

Nishnawbe Aski Nation

Office of the Grand Chief

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An Open Letter to Friends of Nishnawbe Aski Nation

July 16, 2009

On June 2, 2009 the Ontario legislature introduced Bill 191, the *Far North Act*. The *Far North Act*, Bill 191 will set aside 225,000 sq. km as protected area within our homelands without our consultation, accommodation or consent and will lock down the land to prevent First Nations, the poorest people in Canada from achieving economic independence by postponing and preventing development. First Nations are not opposed to protecting the land, but want to be the ones who make the decisions about what should be protected and what should be open to development. According the draft legislation, the province can protect lands at their discretion but also open lands for development should it be expedient.

We ask that you support the Chiefs of the Nishnawbe Aski Nation in opposition to this legislation. We ask that you contact the Premier and request that Bill 191 be withdrawn and the province enter into principled and honourable negotiations with the First Nations whose homelands Ontario calls the "far north."

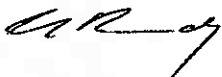
First Nations are opposed to Bill 191 for these reasons:

- **It does not recognize Constitutionally protected rights.** Bill 191 does not recognize the Treaty and Inherent Rights of the First Nations of Treaty No. 9 and Treaty No. 5, which include our right to subsist on our traditional territories and to govern our lands with the responsibilities we feel have been granted to us by the Creator. Bill 191 gives the Ontario Ministry of Natural Resources final control over decision-making on our homelands. When the First Nations of the Nishnawbe Aski Nation entered into a treaty with the Crown Governments of Ontario and Canada, we did not surrender title to the land, but we did agree to peaceful coexistence with the newcomers and to share the land from time to time and its benefits. We did not agree, nor could we agree to abandon our responsibility for our homeland.
- **We will protect the land.** Since time immemorial, our people have protected the lands – that is why they are still in pristine condition. We have a responsibility to protect them for future generations and we must be the ones to decide what is protected and what areas are open to development (including when they are open to development) so that we may benefit from economic development on our homelands. The legislation prevents any new development until all land use planning is completed in the far north which is a process that could take a decade, meanwhile our people live in poverty and are denied opportunities for economic development.

- **The Bill splits NAN in two.** Our motto is "Unity-Strength-Success." NAN is not only composed of First Nations who are in the far north. We will not support legislation that splits NAN in northern and southern regions and imposes different legal standards on us.
- **The "Rights holders" (individual First Nations who will be affected by Bill 191) have not been consulted:** Canada's *Constitution Act* (1982) Section 35 guarantees the rights of First Nations to be consulted and accommodated on matters affecting them. The province has not consulted nor accommodated our First Nations in regards to this legislation. The Standing Committee Hearings on the Bill are scheduled this summer during NAN's annual Chiefs meeting making it almost impossible for Chiefs to attend the hearings and the hearings are not taking place at the First Nations affected.
- **Good Faith Bargaining:** NAN First Nations have been involved in a bilateral discussions process with Ontario for over two years hoping that it would be the arena for the beginning of new relationships with the province. We have come to the table in good faith to discuss our lands. While making progress in these discussions the province unilaterally made decisions about the land outside of the bilateral discussions process, announcing its intentions to protect 225,000 sq. km of our land without ever being upfront about this at the tables where the issues of lands and resources were being discussed. In addition, there were no open discussions with us with regards to how the protection of 225,000 sq. km will assist the province and the country in reaping the benefits of millions of dollars in carbon credits in the world stage as part of Canada and Ontario's commitments to address the global issue of climate change.

Please support justice for your Treaty partners, the people of the Nishnawbe Aski Nation. Ask Premier McGuinty to withdraw Bill 191 and please ask others also to request the Premier withdraw the bill. Attached is a sample letter that you may wish to use. Should you require a MS Word version of the letter, please request one at tkakepetum@nan.on.ca. On behalf of the people of Nishnawbe Aski Nation, we thank you for your support. Meegwetch.

Sincerely,
NISHNAWBE ASKI NATION



Stan Beardy,
 Grand Chief

Cc NAN Executive Council
 NAN Chiefs
 NAN Tribal Councils

SAMPLE LETTER

(DATE AND YOUR MAILING ADDRESS)

Premier Dalton McGuinty
Room 281, Main Legislative Building
Queens Park, Toronto ON M7A 1A1
Phone: 416-325-1941
Fax: 416-325-3745
Email: dmcguinty.mpp.co@liberal.ola.org

Re: Bill 191 – The Far North Act

Dear Premier McGuinty:

I support the Nishnawbe Aski Nation (NAN) Chiefs in Assembly in their condemnation of Bill 191 (the Far North Act) and request that you withdraw the Bill and return to principled negotiations based on respect and justice with the NAN Chiefs. The Crown governments of Ontario and Canada signed Treaty with First Nations on our behalf. We are Treaty partners with NAN First Nations and we expect our Government to honour its promises to the people of NAN. Bill 191 dishonours the spirit, intent and letter of the Treaty.

First Nations in NAN have survived on their traditional lands from time immemorial. The Creator entrusted the land to them and they have protected it for thousands of years. The land is rich in resources and the development and protection of these resources must be at the discretion of the First Nation people who live on the land.

First Nations are guaranteed the right to be consulted and accommodated by Canada's Constitution Act (1982, Section 35). The province has not consulted with the First Nations that will be seriously impacted by Bill 191. Standing Committee hearings held at an inappropriate time and inappropriate manner does not meet the province's legal duty to consult.

Bill 191 establishes that 225,000 sq. km of the First Nation's homelands will be removed from their care, use, and responsibility and turned into parks. Ontario proposes this as its strategy to deal with climate change. Ontario is building its climate change initiatives on the backs of the poorest people in the province and will reap the benefits of millions of dollars in carbon credits in the world stage.

First Nations are in favour of land use planning for their communities. First Nations are not opposed to protecting lands, nor are they opposed to development. They are opposed to the unilateral decision making process of the Province of Ontario in deciding their fate and the fate of their homelands without their consultation or consent. First Nations are opposed to a blatant derogation of their Treaty and First Nation Rights.

The Premier promised a "New Relationship" with First Nations. Bill 191 is not a new relationship but the continued exploitation of First Nations and their homelands. Nishnawbe Aski Nation agreed to a process and signed a letter of political agreement with the province in 2007 to discuss and come to arrangements with Ontario in regards to NAN First Nation homelands. During these discussions the province made unilateral decisions outside of the

discussion process, which included its decision to protect 225,000 sq. km of First Nation homelands without their consent.

Ontarians expect First Nations of this province to have the same benefits, rights, responsibilities and authority accorded to First Nations in other Canadian jurisdictions. Bill 191 brings dishonour to all Ontarians. I ask that you withdraw Bill 191 and enter into honest negotiations with the Nishnawbe Aski First Nations.

Recognizing the dangers of this bill to their First Nations and their rights, the NAN Chiefs in Assembly have unanimously condemned the Far North Act Bill 191. As such, Ontario leaders have no right to proceed with Bill 191 when the people being seriously and impacted by the Bill have condemned it.

Yours sincerely,
(YOUR SIGNATURE)

Cc Grand Chief Stan Beardy, Nishnawbe Aski Nation