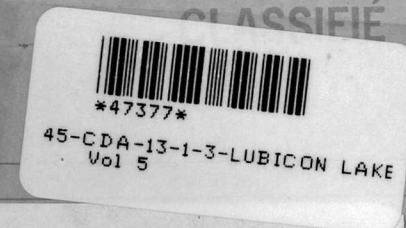


File No. Dossier 45-CDA-13-1-3-LUBICON LAKE BAND
Volume 5 From-De 86-09-01 To-À 87-02-28
VOLS ACCESSION NO. 47377

CLASSIFIED



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VOLS ACCESSION NO. 47377

DEPARTMENT
OF
EXTERNAL AFFAIRS

MINISTÈRE
DES
AFFAIRES EXTÉRIEURES

TITLE—TITRE:

SOCIAL AFFAIRS
HUMAN RIGHTS
POLICY AND PLANS
CANADA
COMPLAINTS TO UNITED NATIONS ABOUT VIOLENCE
IN CANADA
LUBICON LAKE BAND
AFFAIRES SOCIALES
DROITS DE L'HOMME
PRICIPES ET PROJETS
CANADA
PLAINTES AUX NATIONS UNIES AU SUJET DES
VIOLATIONS AU CANADA
LUBICON LAKE BAND

Retention period-Période de retention:

20Y (5A-15D) J



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of Canada

Gouvernement
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DATED FROM
À COMPTER DU

86-09-01

TO
JUSQU'AU

87-02-28

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45-13-1-3-LUBICON LAKE BAND

VOLUME

6



External Affairs
Canada

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MESSAGE

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Accession/Référence

File/Dossier

45-00-13-13-Lubicon
LK Band

SECURITY
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DISTR ^{BKC} ~~BUC~~ URC MINA/NORQUAY

SUBJ/SUJ

REF YOURTEL YIGR0066 02FEB87, FOWELL/SIMPSON TELCON 02FEB87

---NATIVE PEOPLES ISSUES IN CANADA: LUBICON LAKE BAND

AS INDICATED IN REF TELCON, A LOW-KEY APPROACH IS WARRANTED ^{TO}

INFORM MUSEUM PERSONEL OF ^{CDN} GOVT POSITION AND OVERALL DEVELOPMENTS

SURROUNDING LUBICON ISSUE. APPROACH TO MUSEUM PRIOR TO 29 MARCH MAY
BE WARRANTED.

2.WE ARE FORWARDING (BY BAG) RELEVANT DOCUMENTATION WHICH CAREFULLY

PUTS THE BOYCOTT CAMPAIGN AND FACTUAL ACTIVITIES OF THE LUBICON
LAND CLAIM INTO PERSPECTIVE.

3.AS MENTIONNED IN REFTL, IF ISSUE DOES NOT APPEAR TO DRAW

SIGNIFICANT PUBLIC ATTENTION, WE DO NOT/NOT DEEM IT NECESSARY TO
PROVIDE LECTURE ATTENDEES WITH SIMILAR DOCUMENTATION.

4.IN DISCUSSIONS WITH MUSEUM CURATOR, DR. SMITH, YOU MAY INDICATE

THAT CANADA HAS SETTLED OVER THE YEARS SEVERAL LAND CLAIMS WITH

NATIVE PEOPLES. IN THE LUBICON CASE, THE PARTIES ARE AT A

STRATEGIC TURN ^{ING} POINT. ~~THEREFORE ALL MEANS ARE TAKEN TO INFLUENCE~~

~~RESPECTIVE POSITIONS~~ THE CANADIAN GOVT REMAINS, NEVERTHELESS

COMMITTED TO NEGOTIATE ^{TIONS} WITH REPRESENTATIVE ^S OF THE LUBICON BAND IN

...2

DRAFTER/RÉDACTEUR

J. SIMPSON tp

SIG

J Simpson

DIVISION/DIRECTION

IMH

TELEPHONE

2-6664

APPROVED/APPROUVÉ

D. LIVERMORE

SIG

D Livermore

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PAGE TWO IMH0312 UNCLASS

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ORDER TO ARRIVE AT A JUST SETTLEMENT. IN CONCLUSION, THERE IS A
NEED TO DELINK BOYCOTT CAMPAIGN WITH GLENBOW MUSEUM EXHIBITION.

5. GLENBOW MUSEUM DIRECTOR INFORMED US THAT SO FAR, EIGHT MUSEUMS
HAVE REFUSED LOAN AGREEMENTS. HOWEVER, FINAL NEGOTIATIONS WITH

remaining MUSEUMS ARE WELL IN PLACE. OVERALL BOYCOTT IMPACT WILL BE MINIMAL,
AS GENERAL LOAN AGREEMENTS FOR ARTEFACTS WILL BE FINALIZED BY EARLY
MARCH, 1987. GLENBOW MUSEUM APPEARS TO HAVE HAD GOOD BACK-UP PLAN
TO ADDRESS POSSIBLE BOYCOTT OF EXHIBITION.

~~6. YOU MAY WISH TO FURTHER INDICATE THAT EFFORTS ARE MADE IN OCO,
QUOTE OLYMPIC COMMITTEE ORGANIZATION UNQUOTE, TO INCLUDE INDIAN
PARTICIPATION IN ACTIVITIES OF WINTER GAMES.~~

7. GRATEFUL FOR YOUR ASSISTANCE AND ON-GOING MONITORING ON THIS
ISSUE.

Government
of CanadaGouvernement
du Canada**ACTION FICHE DE
REQUEST SERVICE**

To — À

Col. Len Swords

File No. — Dossier N°

Date

From — De

D. Martin Low

☐ Please call
Prière d'appeler

Tel. No. — N° de tél.

Ext. — Poste

☐ Returned your call
Vous a rappelé☐ Will call again
Vous rappellera☐ Wants to see you
Désire vous voir

Date

Time — Heure

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Message reçu par☐ Action
Donner suite☐ Approval
Approbation☐ Note & return
Noter et retourner☐ Comments
Commentaires☐ Draft reply
Projet de réponse☐ Note & forward
Noter et faire suivre☐ As requested
Comme demandé☐ Signature☐ Note & file
Noter et classer

For your information

000976

ACC	REF	DATE
FILE 45-COA-13-1-3		DOSSIER
-Lubicon Lake, BAND		

SUPPLEMENT NO. 6 TO COMMUNICATION NO. 167/1984
SUBMITTED BY CHIEF BERNARD OMINAYAK
AND THE LUBICON LAKE BAND OF ALBERTA, CANADA
February 25, 1987

RESPONSE TO THE COMMENTS OF THE GOVERNMENT OF CANADA
DATED JANUARY 20, 1987

1. By separate submission, Chief Bernard Ominayak and the Lubicon Lake Band have responded to the communication of Canada dated June 23, 1986. This communication is in further response to the comments of the Government of Canada dated January 20, 1987.

2. **LITIGATION PROCEEDINGS**

In its remarks on the exhaustion of domestic remedies, the Government of Canada essentially alleges that counsel for the Band is delaying proceedings (at p. 1), that effective domestic remedies are available to the Band and that the Band has not pursued these remedies to completion (at p. 1), that the interim injunction proceedings should not determine whether or not the remedy that is available to the Band under Canadian law is effective for the purposes of the Optional Protocol (at p. 2), and that a successful permanent injunction would permanently prevent the irreparable harm suffered by the Complainants (at p. 2).

The Government of Canada continues that the Band would, if successful in the action for a permanent injunction, have obtained a fully effective remedy which could preclude circumstances that could constitute a breach of Article 1 of the Covenant (at p. 3).

-2-

These allegations still fail to address the fundamental issue of the domestic remedies dealing with the survival, livelihood, means of subsistence and way of life of the Lubicon Lake People which were described at length in the communications of Chief Bernard Ominayak and the Lubicon Lake Band, notably those of July 8, 1985 and April 9, 1986.

In further response, the Band reaffirms that effective domestic remedies available to the Band have been exhausted in respect to its essential allegations that the way of life, livelihood and means of subsistence of the Band have been destroyed.

The Band and Chief Ominayak reiterate their submission in their Communication of July 8, 1985 (at p. 4) to the effect that the Government of Canada has completely ignored the fundamental issue of the extinction of the Band's means of subsistence, livelihood and way of life. Canada, in its latest response, once more omits to address the issue of the remedy required to protect the Band's subsistence, livelihood and hunting and trapping way of life.

As further pointed out in the Communication of July 8, 1985, Canada fails to distinguish the fundamental difference between a remedy involving the final determination of whether the Band has aboriginal or treaty rights and the remedy required to protect its hunting and trapping way of life, its livelihood and its very subsistence (at p. 5).

The Band reasserts that even if it is successful in having its aboriginal rights or even treaty rights recognized by the courts, such a judgment cannot restore the hunting and trapping way of life and subsistence economy of the Band which have now been illegally, irrevocably, unjustly and unethically appropriated from the Lubicon Lake Indians by the Government of Alberta and various oil corporations with the knowledge and at least tacit consent of Canada.

-3-

The recognition of aboriginal rights or even treaty rights by a final determination of the courts will not undo the irreparable damage to the society of the Lubicon Lake Band, will not bring back the animals, will not restore the environment, will not restore the Band's traditional economy, will not replace the destruction of their traditional way of life, and will not repair the damages to their spiritual and cultural ties to the land.

The consequence is that all domestic remedies have indeed been exhausted with respect to the protection of the Band's economy as well as its unique, valuable and deeply cherished way of life (July 8, 1985, at p. 5). Furthermore, even the application of those remedies was unreasonably prolonged, as mentioned in previous communications.

The Band also strongly denies that it has sought to delay litigation on the merits of its aboriginal rights either before the Federal Court of Canada or before the Alberta Court of Queen's Bench.

The inherent and overwhelming complexity and the sheer number of issues involved make the preparation for trial on the permanent injunction a lengthy task by definition.

In the Lubicon proceedings, it is anticipated by counsel for the Band that there will be over one hundred witnesses, thousands of documents, several months of hearing and a great number of pre-trial motions, objections and orders and likely appeals. In this context, and because of the inherent delays in hearing appeals, it is unlikely that a final judgment could be rendered by the Supreme Court of Canada for another ten (10) years and perhaps much longer.

In a case of this type, the complexity of the issues, the vast amount of territory and the substantial interests involved by definition mean that the application of the remedies will be unreasonably prolonged.

-4-

It is highly doubtful that absent a resolution of their claim, the Band will still be a viable entity ten (10) years hence.

It goes without saying that the difficulties in preparing the case for trial are severely compounded by the lack of financial resources of the Band.

It might also be pointed out that a similar aboriginal rights proceeding, The Attorney General for the Province of Ontario vs. Bear Island Foundation et al., took over two (2) years of hearing and involved over six (6) years of proceedings in the Supreme Court of Ontario (1985, 15 D.L.R. (4th) 321). Judgment was rendered on December 11, 1984 and the appeal has still not been heard by the Ontario Court of Appeal.

In British Columbia, considerable difficulties are being experienced by respective counsel in aboriginal rights cases in bringing the matter to trial because of the complexity of the hearing.

Aside from the foregoing, including the problems of intrinsic complexity of the legal proceedings, discussed below in more detail, four (4) significant points should be made:

1. The Band had to concentrate on the interim injunction proceedings, in themselves very complex, until a final determination of these in May, 1985.
2. The Government of Canada itself requested the Band to hold the legal proceedings in abeyance pending the Fulton inquiry, the attempts to structure negotiations and the pre-negotiation discussions with Deputy-Minister Rawson and then with Mr. Tasse. The attorneys for the Government of Alberta and the oil companies were well aware that the Band was deploying considerable efforts in respect to the Fulton inquiry and possible negotiations and also hoped for an extra-judicial resolution of the issues.

-5-

3. Because of Canada's dual court system, proceedings had been taken by the Band in the Federal Court of Canada and in the Provincial Court of Queen's Bench of Alberta. The Band wishes to proceed on the merits of the aboriginal rights issue in the Federal Court of Canada first. However, during 1985 and part of 1986, there was pending before the Supreme Court of Canada another Indian rights case [Joe vs. The Government of Canada (1986 69 N.R. 318)], decided in October, 1986, which affected the question of whether the Band could litigate the aboriginal rights question in the Federal Court of Canada first.

4. The Band's attorneys in 1985 and 1986 carried out considerable work in regard to the Fulton inquiry and possible negotiations, made extensive preparations for trial, held several meetings with the attorneys for Alberta and the oil corporations to attempt to simplify the hearing on the merits, organized substantial documentation and forwarded a list of three hundred and forty-one (341) documents to the attorneys for Alberta in November, 1986.

A. CONCENTRATION ON THE INTERIM INJUNCTION PROCEEDINGS

Legal proceedings respecting the determination of aboriginal rights were first instituted in the Federal Court of Canada. With the rapid development activities of the oil companies and the judgments in 1980 and 1981 of the Federal Court Trial Division and the Federal Court of Appeal to the effect that the oil companies and Alberta could not be pursued in the Federal Court of Canada, Chief Ominayak and the Lubicon Lake Band were forced to go to the Provincial Court of Queen's Bench in Alberta in order to try to stop the development activities.

The oil companies and Alberta were the proponents involved in the oil development activities. It was these activities which threatened the livelihood, way of life and means of subsistence of the Lubicon Lake Band and its members. In order

-6-

to protect this way of life and their livelihood and means of subsistence, the Band and its members necessarily had to seek interim injunction proceedings and this before the Provincial Court of Queen's Bench of Alberta.

It was at this stage of the proceedings, i.e., the interim injunction proceedings, that the questions of whether the Band (a) could survive as a People; and (b) could continue to have their way of life, livelihood and means of subsistence, would be determined.

The interim injunction was refused in November of 1983. By that time the massive exploration and development activity of the oil companies and Alberta with the concurrence of Canada had virtually destroyed the way of life, means of subsistence and livelihood of the Band.

The Band attempted to preserve the remnants of these through the appeal to the Court of Appeal of Alberta, where judgment was rendered in January of 1985 dismissing the appeal.

The Band, in the first part of 1985, then tried to obtain leave to appeal from the Supreme Court of Canada twice and was refused twice.

By that time, all hope of any effective domestic remedy to preserve even a small part of the way of life, subsistence and means of livelihood of the Band disappeared.

The Band submits that, at the time of its first Submission to the Human Rights Committee in February 1984, not only were the remedies respecting the interim injunction proceedings unreasonably prolonged, but development had virtually destroyed the subsistence, means of livelihood and way of life of the Band. The courts of Canada did not provide justice to the Band.

-7-

Once the Supreme Court of Canada refused to hear the case in 1985, the Band's way of life, means of subsistence and livelihood were doomed.

The interim injunction proceedings were in themselves very complicated. It was only when these terminated that the Band could bring its attention to bear on the permanent injunction. However, it should be recalled to the Committee that at this point in time even the successful outcome of the aboriginal rights or treaty rights litigation or the obtaining of a permanent injunction could not restore the way of life of the Band.

The holding of the courts of Alberta to the effect that the way of life, subsistence and livelihood of the Band and the culture of the Band could be compensated in money defies logic and runs against every prevailing principle of international law. It reflects perhaps the western philosophy that money can do anything and replace everything.

The Band rejects this philosophy as has the United Nations.

B. THE FULTON INQUIRY, NEGOTIATIONS AND THE LEGAL PROCEEDINGS

The court proceedings in Alberta were parallel proceedings necessitated by Canada's dual court system. The Band intended to proceed in the Federal Court of Canada first.

On the other hand, in May, 1985, almost concurrently with the Supreme Court of Canada decision mentioned above, the inquiry of former Justice E. Davie Fulton described in previous communications began in a significant manner. It was the clear understanding of the Band, Mr. Fulton and the Government of Canada that, pending this inquiry, the Band would not actively pursue court proceedings. Mr. Fulton's inquiry lasted until January of 1986, although his revised report was not filed until February of 1986.

-8-

By this time, discussions had been held regarding the appointment of a negotiator and discussions respecting the negotiations took place in the first part of 1986. Pre-negotiations sessions were held with Mr. Tasse in June and July of 1986.

Even after the breakdown of negotiations, the Band hoped that Canada would revise its indefensible position that the rights of over one-half of the Band should not be dealt with.

Consequently, throughout most of 1985 and 1986, the Band was engaged in an inquiry process and in pre-negotiation discussions at the request of Canada, it being understood throughout this period that the Band would not actively pursue its court proceedings.

Consequently, Canada, to say the least, takes a contradictory position that the Band should have been vigorously and intensively pursuing the litigation route instead of the negotiation route in a good faith attempt to resolve the aboriginal rights claims of the Band.

