



MITCHIKANIBIKOK INIK

Algonquins of Barriere Lake
Les Algonquins du Lac Barriere

WIDMADWIN

Newsletter from the Algonquins of Barriere Lake Customary Chief and Council

February 18, 2008

Note From Council:

This newsletter has been produced to keep people informed and to clear up any misinformation from the Department of Indian Affairs, the Third Party Manager, or the Dissident Group led by Casey Ratt.

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Minister Agrees to Re-Start Court Case and Makes Education Proposal

Our Acting Chief Benjamin Nottaway, received a letter dated January 29, 2008, from the Minister of Indian Affairs, Chuck Strahl, confirming that the Minister has agreed to re-start the court case our Elders Council suspended, so that our Customary Council could try and work out a negotiated solution to all of the outstanding issues we have with the federal government, especially the Third Party Management (TPM) system.



L to R: Jean Maurice Matchewan, Roger Augustine from AFN, A/Chief Benjamin Nottaway, Michel Thusky, during meeting with Minister Strahl's staff in Rapid Lake.

According to our lawyer, Mr. David Nahwegahbow, the court case will re-start in early March 2008.

Status of the Rapid Lake School

In his January 29th letter to A/Chief Nottaway, Minister Strahl also recommended to our community that we implement the curriculum started in September 2007, and that a "parallel process" to discuss 1) how to include Algonquin content into the curriculum and 2) how to include community input into the school system.

Our A/Chief, Benjamin Nottaway responded to Minister Strahl's recommendations in a letter dated February 7, 2008. A/Chief Nottaway agreed to accept the Minister's recommendations about the school if the "parallel process" with the DIA Regional officials includes discussions to: 1) immediately include Algonquin language and cultural content into the Rapid Lake school curriculum; and 2) agree on the role our Mitchikanibikok Inik Education Authority (MIEA) will have in running the school.

On February 10, 2008, our Education Committee sent a community notice out to the parents, school principal, teachers and staff, informing everyone that the school principal, teachers and staff could return the Rapid Lake school and prepare for the merging of the Algonquin curriculum and the September 2007, curriculum, after an agreement with DIA regional officials is achieved.

Our Tribal Council Grand Chief, Norman Young, is organizing a meeting between representatives of our community and DIA for this coming Wednesday, February 20, 2008. We will also have representatives from the Assembly of First Nations and the First Nations Education Council of Quebec attending.

'Minister Re-Starts Court Case' conclusion from page 1

Maintaining Order at the ABL-DIA Meeting



Children eating lunch at the Rapid Lake school.

Our leadership has asked the SQ to be ready to remove anyone who attempts to disrupt the meeting between our legitimate representatives and the Department of Indian Affairs officials.

As many of you know, in the past, we have had members of a long time dissident group try and disrupt our meetings. Our leadership has asked our Education Committee to set out the rules of the meeting before the meeting starts so that the meeting agenda can be addressed in a professional manner.

Questions or Concerns?

If you are a parent with children currently enrolled at the Rapid Lake school and you have any questions or concerns regarding our community's education services please contact any of the members of our Education Committee who are as follows:

- **Rose Nottaway**
- **Leonard Nottaway**
- **Henriett Poucachiche**
- **Marylynn Poucachiche**
- **Maggie Wawatie**

" in the past, we have had members of a long time dissident group try and disrupt our meetings. Our leadership has asked our Education Committee to set out the rules of the meeting before the meeting starts"

AFN Briefing Note on Our Conflict with Canada

OVERALL GOALS OF OUR COMMUNITY:

1. To come to an agreement with Federal Minister of Indian Affairs, **Chuck Strahl**, on a process to resolve the legal dispute between ABL and the Department of Indian Affairs (DIA) regarding DIA's decision to place ABL in Third Party Management (TPM). DIA needs to name a Negotiator and a Mediator.
2. To fix relations between ABL and DIA to enable cooperation in addressing dire social conditions recently documented film-maker **Richard Desjardin** in *The Invisible Nation/Le peuple invisible*. The federal and Quebec governments need to honour the Agreements and Commitments made with ABL through the:
 - **1991 Trilateral Agreement** signed by Canada, Quebec and ABL.
 - **1997 Memorandum of Mutual Intent, Global Proposal & Special Provisions in Contribution Agreements**, to Rebuild ABL community, agreed to by ABL and the Deputy Minister of Indian Affairs.
 - **1998 Bilateral Agreement** signed by Quebec and ABL to negotiate a number of items, including



ABL meeting with Marc Peron, Ministerial Special Representative.

'AFN Briefing Note' continued from page 2

expansion of land-base, electrification of the Reserve, co-management of natural resources and resource revenue sharing.

To seek assistance to keep the ABL School open and operating in the Algonquin language under our community's control. There is no funding agreement in place between ABL and DIA.

LEGAL DISPUTE AND EFFORTS TO FIND A RESOLUTION

Summary of Dispute

DIA made a decision to put ABL into TPM in July 2006, based on an alleged financial deficit. The ABL Elders Council challenged this decision in Federal Court in August 2006. The Elders argue that DIA acted unfairly, without proper consultation and contrary to its own policies by moving ABL from co-management to TPM.

Dispute Connected with DIA's Failure to Fulfill Agreements with ABL

The Elders also claim DIA's failure to fulfill the following agreements breach the honour of the Crown, breach fiduciary obligations and have adversely affected ABL's financial position, which disentitles DIA from appointing a TPM:

1. **Special Provisions** – In this agreement, signed originally in 1997, DIA acknowledged that ABL's financial situation was adversely affected by DIA's decision in 1996 to impose an Interim Band Council and a TPM on the First Nation. Furthermore DIA committed to engage in a process with ABL to address these financial issues and clarify its financial position.
2. **Memorandum of Mutual Intent (MDMI)** -- In this agreement, signed in October 1997, DIA committed to a new relationship with ABL based on mutual respect; and it committed to working with ABL on a Global Proposal to Rebuild the Community.
3. **Trilateral Agreement** – This agreement signed with Canada and Quebec in 1991 basically establishes a consultation and accommodation framework to address the rights and interests of ABL in its traditional territory.

ABL acknowledges it lacks the capacity for financial management and is therefore willing to accept some co-management arrangement on a without prejudice basis, until the issues related to the above three agreements are resolved.

