



Provincial Election 2007



Rights for Aboriginal Peoples

On May 23, 2007, the Assembly of First Nations called on First Nations, Canadian citizens and corporations to stand united and demand that the Government of Canada respond to the crisis in First Nations communities.

In a call for action, First Nations put forward a plan that provides for reconciliation and begins to close the gaps between First Nations and Canadians. According to the Assembly of First Nations (AFN), part of the plan needs to include rapid movement toward self-government agreements, restoration and expansion of federal funding to First Nations' organizations, implementation of the \$5 billion Kelowna Accord and accelerated resolution of over 800 outstanding specific claims.

In Ontario, the current backlog of unsettled claims is close to 300. This backlog of claims is a result of the failure on the part of the federal and provincial governments to live up to the promises made to First Nations during the Treaty making process. Nearly all of the lands and inland waters in Ontario are subject to Treaties between First Nations and first the British, then Canadian governments.

Treaties are not relics of the past. They are living agreements, and the understandings on which they are based continue to have the full force of Canadian law today. Building a better relationship with First Nations requires the understanding of government and citizens that treaties are the foundation which allowed non-First Nations to settle in Ontario in the first place. However, the current claims process can only settle, on average, eight claims per year and at this rate it will take over 100 hundred years to resolve the backlog. The total value of estimated claims ranges from \$2.6 billion to \$6 billion at the low end. The Chiefs of Ontario are calling on the federal government to establish an independent body to settle the hundreds of outstanding land claims across the country.

First Nations contend that Canada's refusal to sign the United Nations Declaration on Indigenous Rights is a direct attack on their human rights. They further contend that First Nations citizens have the freedom to assert their inherent rights regardless of residence, and that they have jurisdiction over land and resources within their traditional territories.

The issue of jurisdiction over resources has taken on greater and greater significance in recent years, as resource exploration increases in northern Ontario. Premier McGuinty promised to recognize First Nations' constitutional rights over development on their traditional lands, but in 2006 Kitchenuhmaykoosib

Innuuwug (Big Trout Lake) First Nation was forced to sue the McGuinty government, to have its rights recognized, while it faced a \$10 billion lawsuit from Platinex mining exploration company.

On July 28, Justice G. P. Smith of the Ontario Superior Court presided over the decision hailed as one of the most important victories for Aboriginal Peoples in the Ontario justice system. The decision required Platinex to cease drilling operations in the territory claimed by Kitchenuhmaykoosib Innuuwug First Nation.

Justice Smith pointed out that the Ontario government had failed to abide by its own laws. Smith stated that the Ontario government has a fiduciary responsibility to Kitchenuhmaykoosib Innuuwug First Nation that could not be delegated to third parties. "Despite repeated judicial messages delivered over the course of 16 years, the record available in this case sadly reveals the provincial Crown has not heard or comprehended this message and has failed in fulfilling its obligation," wrote Justice Smith.

The issue of land claims has come to the forefront in recent years as a result of several high profile confrontations, Ipperwash and Caledonia being the most notable. But land claims are only one of many obstacles being faced by First Nations communities. Poor drinking water came to public attention with the discovery of e-coli in the water at Kashechewan and subsequent evacuation of the community in 2005. In 2006, there were 33 First Nations communities in Ontario under boil water advisories.

Poor access to health care and education, poverty, racism and high rates of suicide, particularly among young people, continue to plague First Nations communities in Ontario. In the Spring of 2005, the McGuinty Liberals decided to cut the Ministry responsible for Native Affairs by 22 percent. In the Spring of 2007 the Liberal government announced the creation of a separate Ministry of Aboriginal Affairs.

Although First Nations in Ontario welcomed the creation of a stand-alone Ministry as a move that will raise the profile of First Nations issues within government, some see the appointment of the Minister of Natural Resources as also Minister of Aboriginal Affairs problematic, as the mandate of the former is often in conflict with the priorities of First Nations.

Ask your Local Candidates:

Do you commit to recognizing First Nations' constitutional rights over development on their traditional lands?

Do you support the establishment of a permanent, independent and impartial agency to facilitate and oversee the settling of land and treaty claims?

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