Furthermore, in November, 1985, when it looked like Mr. Fulton would simply be removed, and that the Band would have no alternative but to litigate, the Band instituted other court proceedings in the Federal Court of Canada against the Minister of Indian Affairs and Northern Development to obtain financial assistance to properly present their case before the Courts. The Band was without financial means, which made the litigation process even more difficult.

The Band alleged that its poverty was discrimination and that it was severely handicapped in presenting its case before the Courts.

In December of 1985, the Federal Court of Canada ruled that this matter should be heard by way of an action instead of by a shortened motion.

-9-

In the same month of December, 1985, at the request of the Federal Government, discussions were held between the Band and the Federal Government respecting negotiations. Again, at the request of the Federal Government, it was agreed that the Band would not pursue the court proceedings respecting financial assistance, but would concentrate on the negotiations themselves.

The Federal Government did, in fact, make a payment of \$1.5 million to the Band, as mentioned in its Communication of June 23, 1986. However, this was not for purposes of covering prospective legal costs as alleged by Canada but was instead an ex gratia payment intended to enable the Band to repay the costs it had incurred in putting forward its grievance over the past five (5) years (Federal Communique, January 8, 1986). This amount was to be deducted from any settlement amounts received.

In April of 1986, when it again appeared there might not be negotiations, the Band filed a Statement of Claim seeking financial assistance. Shortly thereafter, the Federal Government indicated it wished to pursue direct negotiations without the participation of Alberta. Once more, the Band consented not to pursue court proceedings pending the negotiations. After the breakdown of negotiations in July, 1986 and when it became clear that the Federal Government did not intend to resume negotiations, the Band amended its Statement of Claim in November of 1986 and these proceedings are still pending before the Courts.

Canada indicated that it wished to contest these proceedings and it was only on February 18, 1987 that the Federal Government indicated a date for bringing a motion on in respect to these proceedings.

At a minimum, Canada has not itself moved expeditiously in respect to these collateral proceedings. It has throughout confirmed its consistent position that the

-10-

Band should not litigate its aboriginal rights but instead should negotiate. For Canada now to reproach the Band for not moving faster than it has in regard to litigation is hypocritical.

C. JURISDICTIONAL PROBLEMS

As indicated, it was only in October, 1986, that the Supreme Court of Canada rendered its decision in an important test case relating to the jurisdiction of the Federal Court of Canada in regard to aboriginal rights. The Government of Canada opposed the Court's jurisdiction in this respect.

Both the attorneys for the Government of Canada and the Band's attorneys were not only aware of the importance of these proceedings in regard to the Band's litigation, but had even discussed the relevance of the Joe case. The Trial Division had upheld the Court's jurisdiction while the Federal Court of Appeal denied its jurisdiction. The Supreme Court of Canada had given leave to appeal because this was considered an important unresolved legal question.

The Band very much had hoped that the Federal Court's jurisdiction would be upheld, since the aboriginal rights issue could have been litigated first in the Federal Court of Canada, with only one defendant and with prospects for a more expeditious hearing and decision. This now seems impossible.

The Supreme Court of Canada decided in October, 1986 that the Federal Court of Canada does not have jurisdiction to determine whether Indians have an interest in lands adverse to that of the Province (Joe vs. The Government of Canada, 1986 69 N.R. 318).

It is possible that this decision will prevent the Band from pursuing its aboriginal rights claim in the Federal Court of Canada.

-11-

On the other hand, other relief against the Federal Government, including that of a permanent injunction, must still be sought in the Federal Court of Canada, further complicating the issues.

The Band is therefore obliged to amend its proceedings to also include the Government of Canada as a Defendant in the Provincial Court of Queen's Bench of Alberta. This can only add to the delay. The Committee should also be aware that the Federal Government's attorneys have indicated to Band counsel that they will object to being included as a Defendant in the Alberta action.

Insofar as the court proceedings in Alberta are concerned, it should be noted that the attorneys for the Plaintiffs have carried out extensive research and preparations on this case over the period from May, 1985 to date.

D. WORK IN RESPECT TO PERMANENT COURT PROCEEDINGS

The Band's attorneys have held several meetings with the attorneys for the opposite parties, including Alberta, in order to simplify the issues and deal with preliminary matters and thus avoid an inevitable plethora of motions which would render it likely that the litigation takes twenty (20) years instead of the now estimated ten (10) years that the litigation could take.

Moreover, as early as May 13, 1985, the attorneys for the Band communicated with the attorneys for the Province of Alberta and the oil companies to inform them of the Fulton inquiry and the efforts being made through the Fulton inquiry towards a resolution of the principal action.

In June of 1985, the attorneys for the Band met with the attorneys for the oil company defendants to discuss with them the possible elimination of the oil companies from the proceedings on a without prejudice basis, since the way of life had already been destroyed and the main thrust of the action was directed towards the recognition of aboriginal land rights.

-12-

During the summer and fall of 1985, there were extensive discussions and meetings with Mr. E. Davie Fulton to the knowledge of the attorneys for Alberta and the oil companies.

It was also indicated to these attorneys that the Band wished to proceed with the Federal Court action first.

In early 1986, discussions were again held with the attorneys for the oil companies in Alberta respecting a possible discontinuance against the oil companies and preparations for discoveries and for the purpose of dealing with preliminary matters which might shorten the proof and the trial. Important meetings on these points were held with the attorneys for Alberta and the oil companies on February 5 and February 6, 1986.

Additional meetings on these points were held with attorneys for Alberta and the oil companies on March 11, 1986 in Calgary, on March 25, 1986 in Calgary and on May 23, 1986 in Calgary.

A meeting was held with the attorneys for Alberta on July 11, 1986, respecting the schedule for discoveries, listing of documents and preparations for trial.

On September 18, 1986, another meeting was held with the attorneys for the oil companies on the possible discontinuance against the oil companies on a without prejudice basis, after an extensive study, proposals and counter-proposals. To date, this problem has still not been resolved despite various other communications with the attorneys for the oil companies and Alberta.

In respect to the preparation of documents, extensive work was done during the spring of 1986 by a number of lawyers on behalf of the Band in respect to an analysis and a listing of documents for the main action. During all this time, research was also carried out on the preparation of the Band's case.

-13-

Several internal meetings of the attorneys of the Band were held in Calgary, Vancouver and Montreal during 1986.

In November 1986, the attorneys for the Band forwarded to the attorneys for Alberta a list of three hundred and forty-one (341) documents for the purposes of the case. Yet counsel for Alberta has not to date forwarded any list of documents to the Band's attorneys, despite requests by the Band's attorneys and promises of counsel for the Province of Alberta to do so.

Consequently, the Band and its counsel categorically reject the implications that the Band and its counsel are delaying proceedings. Furthermore, all attorneys involved in the case were aware that strenuous efforts were being made by the Band to attempt a resolution of the main action through the Fulton inquiry, various discussions with officials of the Government of Canada and pre-negotiation discussions with Roger Tasse.

E. CONCLUSION

At this time, the development and environmental destruction in the Band's traditional homeland have progressed to such a point that a permanent injunction, even if successful, would not prevent nor undo the irreparable damage to the Band's way of life, livelihood and subsistence. The domestic remedies for this have been exhausted. Moreover, the inherent delays in litigation to have other Band rights affirmed entail the unreasonable prolongation of the application of remedies in respect to the Band's aboriginal land rights or alternative treaty rights.

Another critical facet of this supposed remedy which has been ignored by Canada and yet invoked by Alberta (and Canada in other court proceedings) is that it may well not be possible to obtain an injunction against either the Federal Government or the Government of Alberta (Grand Council of the Crees (of Quebec)

-14-

vs. The Queen in Right of Canada, 1981 124 D.L.R. (3d) 574 - Federal Court of Appeal).

The Band absolutely denies that it and its attorneys have not taken reasonable steps to pursue action in regard to the permanent injunction and reaffirms that, at the request of Canada itself, it has concentrated on the Fulton inquiry and pre-negotiation discussions in good faith attempts to resolve its disputes with Canada.

It is therefore Canada itself which is to blame for any delay.

Finally, it is a patent and deliberate misconstruction of the Band's communications to submit that the circumstances of the communications solely concern an alleged delay in obtaining a remedy from the court.

A court remedy which could protect the Band's way of life, livelihood and subsistence is no longer available. These have been destroyed and the courts of Canada have acted unfairly in allowing their destruction (see previous communications on this point).

For these reasons and the reasons contained in its previous Submissions, the Band respectfully requests that Chief Ominayak's communication under the Optional Protocol be declared admissible by the Committee and Canada be found to be in violation of the Lubicon Lake Band's rights to determine its political status, pursue its economic, social and cultural development, dispose of its natural wealth and resources and fundamentally, its right to the physical means for subsistence and the exercise of self-determination, in violation of Articles 1(1), 1(2) and 1(3) of the International Covenant on Civil and Political Rights.

The author of this communication is prepared to provide further information or clarification which may be desired, and reserves the right under Provisional Rule 93(3) to submit additional information and observations after receiving the reply of the government of Canada.

Submitted by:



Bernard Ominayak
Chief of the Lubicon Lake Band
Little Buffalo Lake
Alberta Canada

Prepared with the assistance of:



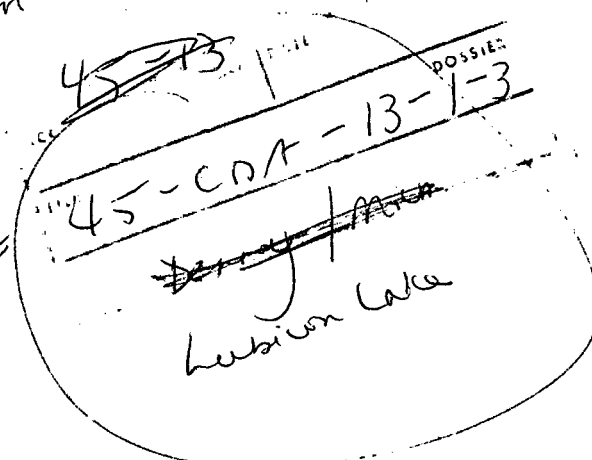
Jessica S. Lefevre, Esq.
Van Ness, Feldman, Sutcliffe & Curtis
1050 Thomas Jefferson St., N.W.
7th Floor
Washington, D.C. 20007

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G/SO 215/51 CANA (38)
167/1984

COPY

File



The Secretariat of the United Nations (Centre for Human Rights) presents its compliments to the Permanent Mission of Canada to the United Nations Office at Geneva, and has the honour to acknowledge the receipt of its note No. 15, dated 9 February 1987, transmitting comments from the State party, dated 20 January 1987 concerning communication No. 167/1984 (B. Ominayak and the Lubicon Lake Band v. Canada), submitted to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

The State party's submission will be placed before the Human Rights Committee at its forthcoming session.

11 February 1987

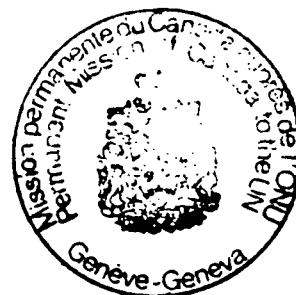
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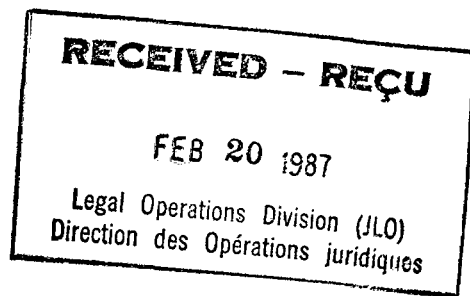
No.15

The Permanent Mission of Canada to the United Nations presents its compliments to the Secretary- General of the United Nations (Centre for Human Rights) and further to the Centre's Note No. G/SO/215/51 CANADA(38) 167/1984 of July 9, 1986, has the honour to submit the attached comments of the Government of Canada concerning Communication No. 167/1984 submitted to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights by Bernard Ominayak.

The Permanent Mission of Canada avails itself of this opportunity to renew to the Secretary- General of the United Nations (Centre for Human Rights) the assurances of its highest consideration.

GENEVA, February 9, 1987.





cc : EXTOTT / JLO

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The Permanent Mission of Canada to the United Nations presents its compliments to the Secretary-General of the United Nations (Centre for Human Rights) and further to the Centre's Note No. G/SO/215/51 CANADA(38) 167/1984 of July 9, 1986, has the honour to submit the attached comments of the Government of Canada concerning Communication No. 167/1984 submitted to the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights by Bernard Ominayak.

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GENEVA, February 9, 1987.





External Affairs
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MESSAGE

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Accession/Référence

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45-CDA-13-1-3-LUBICON LAKE BAND

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--HUMAN RIGHTS COMMITTEE: CANADAS RESPONSE ON LUBICON AND

MIKMAQ COMMUNICATIONS: CORRECTIONS

TWO TYPOGRAPHICAL ERRORS IN PARA 3 OF REFTEL SHOULD BE

CORRECTED AS FOLLOWS: LINE 3 QUOTE LAND UNQUOTE AND LINE

4 QUOTE BLAND UNQUOTE SHOULD BOTH READ QUOTE BAND UNQUOTE.

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DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

Peter McRae
SIG

JLO

992-2002

Peter McRae
SIG

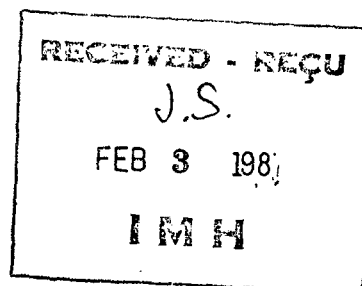
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ACTION
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NEW YORK

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M./Mad. J. FOWELL

TO: Mr./Ms. _____
A : M./Mad. _____

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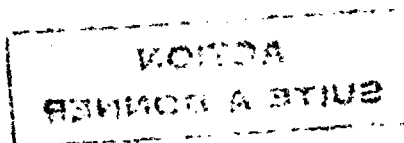
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External Affairs
CanadaAffaires extérieures
CanadaMESSAGE/DIARY/CIRC/FILL
MESSAGE/JOURNAL/CIRC/DOSSIER

Accession/Reference

Log/Dossier

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MESSAGE

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SÉCURITÉ

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FM CNGNY YIGR-0066 02FEB87

TO/A

TO EXTOTT/IMH

INFO

INFO WSHDC INAHULL/COULTER

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DRAFT/PROJET

DIVISION/DIRECTION

TELEPHONE

APPROVE/D'APPROUVER

J. Fowell

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GRPA

J. Fowell

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4. GRATEFUL: (A) YOUR COMMENTS, ESPECIALLY IN TERMS OF
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(B) UPDATE ON GLENBOW REQUEST.

4/8

THE MUSEUM OF THE AMERICAN INDIAN NEWS

Contact: Elizabeth A. Beim,
Public Affairs Officer
or Mary B. Keir, Assistant

BROADWAY AT 155th STREET · NEW YORK, N.Y. 10032 (212) 283-2420 DR. ROLAND W. FORCE, DIRECTOR

Museum of the American Indian
Schedule of Exhibitions and Programs
January - June, 1987

Rec'd
21 Jan

FOR RELEASE

EXHIBITIONS

The Museum of the American Indian's collection of more than a million artifacts represents the world's largest and finest assemblage of Native American materials. Approximately 10,500 artifacts on permanent display at the public galleries at 155th Street and Broadway present a panoramic survey of Native American material culture throughout the Western Hemisphere. A new permanent display of approximately 100 Southeastern artifacts includes early Seminole clothing, Chitimacha basketry, Cherokee masks, and Choctaw ballgame paraphernalia. In addition, special temporary exhibits designed to interpret specific themes, cultures, and types of art are presented frequently throughout the year. To make its collection more accessible to a broad public, the Museum has an active program of traveling exhibits.

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Through December 31, 1987

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(Hours are 10 AM-12:30 PM and 1:30 PM-3 PM)

Daisy Moore (Wampanoag)
February 17, 18, 19, 20

Mat Construction

Artists-in-Residence:

(Hours are 10 AM-12:30 PM)

Maruka Campo (Maya-Chamula) Backstrap Weaving
February 3, 4, 10, 11
March 3, 4, 10, 11, 17, 18
April 7, 8
May 5, 6, 7, 8

Pepe Santana (Quechua) Andean Music
February 5, 6, 12, 13
March 5, 6, 12, 13, 19, 20
April 9, 10
May 7, 8, 14, 15

Tchin (Blackfeet) Metalwork
February 24, 25, 26, 27
March 24, 25, 26, 27
April 28, 29, 30
May 1, 19, 20, 21, 22

SATURDAY FAMILY PROGRAMS

These presentations add a living dimension to the educational programming by featuring Native Americans interpreting their own cultures. They are free and open to the public, with general admission, unless otherwise noted. All presentations take place in the Museum's third-floor gallery. For further information contact Martha de Montaña, (212)283-2420.