Alternative Dispute Resolution (ADR) Efforts to Date

Around the National Day of Action on June 29th, DIA Deputy Minister, **Michael Wernick**, started discussions with ABL on an ADR process. ABL was looking for a process to negotiate all outstanding issues, including DIA's failure to honour the above agreements. The discussions concluded in September with the appointment of **Marc Perron**, as Special Ministerial Representative. His mandate was fuzzy: it was to fact-find, enter into discussions and report back to the Minister on further negotiations. Despite



Hallway of Rapid Lake school, January 2008.

"The Elders argue that DIA acted unfairly, without proper consultation and contrary to its own policies by moving ABL from co-management to Third Party Management"



L to R: Michael Wernick, DM of DIA, Claire Dansereau, ADM of DIA and Chief Jeaan Maurice Matchewan on Parliament Hill during National Day of Action, June 29, 2007.

'AFN Briefing Note' continued from page 3



"ABL's governance is according to custom. Its Council is, and has always been, selected under custom and not the *Indian Act*."

reservations, ABL tried to make the process work. The Federal Court proceedings were suspended by agreement between ABL and DIA in October 2, 2007, to allow ADR. Unfortunately, the process with Mr. Perron has not worked-out. The community is fed-up with the TPM overall, but is particularly frustrated with the TPM's unilateral manner in running the ABL School. As a result, a majority of the parents forced the closure of the School around the end of November. ABL sent a letter to Minister Strahl on November 26th to find an alternative. On January 7, 2008, the parents sent a written request to the ABL Council to re-open the school with volunteer teachers who will teach only in the Algonquin language until a funding agreement is reached between ABL and DIA to provide for other educational services and supplies.

ACTION REQUIRED/OPTIONS:

Option One: DIA name a negotiator and a mediator to negotiate all of the outstanding issues between ABL and the federal government.

Option Two: DIA agree to return to federal court and resume the court action, but refer it to an ADR process, meaning have a federal judge appointed as a mediator and DIA and ABL appoint negotiators.

ISSUES - BACKGROUND:

ABL Customs

ABL's governance is according to custom. Its Council is, and has always been, selected under custom and not the *Indian Act*. There are divisions in the community as in most other communities, which have been exacerbated by ABL's extremely poor social conditions. However, a vast majority of the community support the existing Council. This is confirmed by a recent report (May 2006) of **Quebec Justice Rejean Paul**.

Social Conditions

Despite the fact that ABL has surrendered Aboriginal title to its traditional territory, the First Nation has been squeezed on to a 59 acre reserve at Rapid Lake, where its people live in run-down, mould-laden and over-crowded houses. Unemployment rates run to 80%. Construction of new homes is not possible because the reserve is too small and the community is not connected to the hydro grid. These conditions are leading to removal of children by Youth Protection Services. ABL's territory has generated wealth and jobs for the regional economy through forestry, tourism and hydro development; but,



L to R: Eric Magnuson and Norman Vocino, from Minister Strahl's office attend meeting in Rapid Lake on January 14, 2008.



'AFN Briefing Note' continued from page 4

ABL has received nothing of these benefits. The marginalization of ABL and other Algonquin First Nations in Quebec was recently documented by noted Quebec film-maker **Richard Desjardin**, in an NFB film entitled *The Invisible Nation/Le peuple invisible*. The NFB called the film an "alarming indictment".

Trilateral Agreement

ABL signed a Trilateral Agreement with Canada and Quebec in 1991 in an effort to gain some benefit as well as control in the management and development of resources within its territory. The federal government unilaterally withdrew from that agreement in 2001. The Quebec Cabinet is currently considering a series of recommendations made jointly by ABL's Negotiator, **Clifford Lincoln**, and Quebec's Ne-



L to R: John Ciaccia, Special Representative for Quebec & Clifford Lincoln, Special Representatives for the Algonquins of Barriere Lake, during a Special Representatives Meeting in Montreal.

gotiator, **John Ciaccia**, for co-management of the territory, resource revenue sharing, expansion of the reserve and connection to the hydro grid. The Quebec Cabinet has delayed in approving the recommendations, which has caused ABL to suspend forestry operations in its territory in October 2007. The Trilateral Agreement is the key to moving forward. Canada's absence at this table impedes progress and undermines ABL's position.

Special Provisions and Memorandum of Mutual Intent

The other two agreements in issue, the *Special Provisions* and *Memorandum of Mutual Intent*, date back to the dispute with DIA in 1996. In 1996, contrary to its own policies and the law, DIA interfered in ABL's customary governance and installed an Interim Band Council (IBC) made-up of a dissident faction within the community. In recognizing the IBC, DIA claimed to be acting on a petition and in accordance with an alleged "modern custom of leadership selection by petition". At the same time, DIA appointed a third party manager, in a manner which was also contrary to their policy at the time. The dispute caused hardship in the community including the closure of the school and suspension of federal funding and programs and services for 1 ½ years. Many of these issues remain outstanding. The dispute was the subject of two Federal Court proceedings, which were not determined on the merits. Instead, the dispute was resolved outside of court through mediation and facilitation.

The mediation was undertaken by **Justice Rejean Paul** of the Quebec Superior Court – his findings in January 1997 confirm that ABL did not select its leaders by petition and therefore that DIA wrongly interfered in ABL's customary governance. Two Facilitators were appointed by DIA and ABL, **Andre**



ABL Delegation Meeting with Quebec Ministers, Geoffrey Kelley and Pierre Corbeil, May 2005.

"The Trilateral Agreement is the key to moving forward. Canada's absence at this table impedes progress and undermines ABL's position"



Scott Serson, signed MOMI when he was Deputy Minister of DIA.



Michel Gratton during ABL Planning Meeting with Clifford Lincoln in background.

“Casey Ratt . . .
wrongly asserted
notice of a new
Customary
Council within our
First Nation”



Toby Decoursay, Member of ABL Elders Council.

‘AFN Briefing Note’ conclusion from page 5

Maltais and **Michel Gratton**, to resolve the leadership issue and to address outstanding issues based on Judge Paul’s Report. The Facilitators resolved the leadership issue in 1997, by overseeing the codification of ABL’s customs and reaffirming ABL’s Customary Council. DIA recognized the ABL Customary Council in April 1997.

