

# DRAFT RESOLUTION #07/2015

## AFN Special Chiefs Assembly, December 8 - 10, 2015, Gatineau, QC

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**TITLE:** Protection of Algonquin Sacred Waterfalls Area: Akikodjiwan Kichi Zibi (Chaudiere Falls, Ottawa River)

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**SUBJECT:** Protection of Sacred Sites

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**MOVED BY:** Chief Harold St-Denis, Wolf Lake First Nation, QC

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**SECONDED BY:** Chief Lance Haymond, Eagle Village First Nation-Kipawa, QC

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### WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) provides:

- i. Article 11 (1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
- ii. Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.
- iii. Article 12 (1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- iv. Article 12 (2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned.
- v. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- vi. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- vii. Article 32 (2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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- viii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
- B. Since time immemorial the Ottawa River Watershed has been the territory of the Indigenous Peoples who form the Algonquin Nation today.
- C. The Kichi zibi (Ottawa River) is an ancient trade and travel route through the Territory of the Algonquin Nation, as are the shores, islands and portages along the route.
- D. The Akikodjiwan (Chaudiere) waterfalls and the adjacent waterfront and islands are a sacred area for all Algonquin Peoples. In 1613 Samuel du Champlain witnessed the Algonquin Peoples making a tobacco offering to their sacred waterfalls for good travel and good health in accordance with traditional Algonquin custom.
- E. In 1801 when Philemon Wright arrived in what is now known as Gatineau, Quebec he witnessed Algonquin Peoples hunting and operating sugar bush camps on the north shore of their sacred area.
- F. What is now known as the Gatineau Waterfront and the Islands of Chaudiere, Albert and Victoria, held by the federal government and the Cities of Gatineau and Ottawa, are part of a sacred area for all of the Algonquin Peoples and remain within the unceded, unsurrendered territory of the Algonquin Nation.
- G. The Algonquin sacred area Akikodjiwan is now surrounded by the municipality of Gatineau on the north side and the municipality of Ottawa on the south side.
- H. The Algonquin sacred area Akikodjiwan symbolizes the historic environmental destruction, starvation and impoverishment of Algonquin Peoples caused by:
- i. Massive flooding of the Algonquin Nation territory (Ottawa River Watershed) by unauthorized, non-consensual construction of dams for log driving and hydro purposes now operated by Hydro Ontario and Hydro Quebec;
  - ii. Massive deforestation and destruction of wildlife habitats by unauthorized, non-consensual logging for sawmills and then pulpmills by logging companies like E.B Eddy, J. R. Booth and Domtar; and,
  - iii. Relocation and displacement of Algonquin Peoples from what is now called the National Capital Region due to colonization, settlement and urbanization including the unilateral establishment of Canada's National Capital Region within the unceded, unsurrendered Territory of the Algonquin Nation.
- I. The "Algonquins of Ontario" is not a band, First Nation, Nation or entity possessed of Aboriginal title or rights, under Algonquin law, Canadian law or international law. It is a formulation of the Ontario and federal governments and as such, it does not represent the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, and has never been mandated to negotiate on their behalf, or with respect to their Aboriginal title, rights or interests in what is now known as the Province of Ontario.

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- J. The Algonquin Nation is represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, which are recognized as "Bands" within the meaning of the *Indian Act*, and come within the meaning of "Indian peoples" in section 35 of the *Constitution Act, 1982*.
- K. The governments of Canada, Quebec, Ontario and the municipal governments of Gatineau and Ottawa, without consulting or accommodating the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake, or seeking their Free, Prior, Informed Consent, have amended the National Capital Commission's and City of Ottawa's master-plans to rezone the lands beside the Algonquin Nation sacred waterfalls area Akikodjiwan Kichi Zibi from "parks and open area" to "mixed use" for the proposed Windmill Development Project, which will place high intensity use buildings next to the Algonquin Nation sacred waterfalls.
- L. The governments of Canada, Quebec, Ontario and municipal governments of Gatineau and Ottawa are violating Canadian constitutional law by proceeding to change the status of the lands within the Algonquin Nation sacred area without meaningful consultation or accommodation.
- M. The governments of Canada, Quebec, Ontario and municipal governments of Gatineau and Ottawa are violating the international human rights of the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake as Indigenous Peoples, by proceeding to change the status of the lands within the Algonquin Nation sacred area without meaningful consultation or accommodation, particularly by ignoring the above noted Articles of the UN Declaration.

#### THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Recognize that the Kichi Zibi (Ottawa River) is an ancient trade and travel route through the Territory of the Algonquin Nation (and other Indigenous Nations), as are the shores, islands and portages along the route and the Kichi Zibi is not a border or boundary for the Algonquin Nation who pre-existed the creation of Canada and the provinces of Quebec and Ontario.
2. Call upon the governments of Canada, Quebec, Ontario, the National Capital Commission and the municipalities of Gatineau and Ottawa to immediately consult the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake regarding changes to the status of lands, waterfront and islands within the Algonquin Nation sacred area Akikodjiwan (Gatineau Waterfront in Quebec and Chaudiere, Albert and Victoria Islands in Ontario).
3. Oppose the re-zoning of the Algonquin Nation sacred area Akikodjiwan from parks and open space to "mixed use" because of the failure to consult and accommodate Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake.
4. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their opposition to the Windmill Development Group's "Zibi Project" proceeding within the Algonquin Nation sacred area Akikodjiwan

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unless, and until the Free, Prior Informed Consent of the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake is given.

5. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their demand for the Algonquin Nation sacred area Akikodjiwan to be protected in perpetuity and recognized within the National Capital Region as an Algonquin Nation Cultural Park and Historic Commemoration Site under an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations of the Algonquin Nation.
6. Support the Algonquin Nation as represented by Abitibiwinni, Barriere Lake, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Timiskaming and Wolf Lake in their demand for the governments of Canada, Ontario, Quebec, Ottawa and Gatineau to purchase any lands privately held within the Algonquin Nation sacred area Akikodjiwan for return to an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations comprising the Algonquin Nation.
7. Call on the governments of Canada, Quebec, Ontario, the National Capital Commission and the municipalities of Gatineau and Ottawa to immediately contact the duly-elected Algonquin Chiefs and Councils forming the Algonquin Nation to discuss the establishment of the proposed Algonquin Nation Cultural Park and Historic Commemoration Site under an Algonquin-controlled institution to be established by the legitimate Algonquin First Nations comprising the Algonquin Nation.
8. Direct the AFN National Chief to communicate the direction of the Chiefs-in-Assembly by letter to the governments of Canada, Ontario, Quebec, Ottawa, Gatineau, the National Capital Commission and the Windmill Development Group.