"Intertwined Roots"

January 31, March 7, May 9

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7/8

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February 28

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Saturdays, by appointment

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March 29 DR. JAMES G.E. SMITH
Curator, North American Ethnology
Museum of the American Indian

"The Lubicon Lake Cree of Canada"

Because of their enduring isolation, the Lubicon Lake Cree of Canada were overlooked in the treaty-making period (1899-1900). They have remained hunters and trappers but in the 1980's their cultural and economic independence was destroyed by the intrusion of major oil companies and the indifference of governments. Dr. Smith has been asked to serve as an expert witness on behalf of the Cree in their current dispute with the Canadian government over band membership and land. He will discuss the Cree's continued struggle for recognition and establishment of a reserve.

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Assistant Curator, Museum of the American Indian

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8/8

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Pocatello, Idaho
February 19 - March 26, 1987

Colorado State University
Ft. Collins, Colorado
April 1 - 12, 1987

University of Kansas
Lawrence, Kansas
April 3 - 12, 1987

Montezuma Arts Council
Montezuma Creek, Utah
April 27 - May 15, 1987

MUSEUM HOURS: Tuesday-Saturday 10 AM-5 PM
Sunday 1 PM-5 PM
Closed Mondays and major holidays

ADMISSION: \$2.00 for adults
\$1.00 for students and senior citizens with I.D.



External Affairs
Canada

Affaires extérieures
Canada

MESSAGE

Accession/Référence

Filer/Dossier

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45-CDA-13-1-3-CHIMPER, K

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SECURITY
SÉCURITÉ

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TO GENEVA

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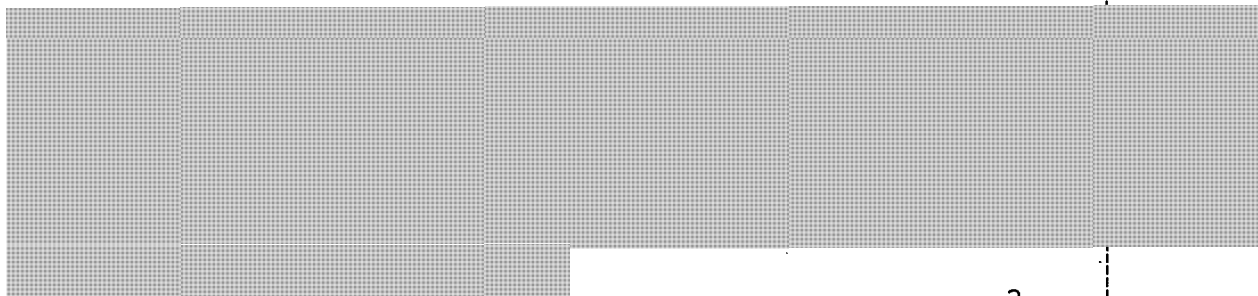
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---HUMAN RIGHTS COMMITTEE: CANADAS RESPONSES ON LUBICON AND
MIKMAQ COMMUNICATIONS

REQUISITE APPROVAL IN DEPTS CONCERNED HAS BEEN OBTAINED FOR
LATEST GOVT SUBMISSIONS ON ABOVE NOTED COMMUNICATIONS.

2. DEPT OF JUSTICE HAS REQUESTED WE MAKE A FEW MINOR, MAINLY
EDITORIAL CHANGES IN TEXTS OF TWO SUBMISSIONS. MICHAEL CLEARY
(IMU) WHO WILL ARRIVE IN GENEVA ON FEB 8 TO ATTEND HUMAN
RIGHTS COMMISSION WILL HAVE REVISED TEXTS WITH HIM. IF YOU FEEL
THAT QUESTION OF TIMING IS IMPORTANT ENOUGH NOT TO WAIT FOR
HIS ARRIVAL YOU MAKE CHANGES AS OUTLINED BELOW AND FORWARD
SUBMISSIONS TO HUMAN RIGHTS CENTRE UNDER COVER OF DIPLOMATIC NOTE.

3. CHANGES IN SUBMISSIONS AS FOLLOWS:



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DRAFTER/RÉDACTEUR

P. McRae
SG Peter McRae/sl

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JLO

TELEPHONE

2-2002

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P. McRae
SIG P. McRae

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SECURITY / SÉCURITÉ
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TO/A TO EXTOTT/IMH

INFO INFO WSHDC INAHULL/COULTER

REF DISTR BKC URR

SUBJ/SUBJ REF FOWELL/SIMPSON TELCON 02FEB87; IMH-0126 23JAN87; IMH-0004

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APPROVE/D'APPROUVER

J. Fowell

SIG

GRPA

J. Fowell

SIG

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Through January 25, 1987

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518

PLIMOTH PLANTATION: WAMPANOAG SUMMER CAMPSITE
February 17 - June 14, 1987

An exhibit case featuring Wampanoag baskets, woodcarvings, pottery, and wampum items. The display is complemented by the slide presentation "Wampanoags of Plimoth Plantation and Powhatan Diaspora."

Traveling Exhibits

THE STUFF OF DREAMS: NATIVE AMERICAN DOLLS
Historical Museum of Southern Florida
Miami, Florida
June 25 - September 27, 1987

A display of 122 dolls drawn from MAI's collection explores the significance of dolls among native peoples of the Americas from ancient times to the present.

SHAWNEE HOME LIFE: THE PAINTINGS OF EARNEST SPYBUCK
Bacone College Museum Haskell College
Muskogee, Oklahoma Lawrence, Kansas
January 12 - March 15, 1987 March 30 - May 30, 1987

This exhibition includes 18 of the artist's works from the permanent collection of the Museum of the American Indian. Earnest Spybuck's exquisitely detailed watercolors offer an unparalleled view of the day-to-day life of the Shawnees in Oklahoma at the turn of the century.

SPECIAL PROGRAMS AT THE MUSEUM OF THE AMERICAN INDIAN

NATIVE AMERICAN ARTS PROGRAM: SO THE SPIRIT FLOWS
Presenting traditional and modern art forms through a program of lecture-demonstrations and exhibits. "So the Spirit Flows"...

- enables the public to see innovation in Native American art today as well as the revival and continuation of traditional expressions.
- encourages visitation by more Native Americans, schools, and special interest groups.
- exposes Museum visitors to the rich diversity of Native Americans from varied geographical, cultural, and professional backgrounds.
- enhances the recognition and appreciation of the Native American participants and provides the opportunity for them to interpret their culture personally to Museum visitors and staff.

For further information and confirmation of all demonstration dates contact Nadema Agard, (212)283-2420.

6/8

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NYC 001

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DATE Feb. 3, 1987

PAGES 8

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(y compris la page
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NEW YORK

SECTION: GRPA

Mr./Ms.
M./Mad.

J. FOWELL

TO: Mr./Ms. _____
A : M./Mad. _____

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INFO : WSHDC/NACHOLL/COULTER DE OTT
DISTR : BKC URR

Phone :

Telephone : _____

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Object : TELEX YIGR 0066 attached



External Affairs
Canada

Affaires indiennes
Canada $\frac{3}{8}$

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Contact: Elizabeth A. Beim,
Public Affairs Officer
or Mary B. Keir, Assistant

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21 Jan

EXHIBITIONS

The Museum of the American Indian's collection of more than a million artifacts represents the world's largest and finest assemblage of Native American materials. Approximately 10,500 artifacts on permanent display at the public galleries at 155th Street and Broadway present a panoramic survey of Native American material culture throughout the Western Hemisphere. A new permanent display of approximately 100 Southeastern artifacts includes early Seminole clothing, Chitimacha basketry, Cherokee masks, and Choctaw ballgame paraphernalia. In addition, special temporary exhibits designed to interpret specific themes, cultures, and types of art are presented frequently throughout the year. To make its collection more accessible to a broad public, the Museum has an active program of traveling exhibits.

Temporary Exhibits at the Museum of the American Indian

I NEED NO BLANKET: HIDE ROBES FROM THE GREAT PLAINS
Through December 31, 1987

To illustrate the variety of styles and uses of painted buffalo and other hides made by the peoples of the Great Plains, 15 specimens from the Museum's collection of more than 300 painted robes were selected. In addition, 25 enlarged photos showing the processes of hide preparation and a continuous slide show featuring historic and contemporary photographs help interpret the artifacts on display.

FLOATING CANOE: CONTEMPORARY IROQUOIS SILVERWORK
Through January 25, 1987

A showcase exhibit of work by Mohawk silversmith Elwood Green.

5/8.

PLIMOTH PLANTATION: WAMPANOAG SUMMER CAMPSITE
February 17 - June 14, 1987

An exhibit case featuring Wampanoag baskets, woodcarvings, pottery, and wampum items. The display is complemented by the slide presentation "Wampanoags of Plimoth Plantation and Powhatan Diaspora."

Traveling Exhibits

THE STUFF OF DREAMS: NATIVE AMERICAN DOLLS
Historical Museum of Southern Florida
Miami, Florida
June 25 - September 27, 1987

A display of 122 dolls drawn from MAI's collection explores the significance of dolls among native peoples of the Americas from ancient times to the present.

SHAWNEE HOME LIFE: THE PAINTINGS OF EARNEST SPYBUCK	
Bacone College Museum	Haskell College
Muskogee, Oklahoma	Lawrence, Kansas
January 12 - March 15, 1987	March 30 - May 30, 1987

This exhibition includes 18 of the artist's works from the permanent collection of the Museum of the American Indian. Earnest Spybuck's exquisitely detailed watercolors offer an unparalleled view of the day-to-day life of the Shawnees in Oklahoma at the turn of the century.

SPECIAL PROGRAMS AT THE MUSEUM OF THE AMERICAN INDIAN

NATIVE AMERICAN ARTS PROGRAM: SO THE SPIRIT FLOWS
Presenting traditional and modern art forms through a program of lecture-demonstrations and exhibits, "So the Spirit Flows"...

- enables the public to see innovation in Native American art today as well as the revival and continuation of traditional expressions.
- encourages visitation by more Native Americans, schools, and special interest groups.
- exposes Museum visitors to the rich diversity of Native Americans from varied geographical, cultural, and professional backgrounds.
- enhances the recognition and appreciation of the Native American participants and provides the opportunity for them to interpret their culture personally to Museum visitors and staff.

For further information and confirmation of all demonstration dates contact Nadema Agard, (212)283-2420.

6/8

Visiting Artist:

(Hours are 10 AM-12:30 PM and 1:30 PM-3 PM)

Daisy Moore (Wampanoag)
February 17, 18, 19, 20

Mat Construction

Artists-in-Residence:

(Hours are 10 AM-12:30 PM)

Maruka Campo (Maya-Chamula)
February 3, 4, 10, 11
March 3, 4, 10, 11, 17, 18
April 7, 8
May 5, 6, 7, 8

Backstrap Weaving

Pepe Santana (Quechua)
February 5, 6, 12, 13
March 5, 6, 12, 13, 19, 20
April 9, 10
May 7, 8, 14, 15

Andean Music

Tchin (Blackfeet)
February 24, 25, 26, 27
March 24, 25, 26, 27
April 28, 29, 30
May 1, 19, 20, 21, 22

Metalwork

SATURDAY FAMILY PROGRAMS

These presentations add a living dimension to the educational programming by featuring Native Americans interpreting their own cultures. They are free and open to the public, with general admission, unless otherwise noted. All presentations take place in the Museum's third-floor gallery. For further information contact Martha de Montaña, (212)283-2420.

"Intertwined Roots"

January 31, March 7, May 9

Intertribal celebrations called powwows in North America and fairs and festivals in Bolivia are manifestations of an ancient, dynamic Indian world view that is often expressed in inventive and meaningful ways. Two Native Americans, a Prairie Potawatomi from Kansas and an Aymara from Bolivia, will interpret their cultures and modern celebrations through a presentation which combines traditional music and a narrated slide show.

7/8

"The Feather and the Circle"
February 28

This program explores the significance of feathers to Native Americans. "The Feather and the Circle" features the Coyote Players in a dramatization of a traditional story and a musical presentation by a South American Indian wearing a dramatic feathered headdress.

"Andean Music Workshop"
Saturdays, by appointment

Workshops for children can be scheduled in Spanish or English. An illustrated lecture highlights the Bolivian Andes and the native Quechua and Aymara people. The session includes a musical demonstration of indigenous instruments, and participants make and learn to play their own "pan pipes." Workshops are for groups of up to 20 children, aged 9-12 years. Fees are \$20 in advance and \$3 per person upon arrival. There must be one adult for every five children.

SUNDAY LECTURE SERIES

This series highlights recent research by the Museum's curatorial staff. All lectures are free to the public with general admission and they take place at the Museum in the third-floor gallery at 2 P.M. For further information contact Judith A. Brundin, (212) 283-2420.

March 29 DR. JAMES G.E. SMITH
Curator, North American Ethnology
Museum of the American Indian

"The Lubicon Lake Cree of Canada"

Because of their enduring isolation, the Lubicon Lake Cree of Canada were overlooked in the treaty-making period (1899-1900). They have remained hunters and trappers but in the 1980's their cultural and economic independence was destroyed by the intrusion of major oil companies and the indifference of governments. Dr. Smith has been asked to serve as an expert witness on behalf of the Cree in their current dispute with the Canadian government over band membership and land. He will discuss the Cree's continued struggle for recognition and establishment of a reserve.

April 5 CECILE R. GANTEAUME
Assistant Curator, Museum of the American Indian

"Native Peoples of the Southeast"

The indigenous people of the present-day southeastern United States were among the first American Indians to suffer the

onslaught of European explorers and traders, and American colonists. In the 1830's the majority of these American Indians were forced to emigrate west of the Mississippi River. In a slide lecture, Ms. Ganteaume will discuss the history of the native people who managed to remain and are living in the Southeast today. Ms. Ganteaume curated the Museum's reinstallation of southeastern Indian ethnology and she will highlight the materials on display.

FILM AND VIDEO CENTER PROGRAMS

The Museum of the American Indian's Film and Video Center is currently presenting NATIVE AMERICA NOW, the first national traveling festival of films about contemporary Native Americans. The program features documentary and short films by leading independent filmmakers, selected from the Center's annual Native American Film and Video Festivals, 1982-85. Festival themes include leadership, cultural survival, and land issues in North and South American native communities.

Idaho State University
Pocatello, Idaho
February 19 - March 26, 1987

Colorado State University
Ft. Collins, Colorado
April 1 - 12, 1987

University of Kansas
Lawrence, Kansas
April 3 - 12, 1987

Montezuma Arts Council
Montezuma Creek, Utah
April 27 - May 15, 1987

MUSEUM HOURS: Tuesday-Saturday 10 AM-5 PM
Sunday 1 PM-5 PM
Closed Mondays and major holidays

ADMISSION: \$2.00 for adults
\$1.00 for students and senior citizens with I.D.

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June 10, 86
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C O N F I D E N T I A L

FM STKHM UDFC0288 28JAN87

TO EXTOTT BKC

INFO OSLO COPEN HSNKI RONN LDN

DISTR MINA IMH BCM BFE RWP RSR

---WINTER OLYMPIC GAMES CALGARY 88-LUBICON BOYCOTT

MISSION HAS RECEIVED COPIES OF LETTERS SENT TO THE SWEDISH SPORTS
FEDERATION CALLING FOR A BOYCOTT OF THE CALGARY OLYMPICS. ONE
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LK Bond		

Con.
JAN 30 1987
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PAGE TWO UDFC0288 CONF

A COUNTRY THAT DOES NOT/NOT IN THE LEAST RESPECT THE HUMAN RIGHTS WHICH SHOULD APPLY TO ITS ABORIGINAL POPULATION UNQUOTE.THE LET REFERS TO THE EXPLOITATION OF ENERGY COMPANIES AS HAVING QUOTE DRIVEN THE SELF-SUPPORTING INDIANS TO SOCIAL DISINTEGRATION AND HAVE HEREBY SUPPORTED ANY INTENSIVE GENOCIDE OF PEOPLE AND CULTURE UNQUOTE.