Messrs Maltais and Gratton were also mandated to address outstanding issues – issues caused by DIA’s improper intervention in 1996. They facilitated a resumption of DIA funded services to the reserve and the signing of a Contribution Agreement in 1997, which contained a Special Provision. This Special Provision has been in every Contribution Agreement signed since 1997 and commits DIA to engage in a process with ABL to address the financial issues related to DIA’s interference with ABL’s governance in 1996-97. DIA also signed a *Memorandum of Mutual Intent* with ABL, which had attached to it a Global Proposal to Rebuild the Community. DIA has fulfilled some aspects of the MMI; however, it has totally refused to honour the Special Provisions.

Message From Elder Harry Wawatie About the Dissidents and DIA-Quebec

By Harry Wawatie, Elders Council

On February 4, 2008, on behalf of the **Mitchikanibikok Inik Elders Council**, I wrote a letter to the governments of Canada and Quebec about a letter dated January 31, 2008, from **Casey Ratt** which wrongly asserted notice of a new Customary Council within our First Nation. I asked the governments to please disregard the letter because there has been no new leadership selection process undertaken within Barriere Lake.

I asked the governments to refer to **Mr. Justice Rejean Paul’s Report of May 22, 2007**. The group that is claiming to have selected a new leader is the same dissident group that Justice Paul’s Report talks about. It is also more or less the same dissident group that was at the core of the dissension in our community during 1995-96, which was also pointed out by Justice Paul.

Justice Paul’s Report of May 22, 2007 is based on the principle that our First Nation’s Elders have a key role in convening leadership meetings and in nominating candidates for our Customary Council. Our Elders’ Council, which consists of **Toby Decoursay, Jeannine Matchewan, Louisa Papatie** and me, were recognized in Justice Paul’s Report, as being the Elders Council who presided over the leadership selection process of July-August 2006, which Judge Paul confirmed as being legitimate.

Our Elders’ Council did not preside over the selection process referred to by **Casey Ratt**; nor did we nominate Casey Ratt for any leadership position or any of those individuals mentioned in his letter. In



Former ABL Chief and Elder, Harry Wawatie, during a protest on Victoria Island, October 2001.

'Message from Elder Harry Wawatie' continued from page 6



Quebec Judge Rejean Paul speaking at the Rapid Lake Reserve on February 10, 2007, to supporters of legitimate Customary Council during mediation process.

following members:

- **Acting Chief Benjamin Nottaway**
- **Jean Maurice Matchewan**
- **Moise Papatie**
- **David Wawatie**
- **Jean Paul Ratt**

I communicated to the governments that obviously, the dissidents within our community will continue agitating and communicating with them in the hope that the governments will acknowledge them. This conduct was encouraged by the **Department of Indian Affairs (INAC)** when it intervened to recognize an "*Interim Band Council*" in 1996. The dissidents engage in these activities to try and undermine our real leadership and empower themselves. We really cannot stop them – we live in a free and democratic society and our customary system of government is not intended to suppress debate. However, our Customs do not permit just anyone to claim rightful leadership or to be recognized as such. Our customs establish a set of rules for this process, these have now been codified and acknowledged by Justice Rejean Paul.

I told the governments that Casey Ratt's group did not follow the rules, and I asked them to not give their claims of leadership any credibility: just ignore them. The more attention the governments give them the more they will continue with their disruptive activities.

I told both governments (Canada & Quebec) that the lack of progress in achieving a negotiated solution to matters outstanding between the Algonquins of Barriere Lake and their respective governments is

fact, we were not involved in any way with the process referred to by Casey Ratt; and I affirmed to the governments that whatever process they were engaged in, it was not in accordance with our codified leadership selection customs – our *Mitchikanibikok Anishinabe Onakinakewin*. Casey Ratt's letter of January 31, 2008 says that **Laurier Riel** attended their meeting and intends to write a report. However, Mr. Riel is not an expert in our Customs; he is not a judge; he is not a lawyer. He is a court-worker.

I confirmed to the governments that our Customary Council continues to consist of the



Ron Irwin, while Minister of Indian Affairs, illegally recognized the IBC, a decision that was overturned. (Photo courtesy of Boston Women's Association)

"I told the governments that Casey Ratt's group did not follow the rules, and I asked them to not give their claims of leadership any credibility: just ignore them"



Robert Nault, while Minister of Indian Affairs, walked away from the ABL signed Agreements in July 2001. (Photo CBC)



Chuck Strahl, federal Minister of Indian Affairs, has been asked to name a negotiator and mediator to settle the outstanding issues between ABL and Canada.

“real tension growing in our community because of the third party manager’s unilateral decisions in managing our community’s affairs”

‘Message from Elder Harry Wawatie’ conclusion from page 7

also creating a climate for dissatisfaction amongst our dissidents. Our Elders Council is aware that Acting Chief Benjamin Nottaway, is trying to seek a negotiated solution with Quebec on a range of issues under the Trilateral Agreement, including resource revenue sharing. Quebec and Barriere Lake’s Special Representatives, **Messrs. Ciaccia and Lincoln**, issued joint recommendations on these matters in July 2006 – a year and a ½ ago – to which we still do not have a positive response from the Quebec government.

Federally, A/Chief Nottaway is trying to get Canada to uphold and fulfill the agreements it signed with our First Nation, including the **Trilateral Agreement (1991)**, the **Memorandum of Mutual Intent (1997)** and the **Special Provisions (originally signed in 1997 and attached to every successive Contribution Agreement until 2006)**. These federal commitments are at the core of a dispute over the decision to impose a third party manager on our First Nation. Our A/Chief Nottaway has requested that Minister Strahl, urgently name a negotiator and a mediator to address all of the outstanding issues between our First Nation and the federal government. Minister Strahl’s January 29, 2008, letter to A/Chief Nottaway shows that at the Minister’s level DIA is moving to resolve the outstanding issues.

However, I told the governments that there is real tension growing in our community because of the third party manager’s unilateral decisions in managing our community’s affairs. A number of these individuals associated with the Casey Ratt dissident group are in fact working for the INAC third party manager. In fact, this includes Casey Ratt himself. This certainly creates the impression that the third party manager and the Department of Indian Affairs, at least at the regional level, may be behind the activities of the dissidents.

I urged both governments to respond positively to A/Chief Nottaway on the negotiations needed between our Customary Council and their governments.

