquins. The First Nation has vowed to stop forestry operations, which are not undertaken according to the terms of the Trilateral Agreement.

These actions on the part of the governments of Canada and Quebec, constitute a serious violation of domestic and international obligations respecting Indigenous peoples:

- In unilaterally terminating their obligations under the Trilateral Agreement, Canada and Quebec are in breach of a solemn agreement, which has the status of a treaty, according to the opinion of a Quebec Superior Court Judge Rejean Paul
- By issuing cutting permits, Quebec is violating Barriere Lake's constitutionally protected Aboriginal and treaty rights. Canada is in breach of its fiduciary

obligations to the Algonquins, which are explicitly acknowledged in the Agreement and also have constitutional force.

- By conducting themselves in a way which promotes third parties to violate the land rights of Barriere Lake, Canada and Quebec are in breach of these land rights, as recognized in the Canadian Constitution and interpreted by the Supreme Court of Canada in the *Delgamuukw* decision. This is also in violation of land rights provisions of the Draft Declaration on the Rights of Indigenous Peoples, which at this stage may not be binding international law but constitute emerging international standards on the rights of Indigenous Peoples.
- By effectively terminating the trilateral project, Canada has reduced the role of Barriere Lake in sustainable development, contrary to Agenda 21, chapter 26, clause 26.1, which says: "In view of the interrelationship between the natural environment and its sustainable development and the cultural, economic and physical well-being of Indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate and promote and strengthen the role of Indigenous peoples and their communities".
- Canada is acting contrary to the commitments it made under the Proposals for Action (PFA) of the Intergovernmental Panel on Forests/Intergovernmental Forum on Forests (now succeeded by the UN Forum on Forests). For example, proposals 40 k, l and m, obligate Canada to promote research into traditional forest related knowledge and to incorporate it into forest management training. Proposal 17 f encourages states to elaborate systems for planning, implementing, monitoring and evaluating national forest programs that involve participation of Indigenous people in management decisions respecting "state forest lands". The Trilateral Agreement satisfied these commitments made by Canada in international forestry fora.

RECOMMENDATION

In conclusion, we recognize that the mandate of the Permanent Forum does not extend to mediating complaints. However, it is our submission the Permanent Forum can examine cases where substantial cultural and scientific studies have been done, such as those the Barriere Lake community has undertaken.

In order to develop international norms or standards to recognize and accommodate Indigenous peoples, we believe that "on the ground" situations, representing different circumstances have to be examined by the members of the Permanent Forum, along with representatives from the various United Nations agencies. In fact, I raised this idea with Mrs. Robinson a couple of days ago and she agreed that this is one type of activity the Permanent Forum should be doing. The Algonquins of Barriere Lake are ready to share their experience with this forum if that is its wish.

Thank you.