3.THE RESPONSE OF THE SWEDISH SPORTS FEDERATION HAS BEEN WHAT WE WOULD HAVE HOPED FOR.THEY HAVE COMPLETELY SUPPORTED SWEDISH PARTICIPATION IN THE GAMES AND CLEARLY STATED THE FEDERATIONS VIEW ON POLITICIZATION OF WORLD SPORTING EVENTS.QUOTE WE SYMPATHIZE WITH THE INDIANS PROBLEMS,BUT AS THE QUESTION IS OF A POLITICAL NATURE AND AS SUCH IS TO BE REGARDED AS AN INTERNAL AFFAIR,OUR OPINION IS THAT CDAS POLITICIANS AND PEOPLE SHOULD SOLVE THE PROBLEM.WE ARE NOT/NOT AWARE OF THE HANDLING OF THE MATTER BUT ARE OF THE OPINION THAT THE ISSUE SHOULD HAVE BEEN BROUGHT UP AND SETTLED IN CONNECTION WITH THE GOVERNMENTS APPROVAL OF THE CANDIDATURE TO THE OLYMPIC GAMES.TO NOW DEMAND THAT OTHER NATIONS SHOULD ACT IS IN OUR OPINION WRONG UNQUOTE.

4.THE LEVEL OF BOYCOTT TALK WHETHER RELATING TO THE GAMES OR THE GLENBOW EXHIBITION,HAS INCREASED MARKEDLY OVER THE PAST SIX MONTHS.WHILE WE STILL BELIEVE THAT THERE IS NO/NO LIKELIHOOD THAT SWEDEN WILL WITHDRAW FROM THE OLYMPICS WE SHOULD NOT/NOT UNDERESTIMATE THE EFFECT OF A CONCERTED EFFORT BY THE LUBICONS

...3

PAGE THREE UDFC0298 CONF

AND THEIR SUPPORTERS IN EUROPE TO SECURE THIS END. THAT SUCH A SMALL GROUP COULD HAVE PREVENTED THE LOAN OF ARTIFACTS FROM THREE SWEDISH INSTITUTIONS ON WHAT WE MAY CONSIDER SPURIOUS GROUNDS SPEAKS VOLUMES TO THE EMOTIONAL IMPACT THAT THIS ISSUE HAS ALREADY HAD. WE HAVE BEEN TREATING THE MATTER WITH KID GLOVES AND HAVE ONLY PROVIDED INFORMATION RELATING TO LAND CLAIMS AS A MEANS TO KEEP THESE DECISION MAKING GROUPS APPRISED OF ALL SIDES OF THE ISSUE. WE HAVE NOT/NOT CONFRONTED THE SWEDISH-AMERICAN INDIAN FEDERATION AND DO NOT/NOT INTEND TO DO SO. THEY HAVE NOT/NOT WRITTEN TO THE EMBASSY.

5. THE BEST ANALYSIS OF THE LUBICON BOYCOTT AND FOREIGN MUSEUM RESPONSES TO IT HAS COME IN A LET BY DUNCAN CAMERON DATED 15 JAN 87 TO DR A LUNDSTROM OF THE KUNGLIGA LIVRUSTKAMMEREN IN STKHM AND COPIED TO EXTOTT.

6. THE ABOVE LET TOGETHER WITH THE OTHER MATERIAL MENTIONED WILL BE BAGGED TO YOU.

CCC/010 281504Z UDFC0293

C O N F I D E N T I A L

FM STKHM UDFC0288 28JAN87

TO EXTOTT BKC

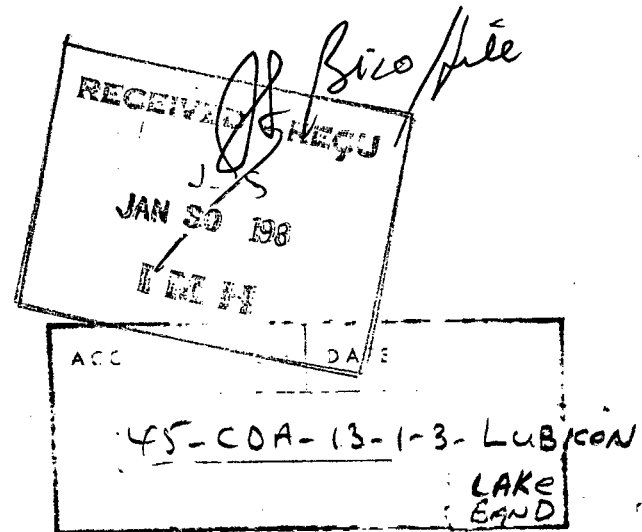
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Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

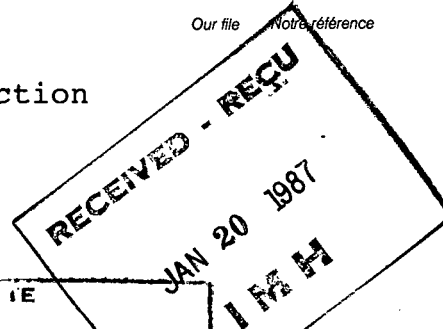
By Courier

January 20, 1987

Your file Votre référence

Our file Notre référence

Ms Joanne Simpson
Human Rights and Social Affairs Section
Department of External Affairs
Third Floor, Tower "A"
Lester B. Pearson Building
125 Sussex Drive
OTTAWA, Ontario
K1A 0G2



Dear Ms Simpson:

Lubicon Lake Band

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Lubicon Lake Band

As you may be aware, the Governments of Canada and Alberta and the Cree Band of Northern Alberta recently concluded a lands claim agreement the basis of which is similar to that to the Lubicon Lake Band. In this regard, we have prepared a note (enclosed) to be used as part of our Department's briefing for the Prime Minister when he meets the Pope later this month. This note compares the similarities and differences between the two claims. Our Deputy Minister has asked that this note be provided to Canadian embassies for their use in conjunction with the material previously provided in regards to the Lubicon Lake claim.

Your assistance in forwarding the note to embassies is requested and would be greatly appreciated.

Many thanks.

Yours truly,

R.A. Coulter
A/Director General
Policy Branch
Lands, Revenues and Trusts

Attach.

c.c. B. Rawson, Deputy Minister

Canada

COMPARISON OF CREE BAND AND LUBICON LAKE BAND LAND CLAIMS

Background: Lubicon Lake Band Claim

The Lubicon Lake Band is located about 60 miles east of Peace River, Alberta within the area encompassed by Treaty #8. Under the provisions of Treaty 8, a reserve of 25.4 square miles was identified for the Band in 1940 at the west end of Lubicon Lake. This reserve was never established. As a result, the Band, in 1980, launched court proceedings against Canada and Alberta alleging aboriginal title to about 9,000 square miles in Northern Alberta and claiming \$1 billion in compensation. This case, with amendments, is still active. Canada rejects the Band's claim to aboriginal title and is willing to resolve the claim within the ambit of Treaty 8. As such, following a fact finding inquiry by the Honourable E.D. Fulton, Canada appointed Mr. Roger Tassé, Q.C., as its negotiator. Negotiations with the Band commenced in June 1986 and were broken off by Band in July 1986 essentially over the question of who should be counted in determining the quantum of land owed the Band under Treaty 8 which calls for 128 acres per person. In negotiations, Canada took the position that only the 196 persons registered as Indians on the Indian Registry were eligible to be counted while the Band maintained that 457 persons it claims as members under its membership code should be counted of whether or not they are Indians within the meaning of the Indian Act. The Minister of DIAND has indicated flexibility on this key question and urged the Band to return to the negotiating table.

Background: Cree Band Land Claim

The Cree Band of Fort Chipewyan signed Treaty #8 on July 13, 1899. Under the treaty the Crown undertook to set aside reserves for bands who requested them. It was not until 1920, that the Band made its first request for reserve land. Due to the remoteness of the location and the difficulties of administering an isolated reserve, the Band's requests for reserve land were not acted upon.

- 2 -

The Band continued to press its demand for reserve land until 1973 when negotiations commenced among Canada, Alberta and the Band. An impasse was reached in 1977 when Alberta took a restrictive position, claiming the band was entitled to only 24,000 acres (based on population at time of treaty) and not 97,280 acres which Canada agreed the Band was entitled to. On September 17, 1981 the Band presented the federal government with a settlement proposal. Negotiations took place in 1982 and in 1983 the federal negotiator presented a settlement proposal to the Band. The proposal responded to the Band's principle of economic self-sufficiency. The approach was to provide the Band with cash in lieu of treaty lands, a reasonable land base and guaranteed protected hunting, fishing and trapping rights in Wood Buffalo National Park.

The agreement between the Band, Canada and Alberta was finalized in March 1986. The Band ratified the Agreement April 18, 1986 and it was subsequently ratified by the Cabinets of Canada and Alberta in December 1986 and final Agreement executed December 23, 1986.

Comparison of the settlement of the Cree Band of Fort Chipewyan's claim with the Lubicon Lake Band's claim

Canada, Alberta, and the Cree Band recently resolved a treaty land entitlement claim the basis of which is similar to that of the Lubicon Lake Band. The approaches taken by the two bands to negotiations are, however, markedly different. The following are the key similarities and contrasts between the two claims:

Similarities

- both claims are treaty land entitlements under Treaty 8 - 128 acres per capita owed
- both bands existed at time of treaty, 1899
- mineral rights included in both claims
- contemporary date used to determine population.
- both have professional advisors and funds for negotiation.

- 3 -

Differences

- Treaty
 - Cree Band signed original Treaty
 - Lubicon Lake did not as Treaty Commissioners did not travel to Lubicon area in 1899 owing to remoteness and the fact that families lived at disperse locations
 - Canada claims Lubicon has adhered as a consequence of its actions since 1899
- population:
 - Cree Band - 1,000 at December 31/82
 - Lubicon Lake 196 (1986) (Band claims 457)
- character of negotiations:
 - Cree Band - private, businesslike
 - Lubicon Lake - public, high profile
- public relations campaign:
 - Cree Band - none undertaken
 - Lubicon Lake - extensive both domestic and international involving church groups, complaint to UN Human Rights Committee, tour of Europe in November 1986 to gain support for boycott of Calgary Olympics and Glenbow exhibition.
- court action by band:
 - Cree Band - none
 - Lubicon Lake - court action proceeding
- third parties affected:
 - Cree Band - none
 - Lubicon Lake - yes (oil companies and crown land leaseholders)
- band's involvement with Province:
 - Cree Band - full discussion
 - Lubicon Lake - refuses to talk to Province
- Government of Canada official inquiry:
 - Cree Band - none
 - Lubicon Lake - inquiry by E.D. Fulton

ELEMENTS OF COMPENSATION PAID/SOUGHT

	<u>Cree Band Settlement</u>	<u>Lubicon Lake Band Claim</u>
<u>Characterization of claim</u>	Treaty Land Entitlement	Aboriginal Rights (Band) Treaty Land Entitlement (Canada)
<u>Type of land sought</u>	Provincial Crown Land National Park Land	Provincial Crown Land
<u>Hunting and Fishing Rights</u>	yes (3 million acres in Wood Buffalo Park)	claim for 9,000 square miles
<u>Compensation:</u>		
<u>Land ownership</u>	1,280 acres (Park) 11,000 acres (Alberta)	58,496 acres for reserve
<u>Cash</u>	\$17.6 M (Alberta) \$9 M (Canada)	approx: \$1 billion claimed in court action
<u>Economic Development Opportunities</u>	yes	claimed
<u>Loans to Band to pursue claim</u>	\$344,000 loan	\$1.5 M ex gratia payment \$242,000 loan
<u>Return of Provincial Oil Gas Revenues</u>	not applicable	sought (\$3-6 M) and rights claimed over large area
<u>Community infrastructure</u>	not applicable	new community required (\$10-13 M) housing, roads, water, sewer, school

Social Conditions

<u>current conditions</u>	<ul style="list-style-type: none"> - live in Fort Chipewyan (provincial municipality) - housing conditions better than some neighbouring bands 	<ul style="list-style-type: none"> - reside on Provincial Crown land in Hamlet of Little Buffalo - not within area claimed as reserve - living conditions comparable to neighbouring bands
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- 2 -

historical
relationship
to treaty

- members have received
treaty annuities
as members of band
since 1899

- until 1940 members paid
annuities with other
bands, since 1940,
with Lubicon Lake

INAC funding
1986/87

paid to or on
behalf of:

non-capital	\$1,000,000	\$625,000
capital	\$450,000	\$140,000

Distribution w/attachement.

CONFIDENTIAL
CONFIDENTIEL

Action

Permanent Mission of Canada to the United Nations, GENEVA
The European Economic Community, BRUSSELS
Canadian Embassy, MADRID
Canadian Embassy, THE HAGUE
Canadian Embassy, LISBON
Canadian Embassy, DUBLIN
Canadian Embassy, COPENHAGEN
Canadian Embassy, HELSINKI
Canadian Embassy, OSLO
Canadian Embassy, STOCKHOLM
Canadian Embassy, PARIS
Canadian Embassy, LONDON
Canadian Embassy, BONN
Canadian Embassy, BERNE
Canadian Embassy, VIENNA
Canadian Embassy, BRUSSELS
Canadian Embassy, ROME

Information

PRMNY, CNGY, WLGTN, CNBRA, WSHDC, WDOAS, PESCO, SECSTATE/HULL/DADSON,
JUSTOTT/FREEMAN INA/COULTER SPORT CANADA/GRAVELINE

Distribution

MINA, MINP, BCB, BKD, BFD, BFE, BKC, RCM, RCR, JLO, BKA, RWM, DMC, IMD, IFB



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

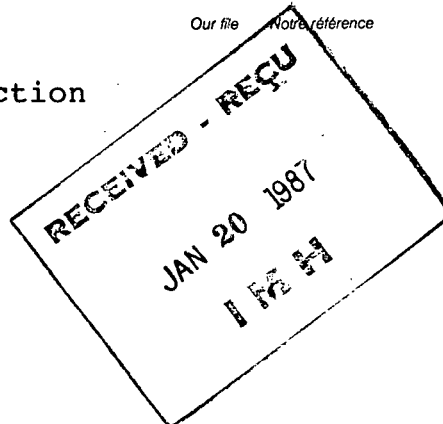
By Courier

January 20, 1987

Ms Joanne Simpson
Human Rights and Social Affairs Section
Department of External Affairs
Third Floor, Tower "A"
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125 Sussex Drive
OTTAWA, Ontario
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The Lubicon Lake Band is located about 60 miles east of Peace River, Alberta within the area encompassed by Treaty #8. Under the provisions of Treaty 8, a reserve of 25.4 square miles was identified for the Band in 1940 at the west end of Lubicon Lake. This reserve was never established. As a result, the Band, in 1980, launched court proceedings against Canada and Alberta alleging aboriginal title to about 9,000 square miles in Northern Alberta and claiming \$1 billion in compensation. This case, with amendments, is still active. Canada rejects the Band's claim to aboriginal title and is willing to resolve the claim within the ambit of Treaty 8. As such, following a fact finding inquiry by the Honourable E.D. Fulton, Canada appointed Mr. Roger Tassé, Q.C., as its negotiator. Negotiations with the Band commenced in June 1986 and were broken off by Band in July 1986 essentially over the question of who should be counted in determining the quantum of land owed the Band under Treaty 8 which calls for 128 acres per person. In negotiations, Canada took the position that only the 196 persons registered as Indians on the Indian Registry were eligible to be counted while the Band maintained that 457 persons it claims as members under its membership code should be counted of whether or not they are Indians within the meaning of the Indian Act. The Minister of DIAND has indicated flexibility on this key question and urged the Band to return to the negotiating table.

Background: Cree Band Land Claim

The Cree Band of Fort Chipewyan signed Treaty #8 on July 13, 1899. Under the treaty the Crown undertook to set aside reserves for bands who requested them. It was not until 1920, that the Band made its first request for reserve land. Due to the remoteness of the location and the difficulties of administering an isolated reserve, the Band's requests for reserve land were not acted upon.

- 2 -

The Band continued to press its demand for reserve land until 1973 when negotiations commenced among Canada, Alberta and the Band. An impasse was reached in 1977 when Alberta took a restrictive position, claiming the band was entitled to only 24,000 acres (based on population at time of treaty) and not 97,280 acres which Canada agreed the Band was entitled to. On September 17, 1981 the Band presented the federal government with a settlement proposal. Negotiations took place in 1982 and in 1983 the federal negotiator presented a settlement proposal to the Band. The proposal responded to the Band's principle of economic self-sufficiency. The approach was to provide the Band with cash in lieu of treaty lands, a reasonable land base and guaranteed protected hunting, fishing and trapping rights in Wood Buffalo National Park.

The agreement between the Band, Canada and Alberta was finalized in March 1986. The Band ratified the Agreement April 18, 1986 and it was subsequently ratified by the Cabinets of Canada and Alberta in December 1986 and final Agreement executed December 23, 1986.

Comparison of the settlement of the Cree Band of Fort Chipewyan's claim with the Lubicon Lake Band's claim

Canada, Alberta, and the Cree Band recently resolved a treaty land entitlement claim the basis of which is similar to that of the Lubicon Lake Band. The approaches taken by the two bands to negotiations are, however, markedly different. The following are the key similarities and contrasts between the two claims:

Similarities

- both claims are treaty land entitlements under Treaty 8 - 128 acres per capita owed
- both bands existed at time of treaty, 1899
- mineral rights included in both claims
- contemporary date used to determine population.
- both have professional advisors and funds for negotiation.