Update From A/Chief Benjamin Nottaway About Canada-Quebec Relations

By Benjamin Nottaway, A/Chief, Customary Council

Kwe Anishinabe:

We have published this newsletter to update you on what is happening in our talks with the governments of Canada and Quebec. We also want to inform you about the activities of the dissident group to undermine our efforts to hold the governments accountable.

Relationship with Canada

We are basically seeing a repeat of what happened to our community in 1996-97, when DIA tried to impose a dissident group over our community, which was known then as the “Interim Band Council” (IBC).

Back then, the federal and Quebec governments didn’t like Chief Matchewan’s leadership, which led to



This is one of the original tents ABL put up on Parliament Hill in 1988, and again of the Nat’l Day of Action, June 29, 2007.



Benjamin Nottaway,
Acting Chief, Algonquins of Barriere
Lake

'Update from A/Chief Benjamin Nottaway' continued from page 8

the signing of the 1991 Trilateral Agreement.

The Trilateral Agreement was an alternative to the federal Comprehensive Claims policy, which requires extinguishment of our Aboriginal title and borrowing money to negotiate our Algonquin title and rights. All of the other Algonquin communities supported our community before the Trilateral Agreement was signed in 1991. The Algonquin Council of Western Quebec and the Lac Simon Band Council, passed resolutions supporting the Barriere Lake Trilateral Agreement approach.

Ever since the Trilateral Agreement was signed we have been fighting with one or both governments to get them to respect the Agreement and implement it. This is true for the 1997 Memorandum of Mutual Intent we signed with the federal government and the Special Provisions, which were included in our community's Contribution Agreements with DIA—until the Third Party Manager signed the last Contribution Agreement on our behalf without our consent.

It appears to us on Council that the federal government wants us to forget about the last 28 years of struggle to get a decisive voice in how our traditional territory is managed, how our customs are respected when programs and services are delivered and how our Customary form of governance is recognized and respected by outside governments.

In 1996-97, just like now, the federal government is using the dissidents to agitate against our Customary Council to try to make leadership the issue. The Department of Indian Affairs, led by Mr. Pierre Nepton from the DIA Quebec Regional Office, has an agenda to try and ignore the Agreements they have signed with our community. They want to get out of their responsibilities and liabilities for breaking these solemn Agreements.



Pierre Nepton, Associate Regional Director General, DIA-Quebec. Appears to be working with the dissidents.

It was Pierre Nepton who always showed up at our Band office with the dissidents when Harry Wawatie was Chief. It was Pierre Nepton who sent the letter refusing to recognize our Customary Council when we were selected by the people in the Summer of 2006, because the dissidents had once again claimed they had selected the Chief and Council for our community.

Since 1997, we have had our codified leadership selection customs – our *Mitchikanibikok Anishinabe Onakinakewin*. The DIA knew they were not supposed to get involved in our leadership selection process, but they did when they refused to recognize our Council in 2006.

We went for 10 months without DIA recognizing our leadership. In the end, Quebec Judge Rejean Paul's Mediation Report confirmed what we already knew, that our leadership selection process was valid under our own Governance Code. The delay just bought more time for DIA not to have to address our demands to have the Agreements they signed with us respected by them.

After Judge Paul's findings in his report, DIA had to send a letter on May 29, 2007, recognizing our Custom-



Logging truck leaving ABL territory with logs. ABL gets no benefit from the forestry activities only impacts.

"The Department of Indian Affairs, led by Mr. Pierre Nepton from the DIA Quebec Regional Office, has an agenda to try and ignore the Agreements they have signed with our community"



As we know DIA has done nothing about our moldy, condemned, overcrowded housing for years.



Jacques Proulx, CA
associate of Lemieux, Nolet.
(Photo by Lemieux, Nolet)

“Even though DIA recognized our Chief and Council on May 29, 2007, Jacques Proulx, the TPM, has ignored us in all of his decisions in managing our community’s affairs”

 LEMIEUX NOLET
comptables agréés

 Indian and Northern Affairs Canada / Affaires Indiennes et du Nord Canada
Canada

‘Update from A/Chief Benjamin Nottaway’ continued from page 9

ary Chief and Council as the legitimate governing body for our community. However, since July 2006, DIA has placed us under Third Party Management. We have not had any say in our community’s financial affairs since mid-July 2006. The Third Party Manager (TPM) works for the DIA.

Even though DIA recognized our Chief and Council on May 29, 2007, as the legitimate leadership of our community, Jacques Proulx, the TPM, has ignored us in all of his decisions in managing our community’s affairs. We get complaints from our members about how our community affairs are being managed but we have been excluded from the decision-making process.

Who did the TPM hire to work on our community affairs? He hired some of the the dissidents. The same individuals who are actively trying to defy our authority as the Customary Council of our community, are being paid by DIA to challenge our leadership. They sent letters to the governments on January 31, 2008, falsely claiming our community has named a new Council headed up by Casey Ratt as Chief.

Some of the individual dissidents working for the TPM who are behind this false claim are:

- Casey Ratt, hired by the TPM without our consent as the Community Health Worker.
- Jules Papatie, hired by the TPM without our consent as the Education Director. Jules Papatie also supported the IBC in 1996-97, until he switched over when he realized the dissidents wouldn’t succeed..

Some of the other dissidents behind the January 31, 2008, letters to governments, falsely claiming Casey Ratt as a new Chief, along with a new Council, are associated with the former IBC from 1996-97, they are as follows:

- Mary Whiteduck.
- Liza Chief.
- Cecile Ratt.
- Mary Jane Nottaway.
- Louise Wawatie-Pien.
- Jeanne Nottaway.
- Dominick Ratt.
- Nellie Ratt.
- Jacqueline Ratt.
- Abraham Ratt.



Casey Ratt, is falsely claiming he is the Chief of our community.

We believe the dissidents and DIA are collaborating because the two sides want to change our customary governance system into an elective system and cut a new deal for programs and services that ignores the previous Agreements we have signed.

Back in 1996, when DIA withdrew recognition from our legitimate Customary Council and tried to impose the

'Update from A/Chief Benjamin Nottaway' conclusion from page 10

IBC, Michel Gratton told us that he had a meeting at the time with Denis Chatain, the then Regional Director-General of DIA-Quebec, Michel Gratton also remembers that Denis Chatain was accompanied by Pierre Nepton at the time. Denis Chatain told Michel Gratton that DIA will wait 20 years or more if they have to, but they will beat our community.

