

**Written Submission to the Standing Committee on Indigenous and  
Northern Affairs on the Restitution of Land to First Nations, Inuit, and  
Métis Communities**



**By: Algonquins of Pikwàkanagàn First Nation**

**Chief & Council**

**June 30, 2023**



## **Introduction and Summary of Recommendations**

The Algonquins of Pikwàkanagàn First Nation (AOPFN) is providing the following to the Standing Committee on Indigenous and Northern Affairs on the Restitution of Land. The following are conclusory recommendations found in this Submission.

- We **submit** that AOPFN has neither ceded our territory to the Crown nor modified our territorial title and that returning land is the right step on the path of Reconciliation;
- It is **requested** that the Standing Committee develop an actionable plan with AOPFN to return Federal and Provincial Crown land in the Traditional Territory of the Algonquin Nation to AOPFN in line with Article 26 of UNDRIP; and,
- It is **requested** that the Standing Committee study, in conjunction with Ontario and Québec, ways to share revenue from development projects and tourism in the Traditional Territory of the Algonquin Nation with the AOPFN.

## **What Land Back Means in the Algonquin Nation's Context**

The Algonquin Nation are an Anishinàbe people, whose traditional name is 'Omàmiwinini,' meaning "down river people."<sup>1</sup> Reflecting the historic significance of this name, the Nation's traditional territory includes the Kitchissippi (or Ottawa River) and the lands of the Ottawa Valley and surrounding water shed stretching across Ontario and Québec. Our Nation is one of many who have yet to complete a Treaty with the governments of Canada and Ontario. As a result, Algonquin title was never ceded nor surrendered to the Crown, and presently continues unmodified and vested in the Algonquin Nation. This includes title to the very land that the National Capital Region (and Parliament Hill) sits on.

The incompleteness of a Treaty relationship with the Crown has not been for a lack of trying on the part of the AOPFN and the Algonquin Nation. Since 1772, nearly 40 petitions from our Nation to the Crown requesting protection of our lands and waters from encroachment via settlement fell on deaf ears.<sup>2</sup> The nation-to-nation relationship with the Crown stretches back to

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<sup>1</sup> See "Omàmiwinini Pimàdjowin: Algonquin Way Cultural Centre," Algonquins of Pikwàkanagàn First Nation [English: [www.thealgonquinway.ca/English/story-e.php](http://www.thealgonquinway.ca/English/story-e.php); français: [www.thealgonquinway.ca/French/story-f.php](http://www.thealgonquinway.ca/French/story-f.php)].

<sup>2</sup> See "Overview of Treaty Negotiations," Algonquins of Ontario [[www.tanakiwin.com/our-treaty-negotiations/overview-of-treaty-negotiations/](http://www.tanakiwin.com/our-treaty-negotiations/overview-of-treaty-negotiations/)] (AOO).



the Royal Proclamation of 1763 and the Treaty of Niagara of 1764. With the Proclamation declaring that Indigenous territories were not to be “molested or disturbed,” the Algonquins were instrumental in calling together numerous Indigenous nations to meet at Niagara in 1764 to reaffirm these principles orally and through Wampum agreements.<sup>3</sup> Despite Algonquin people holding the Crown to these promises for decades afterwards, the principles of non-disturbance and land preservation were ignored. The government finally accepted our request to enter a Treaty in 1992.<sup>4</sup> Since then, the Algonquins of Pikwàkanagàn First Nation have been in negotiations to get back our land and resources and to enact self-government for our people.

Throughout this period, the Crown has failed to heed the Algonquin Nation’s inherent jurisdiction. Colonialism has drawn artificial borders across our Nation. In spite of the explicit injunctions in the Royal Proclamation, our land was taken by the massive influx of settlers, homesteading, and lumbering and mining. Thus, our harvesting and cultural connection to land was and is drastically altered. Our ancestors even had to buy our own reserve lands. The AOPFN community has grown, yet our land base remains an inadequate size to accommodate the needs of our people to practice our rights and follow our traditions.. There are other Algonquin communities who have no land base whatsoever.<sup>5</sup> Our cultural connection to the lands, including ecological teachings passed down through families, is being disrupted by development and the climate crisis.

Canada has most recently committed to addressing these injustices by adopting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 26 of UNDRIP not only affirms the right for Indigenous Peoples to enact jurisdiction over their traditional territories, but to do so in accordance with their “customs, traditions and land tenure systems.”<sup>6</sup> It is within this framework that the Algonquins of Pikwàkanagàn First Nation calls for land restitution paired with meaningful jurisdiction over that land.