- 3 -

Differences

- Treaty
 - Cree Band signed original Treaty
 - Lubicon Lake did not as Treaty Commissioners did not travel to Lubicon area in 1899 owing to remoteness and the fact that families lived at disperse locations
 - Canada claims Lubicon has adhered as a consequence of its actions since 1899
- population:
 - Cree Band - 1,000 at December 31/82
 - Lubicon Lake 196 (1986) (Band claims 457)
- character of negotiations:
 - Cree Band - private, businesslike
 - Lubicon Lake - public, high profile
- public relations campaign:
 - Cree Band - none undertaken
 - Lubicon Lake - extensive both domestic and international involving church groups, complaint to UN Human Rights Committee, tour of Europe in November 1986 to gain support for boycott of Calgary Olympics and Glenbow exhibition.
- court action by band:
 - Cree Band - none
 - Lubicon Lake - court action proceeding
- third parties affected:
 - Cree Band - none
 - Lubicon Lake - yes (oil companies and crown land leaseholders)
- band's involvement with Province:
 - Cree Band - full discussion
 - Lubicon Lake - refuses to talk to Province
- Government of Canada official inquiry:
 - Cree Band - none
 - Lubicon Lake - inquiry by E.D. Fulton

ELEMENTS OF COMPENSATION PAID/SOUGHT

	<u>Cree Band Settlement</u>	<u>Lubicon Lake Band Claim</u>
<u>Characterization of claim</u>	Treaty Land Entitlement	Aboriginal Rights (Band) Treaty Land Entitlement (Canada)
<u>Type of land sought</u>	Provincial Crown Land National Park Land	Provincial Crown Land
<u>Hunting and Fishing Rights</u>	yes (3 million acres in Wood Buffalo Park)	claim for 9,000 square miles
<u>Compensation:</u>		
<u>Land ownership</u>	1,280 acres (Park) 11,000 acres (Alberta)	58,496 acres for reserve
<u>Cash</u>	\$17.6 M (Alberta) \$9 M (Canada)	approx: \$1 billion claimed in court action
<u>Economic Development Opportunities</u>	yes	claimed
<u>Loans to Band to pursue claim</u>	\$344,000 loan	\$1.5 M ex gratia payment \$242,000 loan
<u>Return of Provincial Oil Gas Revenues</u>	not applicable	sought (\$3-6 M) and rights claimed over large area
<u>Community infrastructure</u>	not applicable	new community required (\$10-13 M) housing, roads, water, sewer, school

Social Conditions

<u>current conditions</u>	<ul style="list-style-type: none"> - live in Fort Chipewyan (provincial municipality) - housing conditions better than some neighbouring bands 	<ul style="list-style-type: none"> - reside on Provincial Crown land in Hamlet of Little Buffalo - not within area claimed as reserve - living conditions comparable to neighbouring bands
---------------------------	--	--

- 2 -

historical
relationship
to treaty

- members have received
treaty annuities
as members of band
since 1899

- until 1940 members paid
annuities with other
bands, since 1940,
with Lubicon Lake

INAC funding
1986/87

paid to or on
behalf of:

non-capital	\$1,000,000	\$625,000
capital	\$450,000	\$140,000

FOR USE WHEN SIGNATURE ACKNOWLEDGING RECEIPT OF DOCUMENTS IS NEEDED. ORIGINATOR TO COMPLETE BOTH SECURITY BLOCKS.
À UTILISER LORSQU'ON EXIGE UN ACCUSÉ DE RÉCEPTION. À L'ENVOYEUR, COMPLÉTER LES DEUX ESPACES DE SÉCURITÉ.

F.G.-1081

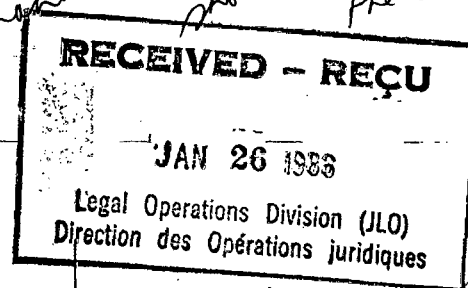
EXTERNAL AFFAIRS - AFFAIRES EXTÉRIEURES

TRANSMITTAL AND RECEIPT NOTE - NOTE D'ENVOI ET DE RÉCEPTION

TO
À
SEE ATTACHED LIST

NO. IMH-0126 DATE 23JAN87

QUANTITY QUANTITÉ	DESCRIPTION - DESCRIPTION	REFERENCE - RÉFÉRENCE
1	<p>Attached is documentation, dated January 20, 1987, pertaining to Land Claim agreements in Canada, from the Department of Indian Affairs and Northern Development (DIAND).</p> <p>Document on similarities and differences between Land Claims concluded with the Lubicon Lake Band and the Cree Band of Northern Alberta.</p>	
RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION		RETURN TO / RETOURNER À
DATE	SIGNATURE	J. SIMPSON (IMH) <i>J. Simpson</i>



Distribution w/attachement

CONFIDENTIAL
CONFIDENTIEL

Action

Permanent Mission of Canada to the United Nations, GENEVA
The European Economic Community, BRUSSELS
Canadian Embassy, MADRID
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Canadian Embassy, LISBON
Canadian Embassy, DUBLIN
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Canadian Embassy, HELSINKI
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Information

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Distribution

MINA, MINP, BCB, BKD, BFD, BFE, BKC, RCM, RCR, [JLO,] BKA, RWM, DMC, IMD, IFB

BIC - copy of this letter to
General

January 20, 1987

**COMMENTS OF THE GOVERNMENT OF CANADA
ON THE FURTHER RESPONSE OF CHIEF BERNARD OMINAYAK
AND THE LUBICON LAKE BAND DATED JUNE 30, 1986
TO THE HUMAN RIGHTS COMMITTEE**

grn 21
by CL
pending
further
instructions

I General

The Secretary General of the United Nations, in his note G/SO 215/51 CANA (38) 167/1984 dated July 9, 1986, transmitted to the Government of Canada the further response of the complainant dated June 30, 1986. In reply the Government of Canada submits the following observations.

ACC	REF	DATE
FILE	DOSSIER	
45-104-13-1-3-LUBICON		
LAKE BAND		

II Litigation Proceedings

As regards the exhaustion of domestic remedies, counsel for the Lubicon Lake Band has advised counsel for the Province of Alberta, on several occasions, of his intention to activate the domestic litigation proceedings and schedule examinations for discovery. Despite his stated intentions, counsel for the Band has not, as of the date of these observations, submitted to the court or opposing counsel the necessary legal documents to permit the case to continue.

The Government of Canada submits that this is confirmation of its comments in its observations of May 31, 1985 and June 23, 1986, that effective domestic remedies are available to the Band and that the Band has not pursued these remedies to completion.

- 2 -

Clearly, the outcome of the application for an interim injunction, pending the trial of the action for a permanent injunction, should not determine whether or not the remedy that is available to the Band under Canadian law is effective for the purposes of the Optional Protocol. In the interim proceedings, the court was required to assess the competing interests of the Band and all other interested parties pending trial of the action. On January 11, 1985, the Alberta Court of Appeal declined to provide interim relief in these circumstances, on the basis that the Band could be adequately compensated for any damage that occurred pending trial. (For a discussion of the law governing the granting of interim injunctions, see Canada's earlier observations dated May 31, 1985 at pp. 5-6). It is the position of Canada that the Band should then have taken steps with all due speed to seek its permanent injunction before seeking international recourse. The Band alleges in its submission to the Human Rights Committee that the delay in the litigation will cause it irreparable harm. Its action for a permanent injunction would, if successful, permanently prevent that harm. Since March, 1983, apart from appeals against the dismissal of its application for an interim injunction, the Band has taken no steps in the litigation seeking the permanent injunction until very recently, and even those steps have been informal and have not pursued quick action in the litigation proceedings. As indicated previously, the Band is responsible for taking steps to advance its claim in order to procure a judicial resolution of the issues in Canada.

- 3 -

Even if the Band could proceed with its communication alleging a violation of Article 1 of the Covenant in the present circumstances, contrary to the position expressed by Canada, it is submitted that the Band would, if successful, in the action for a permanent injunction, have obtained a fully effective remedy which would preclude circumstances that could constitute a breach of Article 1 of the Covenant. (For the permanent remedies sought by the Band, see Canada's earlier observations dated May 31, 1985 at page 3). It is submitted that the circumstances of the present communication solely concern an alleged delay in obtaining a remedy from the court, because it is clear that an effective remedy - namely, a permanent injunction - would be available if pursued by the Band. The Government of Canada and the other parties to the litigation have no capacity to bring the Band's claim on for a judicial hearing and therefore the delay is the exclusive responsibility of the Band. It is the position of Canada that, in the circumstances, the Band has not taken the necessary steps to permit a Canadian Court to determine factual and legal questions that need to be established prior to any consideration of the merits of the present communication, and that the Band has chosen not to pursue available and effective domestic remedies.

III The Negotiated Settlement Process

The Government of Canada rejects the allegations made by the communicant in regard to Mr. Tassé, the negotiator appointed by

- 4 -

the Federal Government, and his mandate. The Band chose to sever the negotiations on July 8, 1986, approximately one week after the filing of their most recent response to the Human Rights Committee. The Government of Canada has at all times sincerely sought to resolve matters with the Lubicon Lake Band through the negotiations process and is actively pursuing these negotiations. If the Committee deems it necessary to consider this issue further, the Government of Canada reserves the right to make submissions on this matter at a later date.

IV Conclusion

For the reasons mentioned above, in addition to the reasons contained in its previous submissions of May 31, 1985 and June 23, 1986, the Government of Canada submits that Chief Ominayak's communication under the Optional Protocol should be considered inadmissible by the Committee.



MEMORANDUM/NOTE DE SERVICE

Peter

Security Classification - Cote de sécurité
CONFIDENTIAL
File number - numéro de dossier
Date
January 16, 1987

TO/À: Distribution

FROM/DE: Irit Weiser, Legal Advisor
Human Rights Law Section

SUBJECT/OBJET: CANADA'S RESPONSE TO THE FURTHER SUBMISSION OF
CHIEF OMINAYAK AND THE LUBICON LAKE BAND TO THE
U.N. HUMAN RIGHTS COMMITTEE

Comments/Remarques

Attached is a corrected copy of Canada's response to the
above communication for our meeting on Monday, January 27,
1987.

Irit Weiser

Irit Weiser

Attachment(s)
/sb

Distribution

Fred Caron
Martin Freeman
Bob Coulter
Peter McRae ✓
Ivan Whitehall

ACC	REF	DATE	DOSSIER
B100			
FILE	45-CMA-13-1-3		
<i>Lubicon Lake</i>			

RECEIVED - REÇU
JAN 16 1987
Legal Operations Division (ILO) Direction des Opérations Juridiques

January 9, 1987

**COMMENTS OF THE GOVERNMENT OF CANADA
ON THE FURTHER RESPONSE OF CHIEF BERNARD OMINAYAK
AND THE LUBICON LAKE BAND DATED JUNE 30, 1986
TO THE HUMAN RIGHTS COMMITTEE**

I General

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001049

- 2 -

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001051

- 4 -

Committee. The Government of Canada has at all times sincerely sought to resolve matters with the Lubicon Lake Band through the negotiations process and is actively pursuing these negotiations. If the Committee deems it necessary to consider this issue further, the Government of Canada reserves the right to make submissions on this matter at a later date.

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External Affairs
Canada

Affaires extérieures
Canada

MESSAGE

Accession/Référence

File/Dossier

45-10A-13-1-3-

Align first character of Security Classification under this arrow
Alignez le premier caractère de la Sécurité sous cette flèche

SECURITY
SÉCURITÉ

NON CLASSIFIE

12

Lubicon
CK Bonil

FM/DE

DE EXTOTT IMH0056 09JAN87

TO/À

A BRU/RUDDOCK

INFO

DISTR

---LA REVENDICATION FONCIERE DE LA BANDE DU LAC LUBICON ET LES JEUX

REF

OLYMPIQUES D HIVER DE 1988

SUBJ/SUJ

CENTRE DES COMMUNICATIONS, PRIERE DE PRODUIRE LE FAC SIMILE

EN ANNEXE.

DRAFTER/RÉDACTEUR

J. Simpson
J. SIMPSON lp
SIG

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

R. D. B. [Signature]
R. D. B. [Signature]
SIG

001053



External Affairs
Canada

Affaires extérieures
Canada

FICHE DOCUMENTAIRE

DÉCEMBRE 1986

LA REVENDICATION FONCIÈRE DE LA BANDE DU LAC LUBICON ET
LES JEUX OLYMPIQUES D'HIVER DE 1988

La bande du Lac Lubicon demande un boycott international des Jeux olympiques d'hiver de 1988 à Calgary et de l'exposition d'artisanat indien et inuit qui doit se tenir au Musée Glenbow de Calgary, en Alberta, pendant les Jeux afin d'appuyer sa revendication foncière devant les gouvernements de l'Alberta et du Canada.

CONTEXTE:

En 1933 et 1939, les Indiens demeurant dans la région du Lac Lubicon, à 90 km à l'est de la rivière de la Paix dans la province de l'Alberta, ont demandé au Canada d'être reconnus comme une bande distincte ayant sa propre réserve. Cette requête, agréée en 1940, accordait ce droit aux 127 Indiens qui composaient la bande à l'origine. Aux termes du Traité N° 8 de 1899, la province de l'Alberta a consenti à transférer au gouvernement du Canada 128 acres pour chaque Indien ou 25,4 milles carrés de terres de la Couronne à titre de réserve pour la bande. Mais le transfert des terres n'ayant jamais eu lieu, la réserve indienne n'a pu être établie.

En 1980, la bande a déposé une plainte contre le Canada, l'Alberta et certaines entreprises auprès de la Cour fédérale du Canada, dans laquelle elle prétendait au titre de propriété des terres sur une superficie de 3 500 milles carrés dans le nord de l'Alberta et demandait un

- 2 -

dédommagement de 1 milliard \$. La procédure engagée à la Cour fédérale du Canada contre le gouvernement fédéral est actuellement en suspens, en attendant que soit connue l'issue d'une poursuite intentée en février 1982 devant la Cour du banc de la reine de l'Alberta contre cette province et certaines entreprises.

En 1985, le gouvernement du Canada a chargé l'honorable E. Davie Fulton, ancien ministre fédéral de la Justice, d'enquêter sur la demande de la bande du Lac Lubicon. M. Fulton a présenté son rapport final et, sur sa recommandation, le Canada a versé 1,5 million \$ à la bande en janvier 1986 pour l'aider à payer ses frais d'avocat et autres frais liés au dépôt de sa requête.

En juin 1986, la bande a accepté d'engager des négociations avec le gouvernement du Canada par l'entremise de M. Roger Tassé, qui représentait le Canada dans ces négociations. La bande et M. Tassé avaient alors convenu que celui-ci entreprendrait également des négociations avec la province de l'Alberta puisque certains éléments du règlement final la concernaient. M. Tassé et la bande ont également convenu d'utiliser le rapport de M. Fulton comme base des négociations.

Dans ces négociations, le gouvernement du Canada avait pour position que la bande avait droit à 128 acres de terrain pour chacun des 200 Indiens inscrits comme tels en vertu de la Loi sur les Indiens. Pour sa part, la bande soutenait qu'étant donné qu'elle avait le contrôle de l'admission dans ses rangs, elle avait droit à 128 acres pour chacune des 457 personnes inscrites sur sa liste. Aux termes de la proposition de M. Tassé, la bande recevrait quelque 25 000 acres de terres pour se constituer une

- 3 -

réserve. L'accord donnerait à la bande des pleins droits sur les minéraux, le droit de construire des logements, une infrastructure et des écoles, un dédommagement financier et d'autres avantages.

Le 8 juillet 1986, la bande a quitté la table de négociation sur la question du nombre d'acres qu'elle revendiquait en vertu du Traité N° 8. M. Tassé a alors écrit à la bande pour l'informer que le gouvernement du Canada était flexible sur nombre des points de sa proposition, y compris sur la question de la superficie des terres, et la priait de retourner à la table de négociation. Le ministre des Affaires indiennes et du Nord a publiquement exhorté la bande à reprendre les négociations. Ce qu'elle n'a toujours pas fait.

Le gouvernement du Canada reconnaît que la bande du Lac Lubicon a déposé une demande légitime et que celle-ci est encore en suspens. Il recherche toujours un règlement équitable et juste de la revendication conformément à ses obligations légales énoncées dans le Traité N° 8.