Why is DIA doing this to us? We believe it is because they never liked signing the 1991 Trilateral Agreement. The only negotiating process DIA wants First Nations like ours to enter into is the Comprehensive Claims policy.

Relationship with Quebec

In 1998, a Bilateral Agreement was signed between our community and the Quebec government, section seven of the Agreement provides for negotiations over a number of subjects related to our community's social and economic development, including co-management of natural resources and revenue-sharing.

In July 2006, the Quebec Special Representative, John Ciaccia and our community's Special Representative, Clifford Lincoln, sent seven Joint Recommendations to the Quebec government regarding the 1991 Trilateral Agreement and the 1998 Bilateral agreement. So much of our future rests with the Quebec response to the Ciaccia-Lincoln Joint Recommendations, and the need for Canada to return to the Trilateral Agreement table.

Conclusion

In October 2007, our Council sent a message out to all of the logging companies operating in the Trilateral Agreement Territory, informing them that we will not agree to any new forestry operations starting until we receive a satisfactory response from the Quebec government. We allowed Bowater to pick up the blow-down wood on the territory, but not standing trees.

It has been over 18 months since the Ciaccia-Lincoln Joint Recommendations were sent to the Quebec government and we have received no official word on their status. Unofficially, we have heard that the Quebec government agrees with six of the seven recommendations. The recommendation the Quebec government doesn't agree with is about revenue-sharing recommendation. We compromised on the amount of \$1.5 million per year with a formula for increases. We will not accept anything less.

With the Spring approaching we will have to consider what other actions can we take as a community to convince the Quebec government to accept the reasonable recommendations made from two respected Elders from the Quebec society, Messers: Ciaccia and Lincoln.

We may face new challenges, but we all should give our respect to Jean Maurice Matchewan and Harry Wawatie for their leadership as the previous Chiefs of our community. These two have signed only honourable Agreements with the governments. They did not sell-out our rights.

As the next generation, we must be ready to hold the governments of Canada and Quebec to account and have these Agreements implemented, while we also protect our customary system of governance. We must go forward not backwards.

In my capacity as your A/Chief and a member of Council, I want you to know I will do my best to protect our community's rights and interests. One of these actions involves informing you through this newsletter. We are also distributing this publication outside our community to clear up the misinformation being sent out by the dissident group. We have no problem with an opposition, as long as they are honest, and this dissident group isn't being honest, either in our community, or outside our community. So we are sending out our own message to community members and interested people outside our community.

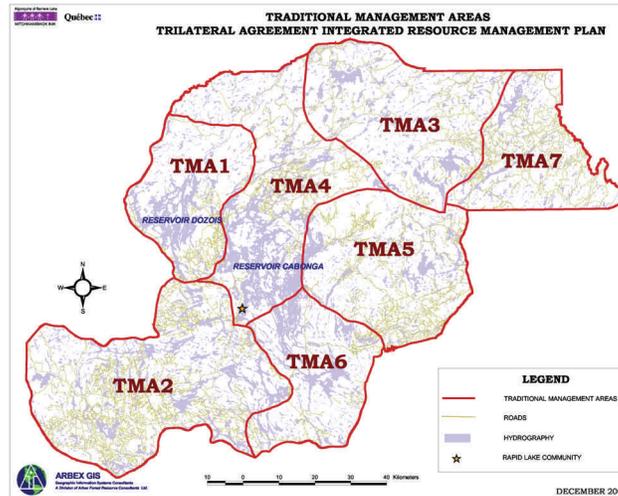


SQ monitoring situation at suspended logging site within Trilateral Agreement Territory at Nelligan Lake, May 2005.

“all forestry operations are suspended, pending a satisfactory response from Quebec”



Forestry Operations Suspended Until Positive Response Received from Quebec



Annex 2 Trilateral Agreement Territory and Traditional Management Areas (TMA's) is the territory where a draft Integrated Resource Management Plan for forest and wildlife has been developed under the Trilateral Agreement process for negotiation between ABL and Quebec.

over 19 months ago, and they are based upon two agreements: the **1991 Trilateral Agreement**, which was signed 16 years ago between Canada, Quebec and the Algonquins of Barriere Lake, and the **1998 Bilateral Agreement**, which was signed between Quebec and the Algonquins of Barriere Lake signed 9 years ago. Meanwhile, resource extraction has continued on our Territory netting approximately \$100 million annually, without any benefits going to our community.

In summary, the **Ciaccia-Lincoln Joint Recommendations** are as follows:

1. Recognition of the trilateral agreement territory. We recommend that the trilateral agreement territory described in **Annex 1** and **Annex 2, 1991**, be recognised as special zones within which resource development plans and operations are subject to the Integrated Resource Management Plan approved by both parties. We recommend that these special zones be identified as such in the Land Use Plans and be given appropriate visibility on official land use maps of Québec.

2. Integrated Resource Management Plan

2.1 Forestry: The parties have produced **seven management plans**, one for each **Traditional Management Area** in the **trilateral agreement territory, Annex 2**. These plans identify the areas of concern for the Algonquins of Barriere Lake and the level of protection that will be given to these areas of concern. We recommend that these forestry management plans be approved as frameworks for the ongoing management of forestry resources in the **Annex 2 territory** and that a process be undertaken to consider the extension of these forest plans principles to the **Annex 1 territory**.

2.2 Wildlife: The parties have examined **five wildlife management plans**, one for each of the following species: **moose, bear, fur-bearing animals, small game and fish**. A joint document has been pro-

On October 26, 2007, Acting Chief, **Benjamin Nottaway** of the Algonquins of Barriere Lake, issued a letter to Quebec Minister Responsible for Native Affairs, **Benoit Pelletier**, calling on him to obtain a satisfactory response from the Quebec Cabinet to the Joint Recommendations of the Special Representative of Quebec, **John Ciaccia** and the Special Representative of the Algonquins of Barriere Lake, **Clifford Lincoln**. A/Chief Nottaway also informed Minister Pelletier that all forestry operations are suspended, pending a satisfactory response from Quebec.

The seven joint recommendations were submitted to the Government of Quebec

'Forestry Suspended' continued from page 12

duced which summarises the extent of the consensus on wildlife issues and this document will serve as a guideline for our recommendations.

