



**Cold Lake First Nations Submission to the House of Commons Standing Committee on  
Indigenous and Northern Affairs  
Restitution of Land to First Nations, Inuit and Metis Communities  
October 31, 2023**

Cold Lake First Nations (“CLFN”) is the representative of Łuwechok Túwé Denesų́liné, —the Dene people of Cold Lake. Our people have lived within our traditional lands, *Denne Ni Nenne* from time immemorial and are related to Dene speaking peoples from the north of Canada to as far south as Arizona. *Dene Ni Nenne* straddles the borders of the provinces of Alberta and Saskatchewan and overlaps the areas of Treaties 6, 8 and 10, as well as the Cold Lake and Athabasca oil sands areas. CLFN is a signatory to Treaty No. 6, which was entered into in 1876 between our people and representatives of the Queen, on behalf of Canada. Our oral histories tell us that when our people entered into Treaty No. 6 we did so on the understanding that we would be sharing our lands and waters with newcomers to our lands. We understood this sharing would be to “the depth of a plow”. We also were specifically promised that we would not be forced to live only on our reserve lands, but that we would be able to carry on our livelihoods and economies after treaty, as we had prior to entering into Treaty. These promises of sharing and non-interference were broken by Canada almost immediately. Historically Canada imposed its colonial will on our people through the taking of land and water. Canada continues to break Treaty No. 6, in concert with the Provinces, in various ways relevant to the Committee’s study of restitution of land.

For example, in 1930, Canada, Alberta and Saskatchewan entered into the Natural Resources Transfer Agreements (the “NRTA”).<sup>1</sup> The NRTA purported to transfer the benefits of all of the natural resources within the Provinces from Canada to either Alberta or Saskatchewan (as the case may be) including ownership over all mines and minerals. The NRTA was agreed to between Canada and the Provinces without our knowledge or our consent. The illegal transfer of our natural resources to the Provinces without our involvement or compensation has resulted in economic disaster for CLFN by stripping away the ability to directly benefit from the timber, fur, and petroleum naturally occurring within our territories. This breach of Treaty No. 6 is ongoing and the restitution of lands must include restitution for the value of lands and resources historically taken from us and which continue to be extracted.

Related to this breach of Treaty No. 6 is the fact that Canada, Alberta and Saskatchewan have permitted most of our lands to be taken up by industry for the purposes of oil and gas extraction. The resulting cumulative effects of this industrial development has left very few places for CLFN members to hunt, fish, trap and gather foods and medicines, as promised by Treaty No. 6.<sup>2</sup> Weak regulatory processes in Alberta have resulted in widespread contamination and degradation of our lands and waters. CLFN has been systematically excluded from the assessment, approval and oversight of industrial oil and gas projects, in the same way as we have been excluded from receiving direct royalties, tax revenue, or equitable benefits from these projects. Any concept of restitution of lands must include the direct involvement of First Nations

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<sup>1</sup> Separate agreements were entered into between Alberta and Canada, and Saskatchewan and Canada on substantially similar terms

<sup>2</sup> See enclosed map

in the assessment and oversight of activities that have the possibility of negatively impacting our lands, waters, resources, and our Treaty rights which depend upon them.

In 1952, Canada, Alberta and Saskatchewan entered into agreements whereby the Provinces leased to Canada a vast area of land within the heart of *Denne Ni Nenne* for the purposes of establishing an air weapons range (the “Cold Lake Air Weapons Range” or “CLAWR”). Our Nation members were told that the lease would be temporary –to last for 20 years—and that we would regain access to our homeland. This did not happen. Our grandfathers and grandmothers left their cabins, traplines and fisheries in 1952, never to return. The forced expulsion of our members from the heart of our traditional lands caused the immediate collapse of our local economy and deeply impacted the social health of our community. Our people went from being fully employed and self-sufficient to nearly full unemployment and being on welfare. It was only after commencing a specific claim against Canada that we eventually pushed Canada into negotiations. We settled our claim for the severe social and economic harms resulting from the establishment of the CLAWR but we have outstanding claims for the permanent loss of our lands and for compensation arising from the extraction of vast amounts of wealth by Alberta and Canada from the CLAWR.

Adding insult to injury, the Provinces of Alberta and Saskatchewan collect both royalties and tax revenue from Canada for its ongoing use of the CLAWR, which is not shared with our Nation and from which we receive no benefits. We note that the Province of Alberta also continues to permit industrial oil and gas development within the CLAWR—from which we receive no shared royalty benefits or tax revenue.

It is challenging to put a precise figure on the total amount of wealth that has been extracted from *Denne Ni Nenne*, or to predict how much wealth will be taken out in the coming decades. We know that 95% of Canada's oil comes from Alberta and Saskatchewan, approximately 4.43 million barrels per day in 2020.<sup>3</sup> Oil companies are posting record profits. Alberta and Saskatchewan receive royalties and taxes. Canada receives large transfer payments. Our Nation receives no direct benefit and has been left to negotiate with oil companies for peanuts. This is deeply unfair and calls out for reconciliation.

Another related promise in Treaty No. 6 was Canada's promise to pay annuities on an annual basis to each member of CLFN as compensation for agreeing to share the lands as described in the Treaty. In 1876, Canada agreed to pay \$5.00 to each CLFN member—this sum had a meaningful value for individuals in 1876. Now, the sum is a mere token which does not reflect in any way the value of what was entreated for in colonial times.