REVENDEICATION DES AUTOCHTONES PAR LE BIAIS DES JEUX
OLYMPIQUES D'HIVER DE 1988:

La bande du Lac Lubicon se sert des Jeux olympiques d'hiver de Calgary pour attirer l'attention de l'opinion publique nationale et internationale sur ses revendications foncières de longue date, en incitant les pays étrangers à boycotter les Jeux. La bande mène une campagne internationale en faisant notamment pression sur les comités olympiques nationaux, les athlètes et les membres du Comité olympique international.

- 4 -

Les organisateurs des Jeux Olympiques de 1988 sont particulièrement préoccupés des conséquences possibles sur l'exposition autochtone présentée au Musée Glenbow pendant le Festival des arts organisé à l'occasion des Jeux. La bande essaye de décourager certaines pays d'envoyer leurs pièces d'artisanat au Musée. Les organisateurs espèrent obtenir 1 200 pièces d'artisanat provenant de quelque 100 institutions.

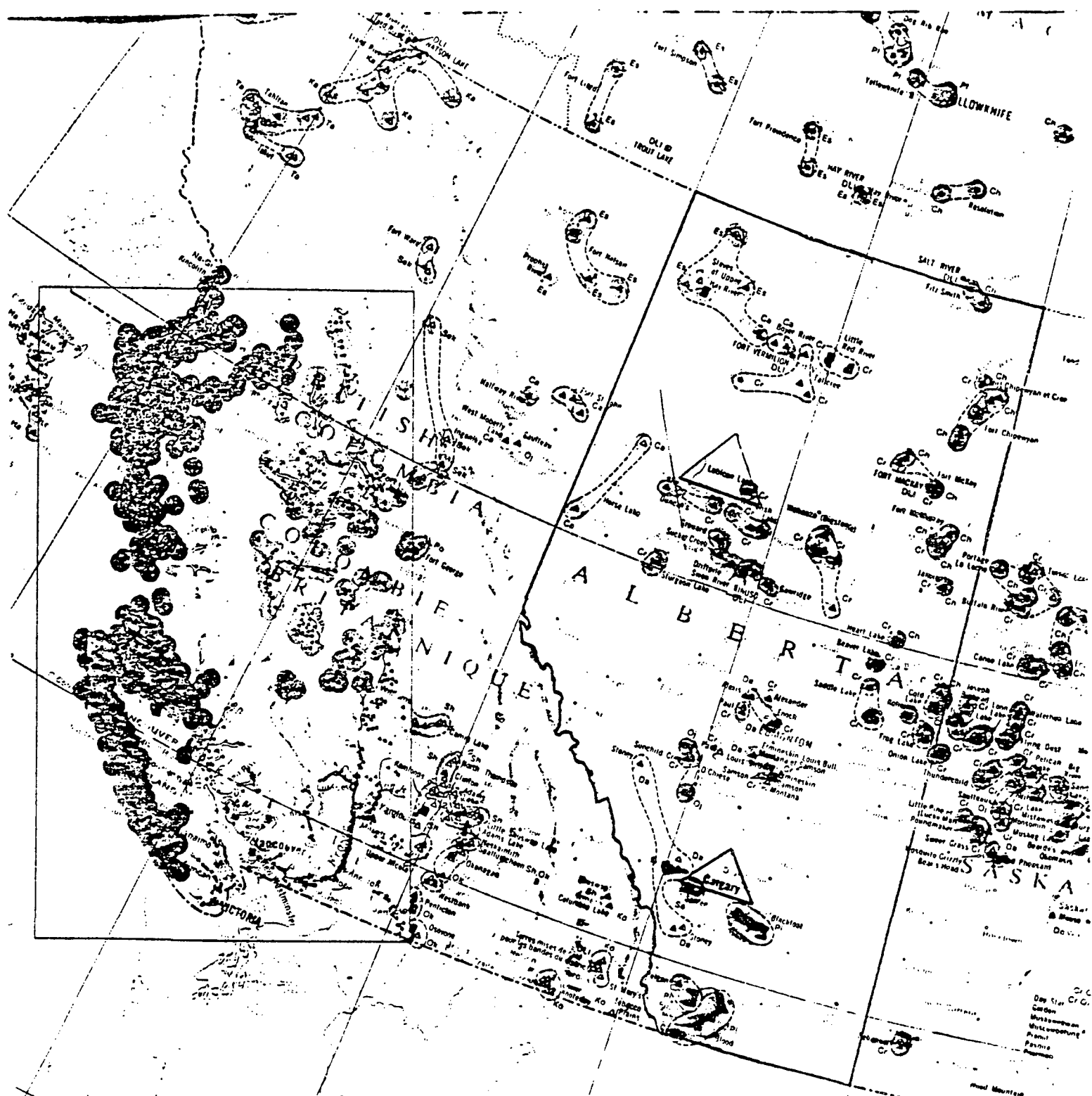
Le Comité organisateur des Jeux olympiques d'hiver de 1988 a mis sur pied un comité chargé d'encourager la participation autochtone aux Jeux. En outre, un représentant de la collectivité a été nommé agent de liaison auprès des autochtones dans le but d'encourager les possibilités d'expansion économique pour les autochtones pendant la saison des Jeux.

POSITION DU GOUVERNEMENT DU CANADA:

- ° Il est inopportun et regrettable que la bande du Lac Lubicon choisisse les Jeux olympiques d'hiver de 1988 comme moyen d'exercer des pressions sur le gouvernement fédéral pour faire accepter sa revendication foncière en Alberta.
- ° Le gouvernement fédéral est inquiet de la décision de la bande du Lac Lubicon d'aller de l'avant avec sa campagne appelant un boycottage international des Jeux olympiques d'hiver de 1988 et de l'exposition d'artisanat autochtone organisée dans le cadre des Olympiades.
- ° Le gouvernement fédéral a reconnu la plainte de longue date de la bande. Il a offert une

- 5 -

indemnisation importante pour tenter d'obtenir un règlement juste et équitable de ces revendications. Il est toujours prêt à reprendre les négociations.



INDIAN AND INUIT COMMUNITIES AND LANGUAGES
AGGLOMERATIONS ET LANGUES INDIENNES ET INUIT

Swire

*Copy for C.S. file
original to Bico*

45-COA-13-1-3-

January 9, 1987

*Lubicon
Lake*

*NB
Version submitted
to Human Rights Committee*

COMMENTS OF THE GOVERNMENT OF CANADA

ON THE FURTHER RESPONSE OF CHIEF BERNARD OMINAYAK

AND THE LUBICON LAKE BAND DATED JUNE 30, 1986

TO THE HUMAN RIGHTS COMMITTEE

ACC	REF	DATE
FILE	DOSSIER	
45-COA-13-1-3-LUBICON LAKE BAND		

I General

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Even if the Band could proceed with its communication alleging a violation of Article 1 of the Covenant in the present circumstances, contrary to the position expressed by Canada, it is submitted that the Band would, if successful, in the action for a permanent injunction, have obtained a fully effective remedy which would preclude circumstances that could constitute a breach of Article 1 of the Covenant. (For the permanent remedies sought by the Band, see Canada's earlier observations dated May 31, 1985 at page 3). It is submitted that the circumstances of the present communication solely concern an alleged delay in obtaining a remedy from the court, because it is clear that an effective remedy - namely, a permanent injunction - would be available if pursued by the Band. The Government of Canada and the other parties to the litigation have no capacity to bring the Band's claim on for a judicial hearing and therefore the delay is the exclusive responsibility of the Band. It is the position of Canada that, in the circumstances, the Band has not taken the necessary steps to permit a Canadian Court to determine factual and legal questions that need to be established prior to any consideration of the merits of the present communication, and that the Band has chosen not to pursue available and effective domestic remedies.

III The Negotiated Settlement Process

The Government of Canada rejects the allegations made by the communicant in regard to Mr. Tassé, the negotiator appointed by the Federal Government, and his mandate. The Band chose to sever the negotiations on July 8, 1986, approximately one week after the filing of their most recent response to the Human Rights

001062

- 4 -

Committee. The Government of Canada has at all times sincerely sought to resolve matters with the Lubicon Lake Band through the negotiations process and is actively pursuing these negotiations. If the Committee deems it necessary to consider this issue further, the Government of Canada reserves the right to make submissions on this matter at a later date.

IV Conclusion

For the reasons mentioned above, in addition to the reasons contained in its previous submissions of May 31, 1985 and June 23, 1986, the Government of Canada submits that Chief Ominayak's communication under the Optional Protocol should be considered inadmissible by the Committee.



Government
of Canada

Gouvernement
du Canada

**ACTION FICHE DE
REQUEST SERVICE**

To — À	File No. — Dossier N°
	Date

From — De

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<input type="checkbox"/> Returned your call Vous a rappelé	<input type="checkbox"/> Will call again Vous rappellera	<input type="checkbox"/> Wants to see you Désire vous voir
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<input type="checkbox"/> Action Donner suite	<input type="checkbox"/> Approval Approbation	<input type="checkbox"/> Note & return Noter et retourner
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Document disclosed under the *Access to Information Act*

Document divulgué en vertu de la *Loi sur l'accès à l'information*



Government
of Canada

Gouvernement
du Canada

**ACTION FICHE DE
REQUEST SERVICE**

To — À

File No. — Dossier N°

Date

From — De

Paul

Tel. No. — N° de tél.

Ext. — Poste

001065

Will call again

☐ Wants

External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence 483143
File/Dossier 45-CDA-13-1-3-LUBICON LAKE BAND.

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SECURITY SÉCURITÉ	CONFIDENTIAL	12	10
FM/DE	FM EXT IMH0054 09JAN87		
TO/À	TO VIENN		
INFO	INFO INA/HULL/COULTER/LONG/INA/MINOFF/MEAGHER/VENIEZ		
DISTR	DISTR MINA/NORQUAY BKD BKC IMD JLO RSR		
REF	---		
SUBJ/SUJ	LUBICON LAKE BAND ENQUIRY		
<p>ON 05 JANUARY, DR. OTTO DITZ, COUNSELLOR, AUSTRIAN EMBASSY, WAS GRANTED INTERVIEW WITH SPECIAL ASSISTANT TO MR. BILL MCKNIGHT, MIN OF INDIAN AND NORTHERN AFFAIRS. FULL REPORT ON INTERVIEW, WHICH WAS ATTENDED BY MINA/NORQUAY, ON ITS WAY TO YOU BY TS. REASON FOR INTERVIEW WAS THAT AUSTRIAN CHANCELLORS OFFICE HAD REQUESTED EMBASSY TO GATHER ADDITIONAL INFO ON LUBICON LAKE BAND CLAIM IN ORDER TO REPLY TO LETTER WHICH HAD BEEN PASSED IN COURSE OF RECENT VISIT BY BAND LEADERS TO AUSTRIA, WHERE, YOU WILL RECALL, THEY WERE RECEIVED BY OFFICIALS IN CHANCELLORS OFFICE AND IN LEGAL BUREAU. DITZ CAME TO 05 JAN MEETING ARMED WITH USUAL PRECONCEPTIONS ABOUT LUBICON LAKE BAND CLAIM, AND WITH BODY OF INFO WHICH BAND MEMBERS HAD PASSED TO CHANCELLORS OFFICE. OFFICIALS WERE ABLE TO CLARIFY SEVERAL ERRORS OF FACT, AND TO PROVIDE DITZ WITH OVERVIEW OF HISTORY OF CLAIM, CURRENT STATUS AND PROSPECTS FOR FUTURE SETTLEMENT. DITZ SEEMED TO APPRECIATE CLARIFICATIONS PROVIDED ON MANY POINTS, AND LEFT MTG WITH TOTALLY NEW BODY OF INFO ON WHICH TO BASE HIS REPORT TO VIENN.</p>			
PRESUMABLY, THIS OFFICIAL INFO WILL ENABLE CHANCELLORS OFFICE			

DRAFTER/RÉDACTEUR D. LIVERMORE lp <i>[Signature]</i>	DIVISION/DIRECTION IMH	TELEPHONE 5-6960	APPROVED/APPROUVÉ F.D. PILLARELLA <i>[Signature]</i>
SIG		SIG	



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PAGE TWO

12

10

TO REPLY IN KNOWLEDGEABLE FASHION TO LUBICON LAKE BAND LETTER.

2.WHILE INTERVIEW IN ITSELF WAS FAIRLY STRAIGHTFORWARD, WE HAVE A COUPLE OF REMAINING CONCERNS. FIRST CONCERN, OBVIOUSLY, IS THAT AUSTRIANS REFLECT IN THEIR PUBLIC POSTURE CERTAIN DEGREE OF UNDERSTANDING OF SITUATION, AND THAT THIS UNDERSTANDING IS CONVEYED IN REPLY TO LUBICON LAKE BAND. DITZ OFFERED ASSURANCES ON THIS POINT, BUT IS IN NO/NO REAL POSITION TO INFLUENCE

OUTCOME. SECOND, AS CAME TO LIGHT DURING DITZ MTG, WE CONTINUE TO BE WARY OF ANY LINKAGE WHICH MAY BE ESTABLISHED BETWEEN ORGANIZED POLITICAL/ENVIRONMENTAL/SOCIAL GROUPS IN EUROPE AND INDIAN GROUPS IN CDA WHICH COULD HAVE REPERCUSSIONS FAR BEYOND ISOLATED CASE OF LUBICON LAKE BAND. IN THIS RESPECT, DITZ CAUTIONED THAT AUSTRIANS HAVE ROMANTIC CONCEPTION OF NORTH AMERICAN INDIANS, AND THAT EUROPEANS NGOS HAVE BEEN ACTIVE ON THEIR BEHALF. SHOULD SUCH NGOS LINK UP WITH GREEN MOVEMENT, PROBLEM COULD WELL BE EXACERBATED. WHILE DITZS ASSESSMENT WAS THAT THIS EVENTUALITY WAS MORE LIKELY IN GERMANY THAN IN AUSTRIA, IT REMAINS POSSIBILITY. THIRD, WE SHOULD NOT/NOT DISCOUNT POSSIBILITY OF MISCHIEF IN CHANCELLORS OFFICE, PERHAPS FOR POLITICAL REASONS.

3.WHILE OUR BASIC APPROACH TO THIS ISSUE REMAINS PRUDENT CONFIDENCE IN FEDERAL POSITION, THEREBY WARRANTING ONLY LOW-KEY RESPONSIVE ACTION, WE BELIEVE THAT AUSTRIAN ATTITUDE BEARS SOME

...3



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PAGE THREE

12

10

WATCHING. ONCE YOU RECEIVE MEMO ON DITZ MTG, YOU MAY WISH TO MAKE
CONTACT WITH CHANCELLORS OFFICE TO ASSESS PROGRESS OF THEIR
REPLY. GIVEN FACTS AND ASSESSMENTS PROVIDED TO DITZ, WE WOULD
ANTICIPATE NO FURTHER PROBLEMS IN AUSTRIAN GOVT, ALTHOUGH NGOS AND
OTHER POLITICAL GROUPS WILL CONTINUE TO WARRANT MONITORING.

Office of the
Secretary of State
for External Affairs

Cabinet du
Secrétaire d'État
aux Affaires extérieures

Vienna

J. Simpson

file

M E M O R A N D U M

January 7, 1987

TO: Dan Livermore, IMHR

FROM: Susan Norquay, MINA

RE: Meeting with Otto Ditts in office of Hon. Bill McKnight

ACC	DATE
45-COA-13-1-3-LUBICON	
DOSSIER	
BAND	

LAKE

As we discussed last week, a representative of the Austrian Embassy contacted the office of the Minister of Indian and Northern Affairs to seek additional information on the Lubicon Lake Cree Indian Band land claim for a report to be prepared and forwarded to the office of the Austrian Chancellor. It was determined that officials from External Affairs need not attend this meeting as the issue is one under the control of INA and that too strong a signal may be sent if the meeting was attended by a large number of officials.

At the request of the Special Assistant of Mr. McKnight, I attended simply as a courtesy.

Mr. Ditts opened his request for clarification by telling us of how this matter came to be an issue for the Austrian Chancellor's office. The Lubicon leadership, before their recent European tour had sent a letter to the Chancellor requesting a meeting with him and any of his Minister who may be interested to discuss their claim and their negotiations with the Federal Government. They were received in the Chancellor's office and in the legal bureau and provided a large volume of documents relevant to their position in the federal negotiations and also on their case which is currently before the courts.

In order to respond to the follow-up letter from the Band, the Chancellor's office has charged Mr. Ditts with obtaining additional information.