2.3 Lands: The Lands section of the ministry of Natural Resources and Wildlife has joined the talks. The Algonquins of Barrière Lake have indicated that they do not support the proposal submitted by Lands for the development of cottages in 2006. Lands has indicated it is aware of the need to work co-operatively with ABL to reconcile its comprehensive land use plan with the IRMP.

2.4 Social indicators: We recommend that the impact of the IRMP and subsequent resource development on the society and the culture of the Algonquins of Barrière Lake be monitored. To do this, a list of indicators has been developed and we recommend that the parties use this list as a basis to begin assessing the social and economic development of the Algonquins of Barrière Lake community. We also recommend that the continuation of this assignment be entrusted to the co-management committee to be set up when a final agreement is signed.

3. Participation in the management of renewable resources: This item is listed in article 7 of the bilateral agreement of 1998. We make two basic recommendations on this item. First, in order to provide for ongoing input by the Algonquins of Barrière Lake in the management of resources, we recommend that a joint Québec / ABL co-management committee be instituted and mandated to oversee the implementation of the IRMP, to manage the IRMP process on an ongoing basis, to make recommendations to the parties on changes to the IRMP and to make recommendations to the parties on issues not already addressed in the IRMP. Secondly, we recommend that a local Barrière Lake natural resources office be put in place in Rapid Lake.

4. Revenue sharing and access to resources: We recommend that the economic aspect of the Algonquins of Barrière Lake's asserted interest in the trilateral agreement territory be accommodated by way of an annual financial contribution by the Government of Québec to the Algonquins of Barrière Lake. We recommend that this annual contribution be established at \$1.5 Million and include the monetary value of a theoretical volume of timber. We recommend that this amount be increased yearly to reflect any increase in revenue generating resource development activity on the trilateral agreement territory, **Annex 2**, and also on the **trilateral territory, Annex 1**. We further recommend that this yearly contribution be paid to a fund managed by a duly constituted corporation of ABL of Barrière Lake for the purpose of supporting and promoting the social and economic development of the Algonquins of Barrière Lake. We recommend that this yearly contribution be paid over and above other regular Québec government programs namely the Aboriginal Economic Development Fund and that measures be taken by the Government of Québec and the Algonquins of Barrière Lake to protect this fund from fiscal, own source or any other provincial or federal government policy that would reduce the value of this contribution.

5. Expansion of the Land Base of Rapid Lake: We recommend that the agreement in principle reached on 27 April 1999 between Québec, Canada and the Algonquins of Barrière Lake be confirmed



L to R: Carol McBride, ABL Special Representative, Benoit Pelletier, Quebec Minister of Native Affairs and Chief Harry Wawatie during meeting on Trilateral Agreement issues in Quebec City, Dec. 2003.

"we recommend that a joint Québec / ABL co-management committee be instituted and mandated to oversee the implementation of the IRMP, to manage the IRMP process on an ongoing basis"



L to R: Rémy Trudel, Quebec Minister for Native Affairs, Chief Harry Wawatie, Premier Bernard Landry, Carol McBride, ABL Special Representative, December 5, 2002.



Camping out during Algonquin Nation Secretariat Annual Assembly, August 2007.

“I accepted to act as mediator in an attempt to resolve a serious recurrent leadership issue within this Native community”



Chief Jean Maurice Matchewan and Quebec Judge Rejean Paul in discussions before a community fest and meeting during mediation process, Feb. 2007.

‘Forestry Suspended’ conclusion from page 13

and implemented. This agreement provides for the immediate transfer of 3,7 square kilometres of public land to Canada for the Algonquins of Barrière Lake and the transfer of an additional 6,3 square kilometres conditional to a housing and infrastructure development plan by Canada. These lands must be contiguous to the Rapid Lake reserve, include the access road and be situated east of highway 117.

6. *Electrification of Rapid Lake:* We recommend that the village of Rapid Lake be hooked up to the Hydro-Québec grid by way of a 34,5 kv line from Grand Remous to Rapid Lake, operated at 25 kv for the foreseeable future. We recommend that the cost of bringing this electricity to Rapid Lake be born entirely by Hydro-Québec, as has been the practice to provide electricity to Quebec residents in their communities. This would appear to be especially appropriate in this situation since the original reserve site was flooded to build a network of hydro-electric reservoirs and that the present reserve lies on the shore of one of these reservoirs.

7. *Without prejudice:* All of the above provisions will be detailed in a legally binding agreement between the Government of Quebec and the ABL to be prepared on the acceptance of the present recommendations. The agreement shall provide that nothing in the present agreement shall be a recognition or denial of aboriginal right to the territory.

Highlights of Mediation Report by Quebec Judge Rejean Paul - May 26, 2007

On January 23, 2007, at the request of the Algonquins of Barrière Lake and of the authorities of the Quebec City office of Indian and Northern Affairs Canada, I accepted to act as mediator in an attempt to resolve a serious recurrent leadership issue within this Native community located in the Parc de La Vérendrye. The Honourable François Rolland, Chief Justice of the Quebec Superior Court, had previously granted his authorization, for which I offer him my thanks.

MANDATE

To examine and assess the information and documents pertaining to the two selection processes held to fill leadership positions at Barrière Lake, including the customs of the community. To meet with the members of the two proposed Councils of Elders and the two proposed Band Councils, and, if need be, any other community member in order to assemble all pertinent information and to assess the present situation regarding the disagreement concerning leadership at Barrière Lake;

To bring together the principal representatives from the two proposed Councils of Elders and the two proposed Band Councils, and, if need be, any other person in order to help them establish a climate of communication to discuss the contentious issue, to develop options, to come to a consensus, and to identify a fair, viable and satisfactory solution for the two parties;

If the mediation leads to an agreement, to put down in writing the points with which the parties agree and to write up a report for Indian and Northern Affairs Canada;

If the mediation does not lead to agreement, to put down in writing the points with which the parties

'Highlights of Mediation Report' continued from page 14

disagree, and, if the need arises, the points with which they agree. To write up a report for Indian and Northern Affairs Canada and to make recommendations.

Background:

This is the second time that I have been asked to try to lessen internal tensions and to re-establish a relative climate of cooperation, favourable to a normal development of this all-in-all likeable community.

Already in 1996, there was a major conflict following the Indian and Northern Affairs Canada recognition of a group claiming to represent the majority of the members, as a result of a petition in favour of this group.