### **The Right to Restitution**

Article 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

1. Indigenous peoples have the right to redress, by means that can include restitution, or when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

The legal principle of restitution is to put the injured party in the position it would have been in if the wrong had not occurred. It seems impossible that the lands and waters within *Denne Ni*

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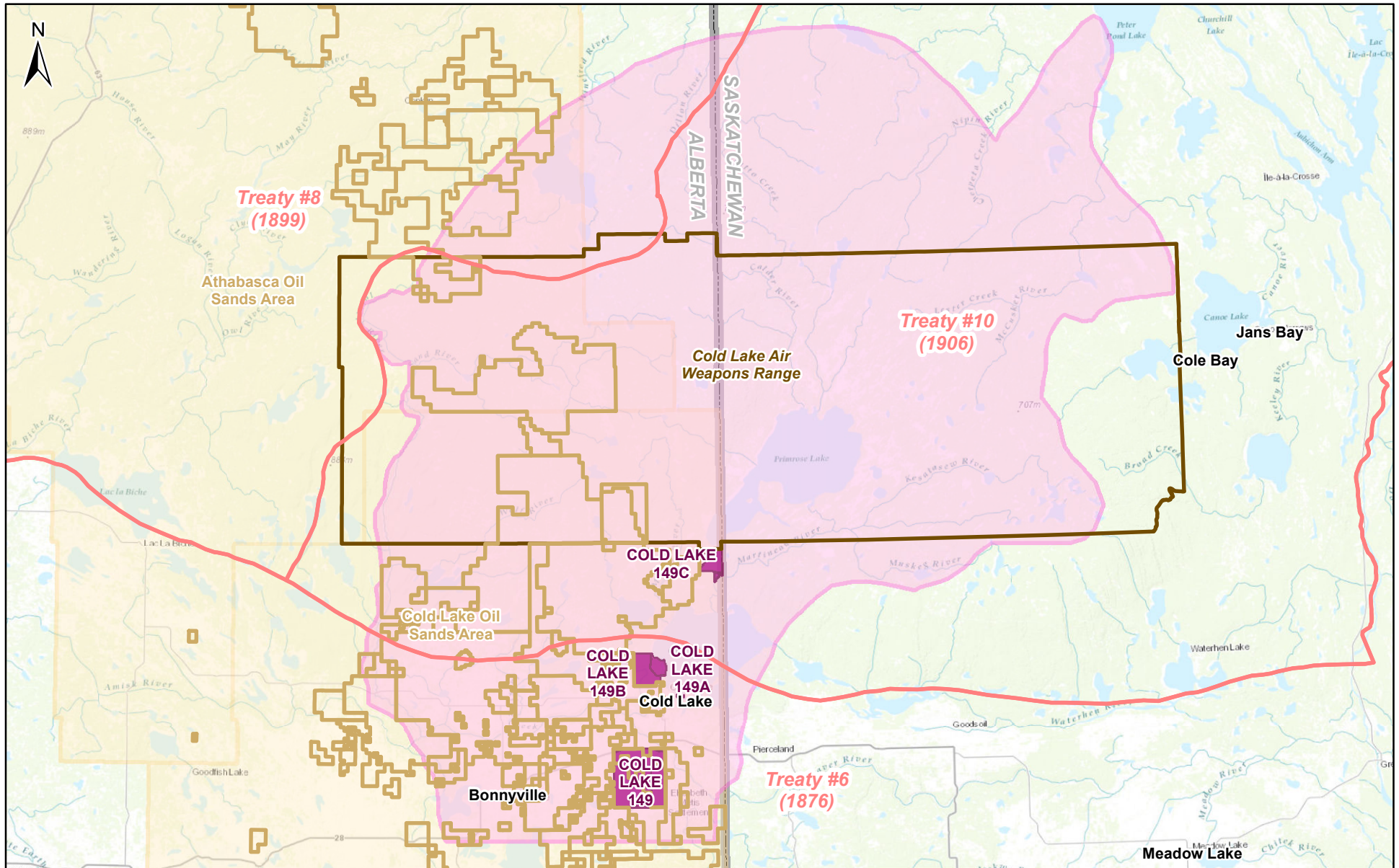
<sup>3</sup> Canada Energy Regulator's website confirms 4.66 million barrels per day, 95% of which comes from Alberta and Saskatchewan

*Nenne* can be restored and returned to CLFN in a pristine state – in fact, this is not even a regulatory requirement. Unprecedented damage has been done that will never be undone. If our lands and waters cannot be returned to us, then we seek equitable sharing of the lands, consistent with Treaty No. 6. This would involve:

- compensation for the value of resources already taken from our lands;
- restructuring or reinterpreting the *NRTA*, to recognize First Nations' ownership in all natural resources above and below the ground;
- restructuring existing regulatory laws and policies at the provincial and federal level to include First Nations as equal decision makers in respect of environmental assessments, reclamation, industrial projects and land use planning;
- restructuring industrial, business and property taxes to include First Nations as recipients of benefits from activities occurring on our lands; and
- indexing the treaty annuities payable under Treaty No. 6 for inflation so that the individual members of our Nation receive a direct benefit for Canada's use of our lands and waters, as was promised in Treaty No. 6.

We thank the Committee for the opportunity to provide our initial submissions on this very important topic. We wish to extend our willingness to cooperate with the Committee as it goes forward with next steps to ensure Canada respects and fulfills the promises made in Treaty No. 6 and to ensure Canada meets its international obligations in UNDRIP.

**Cold Lake First Nations**



OCTOBER 2023  
 NAD 1983 UTM ZONE 12N  
 SCALE: 1:1,200,000  
 0 10 20 30 40  
 Kilometers  
 (ALL LOCATIONS APPROXIMATE)

- CLFN Reserve Land
- Oil Sands Area
- CLFN Homelands
- Treaty Boundary
- Cold Lake Air Weapons Range
- In Situ Oil Sands Scheme Approval



COLD LAKE FIRST NATIONS  
 TRADITIONAL TERRITORY

OVERVIEW

Data Sources: Geodata, 2023, Altalis, 2020. Geospatial Alberta Webmap, 2023. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community.