Mr. Ditts also informed us that the Lubicons met with the Austrian Olympic Committee and other NGO's while in Vienna. The Austrian line is that the Olympics should not be politicized and that sports cannot be used for political purposes. Mr. Ditts could not tell us what the Austrian Olympic Committee may have told the Band.

Strengthening International Order: Amplifying Canada's Influence

Conclusion/Recommendation

6. We recommend that Canada support the work of the High Level Group of Experts that has been established by the United Nations Secretary General to study the financial problems of the United Nations. In the longer term, in concert with other middle powers, Canada should explore the possibility of a new financial arrangement for the United Nations whereby no single nation would contribute more than an amount set so as to ensure that the organization is not unduly dependent on any one member. (page 42)

Response

Canada is among those nations which have paid their dues and are seeking means of resolving the financial crisis of the United Nations. At the 40th General Assembly in April 1986, it circulated a proposal for financial reform. Canada agrees in principle with the report which the High Level Group of Experts presented on August 15, 1986 as a first step in resolving the crisis. In conjunction with other members, Canada intends to take an active part in developing a new financial arrangement for contributors.

Conclusion/Recommendation

7. We recommend that Canada seek international agreement on an appropriate agency or committee to help streamline operations within the multilateral development system as a whole. We support all efforts to reduce the duplication and over-centralization that exist within the United Nations system. The United Nations should be willing to explore possibilities for new kinds of institutions and jettison those that have outlived their usefulness. (page 42)

Response

The financial crisis and reform of the United Nations was the main theme of the speech made by the Secretary of State for External Affairs to the General Assembly in September, 1986. Canada is supporting efforts at several levels to reform the United Nations and its specialized agencies, with a particular stress on reducing duplication and effecting better budgetary controls. The government does not believe, however, that adding yet another layer in the form of a new agency or committee to streamline the operations of multilateral institutions would be productive at the present time.

Conclusion/Recommendation

8. We believe the government should press for early completion of the work of the Preparatory Commission for the Law of the Sea, so as to end the uncertainty surrounding the deep sea bed régime. Then, the government should begin a detailed analysis of the

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JAN 6 1987

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FILE 45-CDA-13-1-3-00 TIER	

LUBICON LAKE
BAND.

R E S T R I C T E D

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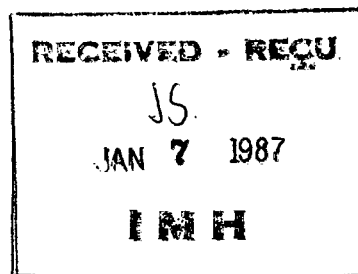
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---LUBICON LAKE BAND-LUXEMBOURG

WE HAVE NOT/NOT RECD REPLY TO REFTELS.GRATEFUL FOR RESPONSE
BY 070900.

2.WE UNDERSTOOD FROM TELECON IN DEC YOU MIGHT BE ABLE TO TRANSMIT
A FRENCH TEXT WHICH WLD BE APPROPRIATE FOR USE BY LUX AUTHORITIES
IN RESPONSE TO LETTERS FROM THEIR PUBLIC.

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REF YOURTEL ZVGR0004 06JAN

---LUBICON LAKE BAND:LUXEMBOURG

BY NOW, YOU SHOULD HAVE RECD INFO PACKAGE SENT BY HIM ON ABOVE
SUBJECT WHICH SHOULD SATISFY YOUR NEEDS, AS DISCUSSED IN DEC TELCON.

CCC/039 061844Z BKC0002

Canada



External Affairs
Canada

Affaires extérieures
Canada

ACC	DATE
FILE 45-CDA-13-1-3-29 LUBICON LAKE	
BAND	

FACT SHEET

DECEMBER, 1986

THE LUBICON LAKE INDIAN BAND LAND CLAIM
AND THE 1988 WINTER OLYMPICS

The Lubicon Lake Indian Band has called for an international boycott of the Calgary 1988 Olympic Winter Games and the concurrent Olympic exhibition of Indian and Inuit artifacts at the Glenbow Museum in Calgary, Alberta in support of their land claim against the Governments of Alberta and Canada.

BACKGROUND:

In 1933 and 1939, Indians living in the Lubicon Lake area, located 90 km east of Peace River in the province of Alberta, petitioned Canada for recognition as a single band with their own reserve. In 1940, this request was granted for the 127 initial band members. At that time, the Province of Alberta agreed to transfer 128 acres for each Indian or 25.4 square miles of Crown land to the Government of Canada for a reserve in accordance with Treaty 8 of 1899. The transfer of land, however, never occurred and the reserve was not established.

In 1980 the band filed a Statement of Claim in the Federal Court of Canada against the Governments of Canada and Alberta and certain corporate entities, alleging "aboriginal title" to 8,500 square miles of land in northern Alberta and seeking \$1 billion in compensation. The action against the federal Government

- 2 -

in the Federal Court of Canada is currently on hold, pending the outcome of an action launched in the Alberta Court of Queen's Bench in February 1982, against the Province of Alberta and certain corporate defendants.

In 1985 the Government of Canada appointed the Honourable E. Davie Fulton, a former federal Minister of Justice, to undertake an inquiry into the Lubicon Lake Band's claim. Mr. Fulton submitted his final report and, upon his recommendation, Canada made a payment of \$1.5 million to the band in January 1986, to help it defray legal and other costs associated with presenting its claim.

In June 1986 the band agreed to participate in negotiations with the Government of Canada through Canada's negotiator, Roger Tassé. At that time the band and Mr. Tassé agreed that he would also undertake negotiations with the Province of Alberta, as the latter would have to be a party to at least some elements of a final settlement of the band's claim. Mr. Tassé and the band also agreed to use the report prepared by Mr. Fulton as the basis for negotiations.

The Government of Canada's position in these negotiations was that the band was entitled to 128 acres for each of the 200 Indians registered under the Indian Act. The band, on the other hand, maintained that since it had control over its own membership it was entitled to 128 acres for each of the 457 persons on its membership list, even though over half of these were not included in the land provisions of Treaty 8. Among Mr. Tassé's proposals the band would receive about 25,000 acres of land for a reserve, full mineral rights, housing,

- 3 -

infrastructure and schools, financial compensation and other benefits.

On July 8, 1986, the band withdrew from the negotiations over the question of land entitlement under Treaty 8. Mr. Tassé then wrote to the band informing it that the Government of Canada was flexible on many of the points contained in his proposal, including the question of the amount of land, and urged a return to the negotiating table. The Minister of Indian Affairs and Northern Development also publicly urged the band to re-enter negotiations. To date discussions have not resumed.

The Government of Canada recognizes that the Lubicon Lake band has a legitimate and outstanding claim and remains committed to seeking a fair and just resolution to the claim in accordance with its legal obligations under Treaty 8.

NATIVE INVOLVEMENT IN THE 1988 OLYMPIC WINTER GAMES:

The Lubicon Lake band is using the 1988 Olympic Winter Games in Calgary to bring national and international awareness to its long-standing land claim grievances by urging countries to boycott the games. Part of the band's international campaign is to lobby National Olympic Committees, athletes and members of the International Olympic Committee.

Of most concern to organizers of the 1988 Olympic Games is the potential impact on the native exhibition at the Glenbow Museum during the Olympic Arts Festival. The

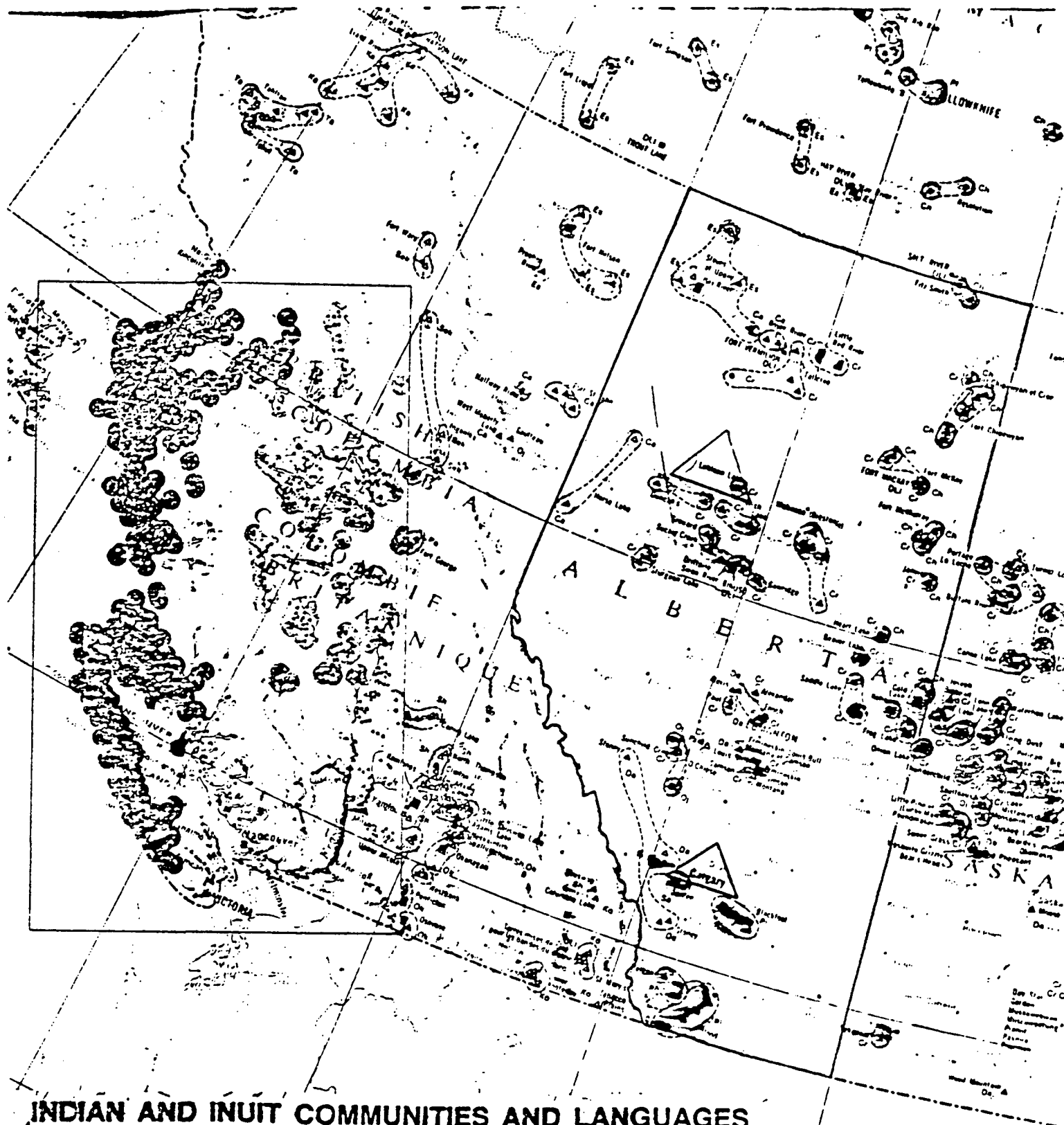
- 4 -

band is attempting to discourage countries from lending Indian and Inuit artifacts to the museum. Organizers are hoping to obtain 1200 artifacts from approximately 100 sources.

The Olympic Organizing Committee (OCO) of the 1988 games has set up a committee to encourage native participation in the games. In addition, there is a native liaison coordinator whose role it is encourage economic development opportunities for natives arising out of the games.

POSITION OF THE GOVERNMENT OF CANADA:

- ° It is inappropriate and regrettable that the Lubicon Lake Band chooses the 1988 Olympic Winter Games to reach a settlement of their land claims in Alberta.
- ° The federal Government is concerned by the decision of the Lubicon Lake band to push ahead with its campaign for an international boycott of the 1988 Winter Games and of the Olympic exhibition of aboriginal artifacts. It regrets that the band has chosen this avenue to reach a more generous settlement of its claim in Alberta.
- ° The federal Government recognizes the long-standing grievances of the band. The government has offered a substantial settlement in an effort to find a fair and just resolution of these grievances. It is ready at any time to return to the negotiating table.



INDIAN AND INUIT COMMUNITIES AND LANGUAGES
AGGLOMERATIONS ET LANGUES INDIENNES ET INUIT

R E S T R I C T E D

FM STKHM UDFC1702 29DEC86

TO EXTOTT BKC

INFO OSLO COPEN HSNKI BONN LDN

DISTR MINA (IMH) BCM BFE RWP RSR

REF OURTELS UDGR1663 11DEC 1667 15DEC

---LUBICON:GLENBOX EXBN

RECEIVED COPY OF FOLLOWING LETTER FROM AGNETA LUNDSTROM, DIRECTOR
OF LIVRUSTKAMMAREN:QUOTE

DEAR MR CAMERON

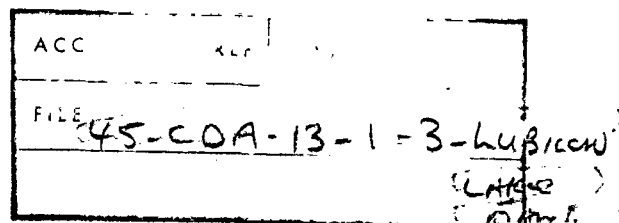
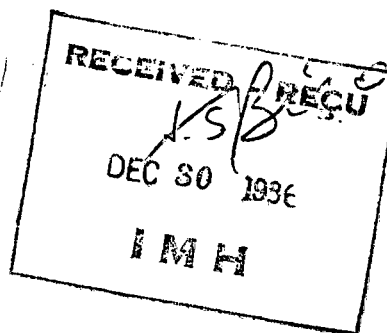
WITH REF TO YOURLET OF 07NOV, REQUESTING LOANS FROM THE ROYAL
ARMOURY FOR THE EXHIBITION QUOTE THE SPIRIT SINGS:ARTISTIC
TRADITIONS OF CDAS FIRST PEOPLES UNQUOTE, I REGRET TO HAVE TO INFCRM
YOU THAT IT WILL NOT/NOT BE POSSIBLE FOR US TO CONSENT TO YOUR
REQUEST.

THIS DECISION IS BASED ON DISCUSSIONS WITH THE ETHNOGRAPHICAL
MUSEUM IN STKHM. WE AGREE WITH MANY OF THE MOTIVES PRESENTED BY
THIS MUSEUM, ESPECIALLY THE ONES CONCERNING THE QUESTIONS OF
SECURITY AND SAFETY AS TO THE CALL FOR A BOYCOTT OF THE EXHIBITION.
OTHER REASONS ARE THE ETHICAL CNES. IN THAT RESPECT WE REFER TO THE
RESOLUTION NO.11, TAKEN BY THE 15TH GENERAL ASSEMBLY OF ICOM ON
04NOV86, IN BUENOS AIRES.

UNQUOTE.

2. AS THIS IS NOW SECOND LETTER IN SIMILAR VEIN WOULD APPEAR TO BE

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55-16-Spirit Sings

PAGE TWO UDFC1702 RESTR

MORE IMPERATIVE THAN EVER THAT WE ASK FOR EXPLANATION AS TO
MEANING OF QUOTE ETHICAL REASONS UNQUOTE FOR REFUSING LOAN.WHAT
IS YOUR THINKING ON THIS MATTER.

3.COULD YOU PROVIDE FULL TEXT OF BUENOS AIRES RESOLUTION.

CCC/028 300844Z UDFC1702

ACC	REF	DATE
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45-CDA-13-13-LUBICON LAKE BAND		

PM
PR
BICO

**ACTION
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RECEIVED - REÇU
DEC 15 1986
Legal Operations Division (JLO)
Direction des Opérations juridiques

R E S T R I C T E D

FM GENEV YTGR8415 12DEC86

TO EXTOTT *JLO*

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DISTR JCD JLOA IMD IMF

REF YOURTEL JLO2135 10DEC85

---HUMAN RIGHTS CTTEE:LUBICON LAKE(COMMUNICATION 167/86)

CENTRE HAS RECEIVED NO/NO RECENT SUBMISSION FROM LUBICON BAND(THE
LAST SUBMISSION HAVING BEEN CONVEYED TO US IN JUL-OUR TS5654 6AUG).

WE WILL BE ADVISED IMMED IF ANYTHING FURTHER IS RECEIVED.

CCC/198 121438Z YTGR8415



External Affairs
Canada

Affaires extérieures
Canada

MESSAGE

Accession/Référence

File/Dossier

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TO/À A GENEV

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SUBJ/SUJ DISTR JCD JLOA IMD IMH

---COMITE DES DROITS DE L HOMME, AFFAIRE LUBICON LAKE (COMMUNICATION NO 167/84)

O REILLEY, CONSEIL DE LA BANDE LUBICON LAKE, A MENTIONNE INFORMELLEMENT A DES FONCTIONNAIRES DU MINISTERE DES AFFAIRES INDIENNES ET DU NORD CDN(AINC) QUE LA BANDE AVAIT FAIT NLLS SOUMISSION AU CENTRE DES DROITS DE L HOMME. AINC ET JUSTICE NE SONT PAS/PAS SURS QU'IL FAILLE ACCORDER FOI A CES RENSEIGNEMENTS. PRIERE DE VERIFIER AUPRES DU CENTRE ET D OBTENIR COPIE DE LA NLLS SOUMISSION, LE CAS ECHEANT.