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<sup>3</sup> See John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government” (Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference (edited by Michael Asch: Vancouver, 1997, UBC Press): pg 165.

<sup>4</sup> See AOO, *supra* note 2.

<sup>5</sup> See Peter Di Gangi, “Algonquin Territory: Indigenous title to land in the Ottawa Valley is an issue that is yet to be resolved” (Canada’s History, April 30 2018) [[www.canadashistory.ca/explore/politics-law/algonquin-territory](http://www.canadashistory.ca/explore/politics-law/algonquin-territory)].

<sup>6</sup> See *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14. Article 26 is found in the Schedule of the *Act*.



### **Land and Resource Development on Algonquin Nation Traditional Territory**

Historically, our people managed our own resources. We governed ourselves under our traditional Algonquin laws. Our Nation would travel and communities would regularly meet collectively to share ecological knowledge about our land.<sup>7</sup> Now our land is claimed by the Crown and is sold without our consent. We need land for our people to reside, to reconnect, and to take back their rightful responsibility without imposed colonial authority dictating how we manage it.

In Ontario, our traditional unceded territory is 9 million acres.<sup>8</sup> It stretches east along the river to the Hawkesbury area, south to Kingston, west to Bancroft, and north to Mattawa.<sup>9</sup> Considering 87% of Ontario is Crown land, a great deal of this land base is still managed by the government.<sup>10</sup> Even in our current Treaty negotiations, only 4% of Crown lands within our traditional territory are proposed to be transferred to Algonquin stewardship.<sup>11</sup> Of the 129,500 acres of land proposed to transfer, the plots are disparately spread out, remain governed by fee simple municipal rules, and cannot be developed without being taxed. Much of this land is inaccessible by vehicle and requires water or ATV transportation. These barriers continue to prevent us from fully exercising our rights and advancing our needs. Colonial land ownership regimes persist, when instead we should be able to govern our lands through our own Algonquin legal systems.

With 1.2 million people living and working within our traditional territory and 84 active municipal jurisdictions fully and partially operating here, Pikwàkanagàn sees very little to none of the benefits produced from our lands.<sup>12</sup> Resource extraction projects, including logging and

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<sup>7</sup> This knowledge of our Nation has been passed down generationally and was communicated by Algonquin Knowledge Keeper Waba Moko (Shannon Chief).

<sup>8</sup> See AOO, *supra* note 2.

<sup>9</sup> See the following maps of our Nation's territory in Ontario: [English: [www.tanakiwin.com/wp-system/uploads/2015/06/Appendix-1.1-Map-of-Settlement-Area.pdf](http://www.tanakiwin.com/wp-system/uploads/2015/06/Appendix-1.1-Map-of-Settlement-Area.pdf); français: [www.tanakiwin.com/wp-system/uploads/2015/06/Appendice-1.1-Carte-de-la-region-visee-par-le-reglement.pdf](http://www.tanakiwin.com/wp-system/uploads/2015/06/Appendice-1.1-Carte-de-la-region-visee-par-le-reglement.pdf)].

<sup>10</sup> See "Crown Land," Government of Ontario [[www.ontario.ca/page/crown-land](http://www.ontario.ca/page/crown-land)].

<sup>11</sup> See "The Algonquin land claim," Government of Ontario [[www.ontario.ca/page/algonquin-land-claim](http://www.ontario.ca/page/algonquin-land-claim)].

<sup>12</sup> See AOO, *supra* note 2.



mining, and other means of profit, like tourism, continue to our economic and jurisdictional exclusion.

For example, Algonquin Provincial Park is situated in our claim area. For the 2021-2022 year, it was estimated that Algonquin Park contributed \$306 million of value to the Ontario economy thanks to industries such as forestry.<sup>13</sup> Pikwàkanagàn sees very little of this revenue.

Tourism in the city of Ottawa alone generates over \$2.2 billion for the local economy.<sup>14</sup> Many of these tourist locations have great significance to our Nation. The Algonquin Chief Constant Pinesi's hunting grounds were located right where Parliament stands today.<sup>15</sup> Yet, Pikwàkanagàn remains excluded from a connection to and benefit from this historic land that today is one of the most popular tourist spots in the country and internationally.