I had then discovered a real "guerrilla movement" existing on the Reserve and extending as far as Maniwaki and Val d'Or for many members living off the Reserve. Nobody wanted to concede an inch, and, following a request signed by the leader of one of the groups, the Elder George Nottaway (since deceased), I had to cease my activities, having lost the confidence of this group (at that time recognized by INAC as forming the Band Council).

However, I had no intention of ending the mandate without first indicating that, in my opinion and according to my research, the selection of Band Council members had to be carried out according to Custom. To this effect, my letter of resignation dated January 13, 1997 is quite explicit:

SPECIAL REPORT

On January 13th, 1997, at the request of the group led by elder George Nottaway, I have agreed to stop immediately my mediation efforts in the case of the Algonquins of Barrière Lake. This mediation was intended to write down the customs of the Band regarding the selection of its Chief and Council."

My findings, after eight months of intensive work with the help of two outside elders, are the following:

1) Before 1964, one single Chief was running the Community affairs for almost 60 years: David Makokoase.

2) Since 1964, the Chiefs were selected by the elders with the participation of the community members.

In those days, the community members were living within their traditional territory. So, those present on the settlement could participate in the selection process. The last selection took place in 1980, when former Chief Jean-Maurice Matchewan was selected. He was Chief until January 23rd, 1996, when the Authorities of the Department of Indian Affairs decided to recognize an Interim Band Council until June 30th, 1996, in order to put down in writing the customs of the Band regarding the selection or election of the Band Council.

On the 7th of May 1996, I was appointed mediator for the same purpose, i.e., to put down in writing the customs of the Band regarding the leadership issue.



Community feast starts mediation meeting in Rapid Lake, Feb. 2007.

"Before 1964, one single Chief was running the Community affairs for almost 60 years: David Makokoase"



Judge Rejean Paul talks to the Matchewan Council supporters during mediation process, Feb. 2007.



Community members during mediation session with Judge Paul, Feb. 2007.

“the community reaffirmed that the Mitchikanibikok Anishnabe Onakinakewin (Customary Governance Code) well represented their custom pertaining to governance and the selection of their leaders”

‘Highlights of Mediation Report’ continued from page 15

After many meetings and trips, with the help of my two elders – Robin Greene and Robert Kanatweat, I have come to the conclusion that the customs of the Band regarding the selection of its Chief and Council are the following:

a) Selection by the elders

With

b) the participation of the Community Members

Following this, Indian and Northern Affairs Canada named two persons as facilitators on March 6, 1997:

Mr. André Maltais, present Associate General Secretary at the Secrétariat des affaires autochtones du Québec.

Mr. Michel Gratton, former Quebec Cabinet minister in several portfolios.

These men submitted an excellent report on May 31, 1997. Briefly, the facilitators noted that the community reaffirmed that the Mitchikanibikok Anishnabe Onakinakewin (Customary Governance Code) well represented their custom pertaining to governance and the selection of their leaders.

On April 9, 1997, in accordance with the provisions of this customary code and in the presence of numerous observers with the community’s consent, a Band Council was selected.

As early as April 17, 1997, the interim General Director for Quebec (Indian and Northern Affairs Canada), Mr. Jérôme Lapierre, recognized the legitimacy of this new Band Council.

The collected proof as well as the examination of the numerous documents submitted, and particularly the report made by the facilitator, Michel Gratton, dated August 3, 2006, would seem sufficient to clear up the dispute. I have reproduced this report:

Algonquins of Barriere Lake

Leadership Selection Process

Report by Michel Gratton

August 3, 2006.

At the request of Algonquin Nation Secretariat, I observed the culmination of the Leadership Selection Process (Wasakawegan/Blazing) in the Band Office at Rapid Lake on Monday, July 24th, 2006 along with Peter Di Gangi, Director General of the Algonquin Nation Secretariat, and meeting held on Tuesday, August 1st, 2006, in the same locale, to ratify the selection of the new Chief and Council.

The following is my narrative of these two meetings:



Community members during mediation session with Judge Paul, Feb. 2007.

'Highlights of Mediation Report' continued from page 16

Monday, July 24th

The meeting, convened for 11h00 by the Council of Elders, was opened by former Chief and elder Harry Wawatie et 12h15 in front of over 60 adults of the community. All through the proceedings, other people continued to file in and out.

At around 12h25, a woman elder escorted Jean-Maurice Matchewan, as nominated Chief, to a chair situated in the centre of the room, and other elders successively escorted Jean-Paul Ratt, David Wawatie, Benjamin Nottaway and Moise Papatie, as nominated members of Council, to other chairs. The spouses of the nominated candidates sat behind them.

One woman present expressed dissent with the nominations and a discussion ensued, with the participation of some elders.

At approximately 12h40, an elder asked that community members supporting the nominated Council rise. The vast majority (minus some 7 or 8 people) rose to express support. Arguments continued with 3 women raising objections and many others responding.

At around 12h45, Jean-Maurice Matchewan addressed the meeting, after which most of the people present rose to congratulate the selected members of Council and their spouses.

At 12h50, former Chief Harry Wawatie spoke then shook hands with the members of Council. Councillor Jean-Paul Ratt then addressed the meeting, after which there was applause and the meeting was adjourned.

Tuesday, August 1st

The Council of Elders had convened this meeting of all community members for 10h00 to confirm the leadership selection of July 24th. People who were not able to attend were asked to write and sign declarations of support for the new Chief and Council. I was the only outside observer at this meeting.

At 11h30, Jean-Maurice Matchewan addressed the meeting of some 90 people, followed by former Chief Harry Wawatie. People present were then invited to rise to show their support for the Chief and Council members selected on July 24th. All present rose and applauded.

Other people continued arriving whose names were noted. Ten letters of support were also submitted from absent community members. By the time I left to return home at 12h15, a total of 112 adult members had indicated their support, either in person or in writing, and community members were continuing to bring new supporters to the Band office.

Conclusion

In 1997, André Maltais and I had occasion to act as facilitators in the leadership selection process of the Chief and Council. We studied the ABL custom for the leadership selection and were able to observe that it had been respected in every detail.



Quebec Judge Rejean Paul addressing community members in Rapid Lake during mediation meeting, Feb. 2007.

"In 1997, André Maltais and I had occasion to act as facilitators in the leadership selection process of the Chief and Council. We studied the ABL custom for the leadership selection and were able to observe that it had been respected in every detail."



ABL Elder Harry Wawatie addresses Judge Paul during mediation meeting in Rapid Lake, Feb. 2007.



L to R: Chief Harry Wawatie, Matthew Coon-Come, AFN National Chief, Tony Wawatie, ABL member, Carol McBride, ABL Special Representative during a protest on Victoria Island, Oct. 2001.

“according to my assessment of the situation, only the Matchewan group can claim to form the Band Council”



Part of ABL campsite on Parliament Hill during Nat'l Day of Action, June 29, 2007.

‘Highlights of Mediation Report’ continued from page 17

In the case of this 2006 leadership selection, although I did not attend the meetings of the Council of Elders, I was able to observe that the general community meeting of July 24th and August 1st were duly convened and attended by numerous eligible community members. I have no reason to believe that the Custom was not respected throughout the leadership process. I therefore conclude that the leadership selection of July 24 was conducted according to the ABL Custom.

(signed)

Michel Gratton

This General Assembly followed the resolution of July 19, 2006, reproduced below:

Resolution of Mitchikinabikok Inik

WHEREAS, as per our ***ONAKINEGEWIN***, the Mitchikinabikok Inik eligible members convened Community meetings and consultations on the resignation of Chief Harry Wawatie and the Community Leadership and,

WHEREAS, the Mitchikinabikok Inik Elders held a meeting on July 19, 2006 to establish a Council of Elders as required by our ***ONAKINEGEWIN*** to select a new Customary Chief and Councillors,

THEREFORE BE IT RESOLVED, that we the undersigned Mitchikinabikok Inik Elders hereby approve the following candidates to preside on our Community Leadership selection process:

1. Harry Wawatie
2. Toby Decoursay
3. Jeannine Matchewan
4. Louisa Papatie

BE IT FURTHER RESOLVED, that we hereby adopt the Eligibility of ***MITCHIKINABIKOK INIK*** members to participate in our Leadership selection.

IT IS FINALLY RESOLVED, that our Council of Elders is mandated to call a Community General Council Assembly on July 24, 2006 for the selection of our new Customary Chief and Council members.

Adopted at Rapid Lake on July 19, 2006

The convened General Assembly was held in the offices of the Band Council. The other group – representing a small minority at that time – met in the gymnasium. (I have identified this group using the names of two of the leaders: Jules Papatie and Hector Jerome.)

The procedure followed by the latter group was tentatively and clumsily modeled on the procedure observed by Mr. Gratton that led to the election of Chief Jean-Maurice Matchewan and his Councillors, but did not respect the Customary Governance Code. Consequently, according to my assessment of the situation, only the Matchewan group can claim to form the Band Council. The petition approach adopted by the other group is not in keeping with the customs of the Algonquins of Barrière Lake, according to the Maltais and Gratton facilitator report of 1997.

'Highlights of Mediation Report' conclusion from page 18

Some Additional Comments:

I noticed that the group calling itself Maigan Agik (belonging to the Papatie-Jerome group), residing near Lac Jean-Père, is made up of First Nation members living off-reserve on the traditional territory; other members of the Barrière Lake band have not set foot on the Reserve or on the traditional territory in ages. Moreover, as in 1996, except for the addition of young members and of former members of from the Jean-Maurice Matchewan clan, it is essentially the same group that was temporarily recognized as legitimate by Indian and Northern Affairs Canada and whose temporary Band Council offices were located in Maniwaki.

With regard to the Jean-Maurice Matchewan group – they essentially reside on the Reserve and on the traditional territory.

A Final Observation:



ABL youth hold a sign during a protest at DIA-HQ in Hull, October 2001.

For the benefit of certain members of the Barrière Lake Community describing themselves henceforth as Maigan Agik Anishnabe and residing in appalling conditions on the shores of Lac Jean-Père, I would like to mention that it is utopian for them to hope that a new village will be created in the area surrounding 1000 rue Maigan Agik, Parc-de-le-Vérendrye.

The Government of Canada is ready to invest several million dollars to reconstruct the present Algonquin village of Barrière Lake. The residents of Maigan Agik who are members of the Barrière Lake Band will be able to reintegrate the Reserve, if they wish, and to have their home there upon construction of the new village; it seems to me that they are deluding themselves if they think that the Government of Canada will spend millions of additional dollars of public funds to create another village close to the Reserve for members of the Barrière Lake Community living off-reserve. All Canadian citizens can live where they want. All First Nation peoples can live where they want, either on traditional territory or elsewhere. But they can not, in my humble opinion, demand a substantial outlay of public funds from the Government of Canada simply because they do not agree

with other members of their Band, of which they are still a part. This must be stated clearly since all kinds of "gossip mongers" can incite certain members of the Barrière Lake Community to believe false, misleading information.



House on the Rapid Lake Reserve.

"The residents of Maigan Agik who are members of the Barrière Lake Band will be able to reintegrate the Reserve, if they wish, and to have their home there upon construction of the new village"



Inside a home at Rapid Lake needing repairs.



Algonquins of Barriere Lake Customary Chief and Council

A/Chief Benjamin Nottaway
Algonquins of Barriere Lake
Rapid Lake, Quebec J0W 2C0

Contact: Marylynn Poucachiche
Phone: (819) 435-2113
E-mail:
marylynnpoucachiche@hotmail.com

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

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

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

PLEASE CONTACT US IF YOU WANT MORE INFORMATION!

Visit Our Tribal Council
on the Web!

www.algonquinnation.ca

What Can You Do To Help Us?

If you support our efforts to get the federal and Quebec governments to honour the Agreements they have signed with our First Nation you can call, fax or write the following representatives of the governments:

CANADA:

Prime Minister Stephan Harper

Chuck Strahl, Minister of Indian Affairs

Lawrence Cannon, M.P. Pontiac Riding, Minister of Transportation, Infrastructure & Communities

C/o House of Commons

Ottawa, Ontario K1A 0A6

QUEBEC:

Premier Jean Charest

Benoit Pelletier, Minister Responsible for Native Affairs

Claude Bechard, Minister of Natural Resources, Wildlife & Parks

Stephanie Vallee, MNA, Gatineau Riding

c/o National Assembly of Quebec

Quebec (Quebec) G1A 1A4

COMMON SENSE
COMMON FUTURE