Communication, gas, and hydro lines, as well as expanding roads and more are constantly taking away our lands. The newest plan to expand Ottawa's highway 417 is but one example of the pressures put on our territory.<sup>16</sup> Urban sprawl continues at an increased pace since COVID-19, placing additional strain on the environment and further limiting our hopes for access to land for our traditional uses. Finally, there are currently over 50 major dams and hydro-electric generating stations throughout the Ottawa River's mainstem and tributaries, making it one of the most highly regulated rivers in Canada.<sup>17</sup> These generating stations produce

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<sup>13</sup> See "General Information: Economy & Products," Algonquin Forestry Authority [[algonquinforestry.on.ca/general-information-the-algonquin-forestry-authority/general-information-economy-products/#:~:text=Based%20on%20a%202020%2F2021,species%20available%20in%20the%20Park.](http://algonquinforestry.on.ca/general-information-the-algonquin-forestry-authority/general-information-economy-products/#:~:text=Based%20on%20a%202020%2F2021,species%20available%20in%20the%20Park.)].

<sup>14</sup> See Sophia Barkhouse, "Study highlights importance of tourism in Ottawa" (Capital Current, 2019) [[capitalcurrent.ca/study-highlights-importance-of-tourism-in-ottawa/](http://capitalcurrent.ca/study-highlights-importance-of-tourism-in-ottawa/)].

<sup>15</sup> See "Inaugural Chief Pinesi Day held to honour long-forgotten 'great warrior'" (CBC News, July 1, 2022) [[www.cbc.ca/news/canada/ottawa/chief-constant-pinesi-algonquins-pikwakanagan-celebration-ottawa-1.6508422](http://www.cbc.ca/news/canada/ottawa/chief-constant-pinesi-algonquins-pikwakanagan-celebration-ottawa-1.6508422)].

<sup>16</sup> See Nick Grover, "Widening Ottawa's Highway 417 won't fix congestion. It'll just hurt the planet" (Ottawa Citizen, May 30 2022) [[ottawacitizen.com/news/ontario-election/grover-widening-ottawas-highway-417-wont-fix-congestion-itll-just-hurt-the-planet](http://ottawacitizen.com/news/ontario-election/grover-widening-ottawas-highway-417-wont-fix-congestion-itll-just-hurt-the-planet)].

<sup>17</sup> See "Dams," Ottawa Riverkeepers [[ottawariverkeeper.ca/dams/#:~:text=The%20Ottawa%20River%20is%20one,throughout%20its%20tributaries%20and%20mainstem.](http://ottawariverkeeper.ca/dams/#:~:text=The%20Ottawa%20River%20is%20one,throughout%20its%20tributaries%20and%20mainstem.)].



about \$1 million worth of energy per day.<sup>18</sup> However, Pikwàkanagàn was neither consulted nor sees any revenue from these projects that greatly disturb the ecosystems of our territory.

### **Recommendations and Conclusion**

Reconnecting with our stolen lands is culturally significant to us as a Nation. True reconciliation is built on respect, nation-to-nation. True reconciliation begins with giving land back without government restrictions. Thus, giving land back requires giving governance back.

First, we request the Committee seek active ways to work with us to produce an actionable plan to return jurisdiction of Federal and Provincial Crown land to Pikwàkanagàn and restore Algonquin involvement and stewardship to land that cannot be fully transferred. It is crucial that our decisions and legal authority hold weight in our territory, as in accordance with UNDRIP's Article 26.

Second, we request the Committee set out ways in which Pikwàkanagàn can benefit from the activities and prosperity of industries using our land, such as forestry, hydro, and tourism in Ottawa. We understand this must be done in conjunction with provincial partners. By following through on these requests, Canada can begin to mend the relationship with the original owners of the land upon which the heart of its government sits on.

### **Background on the Algonquins of Pikàkanagàn First Nation**

The Algonquins of Pikwàkanagàn First Nation is located on the Ontario side of the Ottawa River and is part of the larger Algonquin Nation. Oral and archeological histories tell us we have occupied these lands since time immemorial. A map of our Traditional Territory is included in footnote #9 in English and French. Our First Nation has 4,077 members. Our Chief and Council is elected under our custom election code. Our Algonquin Nation members need land to keep our culture and traditions alive, and to pass this knowledge on to our future generations.

Greg Sarazin, Chief:

Dale Benoit, Councillor:

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<sup>18</sup> *Ibid.*



Algonquins of  
Pikwakanagan  
First Nation

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