ACC	REF	DATE
FILE		
45-CRA-13-1-3-LUBICON LAKE BAND		
DOSSIER		

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

Paul Fauteux
SIG

P. Kirsch
SIG

Office of the Minister of Indian
Affairs and Northern Development



Cabinet du ministre des Affaires
indiennes et du Nord canadien

ACC	REF	DATE
FILE	DOSSIER	
45-CDA-13-1-3-LUBICON		
LAKE BAND		

November 28, 1986

The Right Honourable Joe Clark, P.C., M.P.
Secretary of State for External Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Clark:

On behalf of the Honourable Bill McKnight, I wish to
acknowledge receipt of your letter dated November 24, 1986,
concerning the Lubicon Lake Band's land claim.

Please be assured that your correspondence will be brought
to the Minister's personal attention.

Sincerely,

Paulette Francoeur
Head
Correspondence Unit



External Affairs
Canada

Affaires extérieures
Canada

File 02 Dec 86

REFERR BY THE OFFICE
OF THE SECRETARY OF
STATE FOR EXTERNAL
AFFAIRS,
MINISTER'S RECORDS UNIT

TRANSMIS PAR LE CABINET
DU SECRÉTAIRE D'ÉTAT
AUX AFFAIRES EXTÉRIEURES
SECTION DES DOSSIERS
DU MINISTRE

992-6428 ^{or} 995-1047
ou

TO/À
AU

JCD

☐ FOR INFORMATION AND ANY NECESSARY ACTION
POUR EXAMEN ET SUITE À DONNER, S'IL Y A LIEU

☐ FOR DIVISIONAL REPLY
POUR RÉPONSE PAR LA DIRECTION

REMARKS/REMARQUES

Re A-06644-86

M. Leaver

Signature

Dec 2/86

Date

001083

510-1938

The Rt. Hon. Joe Clark, P.C., M.P.
Secretary of State for External Affairs



Canada

Le très hon. Joe Clark, C.P., député
Secrétaire d'Etat aux Affaires extérieures

SECRET

OTTAWA, Ontario
K1A 0G2

NOV 24 1986

ACC 488282	REF	DATE
DOSSIER 45-CDA-13-1-3-LUBICON LAKE BAND		

Dear Colleague,

Thank you for your letter of September 17 concerning the Lubicon Lake Band's land claim.

This case is of course of interest to my Department primarily from the point of view of its international implications. In this regard, the Human Rights Committee's disposition of the case on the merits, if it gets to that stage, is of paramount importance in that it will raise the question of the fulfillment by Canada of obligations under the International Covenant on Civil and Political Rights.

As you point out, the matter may also be raised in other international fora, including United Nations bodies which discuss questions related to indigenous populations. We may have to be prepared to state publicly the Government's position on the claim if a response is considered appropriate or necessary. I would see this essentially as a factual statement, which would include a brief description of the Government's efforts to resolve the problem, to be used on a responsive basis. I have asked my officials to consult with your Department and the Department of Justice on the preparation of such a statement, as well as the risk assessment to which you refer in your letter.

.../2

The Honourable Bill McKnight, P.C., M.P.
Minister of Indian Affairs and
Northern Development
Room 401, Confederation Building
House of Commons
Ottawa, Ontario K1A 0A6

SECRET

- 2 -

While I do not believe that a detailed briefing is required on the case at this stage, I would be grateful if you could keep me informed on any developments related to it, particularly those with international ramifications.

Yours sincerely,

Original signed by: MINISTER
Original signé par: JOE CLARK

c.c. The Honourable Donald Mazankowski
The Honourable Ray Hnatyshyn
Mr. Roger Tassé, O.C., Q.C.

(AR: A-06644-86)

MINA (thorough JED, JFB)

JLO

Letter to Hon. Bill McKnight
Re Lubicon Lake Band's Claim

Letter for the signature of the
Secretary of State for External Affairs (JLO-1938)

Security <i>Sécurité</i>	SECRET
File <i>Dossier</i>	
Date	October 28, 1986

RETURN TO JLO DS
RETOURNEZ A LA SD DE JLO

EXT 401

External Affairs Canada / Affaires extérieures Canada

MESSAGE

Accession/Référence

File/Dossier

45-007-13-1-3-

Lubicon Lake Band

Align first character of Security Classification under this arrow
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SECURITY / SÉCURITÉ: C O N F I D E N T I A L

21 Nov 86 23 5212

FM/DE: FM EXTOTT IMH1247 21NOV86
TO/À: TO LDN
INFO: INFO BH SECSTATE/HULL/DADSON INAHULL/COULTER DE OCI
DISTR: DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCR JLO BKA RWM RWP DMC
REF: IMD IFB
SUBJ/SUJ: REF YOURTEL XNFC0512 17NOV86

---LUBICON LAKE BAND CALGARY WINTER GAMES/GLENBOW MUSEUM

~~HERE AFTER IS INFO FOR YOUR REPLY TO PITT RIVERS MUSEUM OXFORD.~~

i.e.
B. SO FAR, ONE/ONE U.S. MUSEUM, THE MUSEUM OF THE AMERICAN INDIAN, HAS REFUSED TO LEND ARTEFACTS TO GLENBOW MUSEUM. IT IS A PRIVATE MUSEUM LOCATED ⁱⁿ NEW YORK.

i.e.
2. A SECOND MUSEUM FM CHICAGO, THE FIELD MUSEUM OF NATURAL HISTORY HAS PARTIALLY COOPERATED WITH GLENBOW, BY PROVIDING 9 OUT OF 12 ARTIFACTS REQUESTED. *HOWEVER, WE DOUBT THIS IS RELATED TO BOYCOTT ISSUE.*

3. WE WERE INFORMED BY GLENBOW DIRECTOR, DUNCAN CAMERON, THAT MAJOR MUSEUM IN USA, THE SMITHSONIAN INSTITUTION OF WSHDC HAS AGREED TO FULLY CONTRIBUTE TO SUCCESS OF EXHIBITION. *Sign OK.*

4. *with* ~~ON ENQUIRY~~ REGARDING ^{TO} SAFETY OF LOANED ARTEFACTS, STRONG ^{TO EFFECT} REASSURANCES WERE PROVIDED BY GLENBOW DIRECTOR THAT EXCELLENT SECURITY MEASURES ~~AND PLANS~~ ^{HE} WERE IN PLACE FOR EXHIBITION, REFERRED TO TRAINED PERSONNEL TO HANDLE SHIPMENTS AT AIRPORT AND CUSTOM EXHIBIT CASES FOR ALL NATIVE ARTEFACTS ~~ARTIFACTS~~.

...2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
JOANNE SIMPSON/MP SIG	IMHR	992-6664	F.D. PILLARELLA SIG

Align first character of word "PAGE" under this arrow
Alignez le premier caractère du mot "PAGE" sous cette flèche

PAGE TWO IMH1247 CONFD

12

10

5. COMMENTS FM DUNCAN, CONVEY THAT SAFETY OF LOANED ART^EFACTS SHLD
NOT/NOT BE A CONCERN TO PITT RIVERS MUSEUM OXFORD.

~~7. ASSISTANCE ON EXHIBIT DEVELOPMENTS MAY BE PROVIDED ALSO THROUGH~~

~~CDA HOUSE REP CURTIS BARLOW and BKA COORDINATORS, BRITAIN WATSON.~~

REQUEST FOR MUSEUM EXHIBIT
6. GRATEFUL IF IN FUTURE, ASSISTANCE ON ~~SIMILAR~~
~~ISSUES~~ COULD BE CHANELLED THROUGH ARTS
PROMOTION DIVISION (BKA) FOR SAKE OF BETTER
COORDINATION.

Distribution: MINA A-10 (original + 10 copies)
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USS/A-8 (1)
FPM/A-8 (1)
SCS/C-2 (1)

HOUSE OF COMMONS BOOK — BRIEFING NOTE
LIBRE DE LA CHAMBRE DES COMMUNES — NOTES D'INFORMATION

Section
IMH-1244

Subject/Highlights Sujet/Points saillants

Lubicon Lake Band Land Claim - International campaign in Europe

NOV 20, 86

Source
CBC/CBOT Transcript (attached) and Calgary Herald

Assessment Évaluation
Classification
CONFIDENTIAL

It is alleged that the Department of External Affairs is deliberately misleading Europeans officials in an effort to scuttle the Lubicon Band boycott of the Calgary Winter Games over their land claims in Alberta.

ACC	REV	DATE
FILE 45-CDA-13-1-3-DOSSIER LUBICON LAKE		
cc 1-11-1MD-2 BAND		

Suggested Reply Réponse suggérée

My Department has been aware of the Lubicon Lake Band campaign in Europe to rally support for their land claim. Our diplomatic missions abroad have been apprised of this undertaking and provided with an update of where this matter now stands.

The Lubicon Lake Band Claim is strictly an issue of domestic policy under the responsibility of the Department of Indian and Northern Affairs. However because Band representatives have chosen to make their case known abroad, it is normal that our diplomatic missions are brought up to date on accurate facts, in order to represent Canada's position correctly in responsive situations.

Our diplomatic missions were basically informed of the federal government's willingness to go back to the negotiating table. This offer was reiterated to Band representatives as early as October 3rd, shortly after the break down of discussions.

It is unfortunate, however, that the Band has reverted to such a campaign to pressure Canada and the province of Alberta into enhancing the current offer, when domestic legal recourses have not yet been exhausted.

The issue of the land settlement is essentially a domestic issue not calling for international action, especially action linked to such non-Band issues as the Calgary Winter Games and Glenbow Museum Exhibition.

Prepared by Préparé par Joanne Simpson/mp	Division Direction IMHR	Date 20 Nov. 86	Tel. no. No de tél. 992-6664
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PROGRAM: MIDDAY NEWS
EMISSION:

DATE: NOVEMBER 18, 1986
DATE:

NETWORK / STATION: CBC/CBOT
RESEAU / STATION:

TIME: 12:00 PM
HEURE:

INDIAN BAND PROTESTS CALGARY OLYMPICS

CBC: Because of a feud with the federal government over land claims an Indian band in Alberta plans to boycott the 1988 Calgary Winter Games. Now the Indians say the government is deliberately misleading European officials in an effort to scuttle the planned boycott. Debra Lamb reports.

REPORTER: Anthropologist Joan Ryan is an expert on the Lubicon Lake Indians. The northern Alberta band has been involved in a bitter land claims dispute for fifty years and it seized on the 1988 Winter Olympics as a way of drawing attention to that. Band members have just returned from a European tour, trying to convince governments there to boycott the Olympic games. The strategy is starting to pay off.

RYAN: Ministers of Sports in several countries agreed to allow their athletes not to participate in the opening and closing events if they so chose.

REPORTER: Ryan is furious at the federal Department of External Affairs, which she says has been lying to European officials in an attempt to thwart the Lubicon boycott.

RYAN: The false information is that the federal and provincial governments are ready any day to resolve the issues, but the Lubicons will not talk to them. Another piece of false information is that the Lubicon people are not really in support of the boycott, but are being advised badly by whites to do so.

REPORTER: To protest Ryan has resigned from a prestigious position with Calgary's Glenbow Museum which is providing the centrepiece native art exhibit for the games. Joan Ryan's resignation is meant to embarrass the federal government. She thinks their efforts are misdirected, that instead of trying to derail the Lubicon boycott the government should be negotiating the band's land claims instead. Debra Lamb, CBC News, Calgary.

See list attached

Under-Secretary of State
for External Affairs - (IMH)

Our telegrams IMH-1195 of
07 November 1986 and 1229 of
13 November 1986
Lubicon Lake Band - European Tour

Security / Sécurité

CONFIDENTIAL

Accession / Référence

File / Dossier

Date

November 20, 1986

Number / Numéro

IMH-1240

ENCLOSURES
ANNEXES

DISTRIBUTION

Further to our referenced telexes, we are
... enclosing herewith information sheets on the Lubicon
Lake Band Land Claim. From the outset, it seemed
unlikely that the international campaign initiated by
the Band, to focus attention on their grievances, would
generate any significant degree of support in favour of
a general Olympics boycott. Replies from posts to date
have tended to confirm this initial assessment. At the
same time, however, the situation remains potentially
embarrassing for Canada, regardless of the merits or
lack of them on this particular case. Thus, while not
wishing to over-react we should not be caught in an
unduly defensive and reactive posture.

The attached information sheets are to be used
in responsive situations only. We see little point in
an advance distribution, which might well attract
attention where interest is at present dormant. The
information sheets should provide you with virtually all
relevant points pertaining to the case. We believe they
are as objective as they can be as to the merits of the
case, recognizing that the Band has legitimate
grievances dating back to 1940. On the other hand, the
federal offer to return to the negotiating table is
given prominence, as the issue of the land settlement is
essentially a domestic issue not calling for
international action, especially action linked to such
non-band issues as the Winter Games and the Glenbow
Museum exhibition.

- 2 -

CONFIDENTIAL

Should there be enquiries on subjects not touched by the information sheets, the following talking points may be useful.

- It should be recognized that the Band is approaching European and other groups as part of a strategy designed to pressure Canada and the province of Alberta into enhancing the offer currently on the table;
- it should be emphasized that Canada is willing to negotiate a fair and just resolution of the claim and that Canadian courts offer the Band a domestic remedy, should negotiations ultimately fail;
- the offer by Canada to the Band is substantial and offers ample scope for a negotiated settlement. Had the Band accepted, the most recent offer would have afforded its members about 25,000 acres of land with full mineral rights, a new community (including housing, infrastructure and schools) and millions of dollars in compensation and other benefits;
- the Lubicon Lake Band has instituted two actions in domestic courts. An action against the Government of Canada in the Federal Court of Canada is currently on hold pending the outcome of an action instituted in the Alberta Court of Queen's Bench against the province and certain corporate defendants. Because this matter is currently before the courts, it would be inappropriate for the Government of Canada to comment on it;
- a communication to the U.N. Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights has been submitted by Chief Ominayak, on behalf of the Band. The Human Rights Committee treats proceedings under the Optional Protocol as being of a confidential nature. Accordingly, it would be inappropriate for the Government of Canada to make a statement prior to a decision by the Committee;
- if it becomes a matter of public record that the Government of Canada is contesting the admissibility of the communication by the Band to the Human Rights Committee, it might be pointed out that it is a well-established principle of international law that domestic courts must be given an opportunity to resolve internal disputes prior to their being addressed by an international body. Therefore, it is appropriate for the Government of Canada to insist that the Lubicon Lake Band follow through to completion the domestic legal actions it has commenced;
- with respect to Mr. Fulton's recommendations that the question of Native Title be referred to the Supreme Court of Canada, the Band has already launched court actions where this question will be raised, and Canada prefers to seek a negotiated solution to the claim;

- 3 -

CONFIDENTIAL

- with regard to the alleged "non-use" of Mr. Fulton's discussion paper by Canada, Mr. Fulton prepared an excellent report which sets out the issues at hand, and representatives of Canada and the Band agreed on 20 June, 1986 to use his paper as the basis of negotiations.

Should there be further enquiries on this subject from quarters which would suggest ongoing difficulties, such as parliamentarians or human rights lobby groups, posts should advise us by telex as to the nature of the enquiry and the possible repercussions. Posts should ensure that a dialogue is maintained with persons asking about this issue, and should emphasize that Canada is willing to answer further enquiries (portions of the text dealing with the Indian act are admittedly somewhat confusing for the uninitiated). A limited initial supply of briefing kits have been prepared. Additional copies can be available if there is sufficient lead time.

Under-Secretary of State
for External Affairs

Distribution w/attachment

Action

Permanent Mission of Canada to the International Organizations in Vienna
Permanent Mission of Canada to the United Nations, GENEVA
The European Economic Community, BRUSSELS
Canadian Embassy, MADRID
Canadian Embassy, THE HAGUE
Canadian Embassy, LISBON
Canadian Embassy, DUBLIN
Canadian Embassy, COPENHAGEN
Canadian Embassy, HELSINKI
Canadian Embassy, OSLO
Canadian Embassy, STOCKHOLM
Holy See, ROME
Canadian Embassy, PARIS
Canadian Embassy, LONDON
Canadian Embassy, BONN
Canadian Embassy, BERNE

Information

PRMNY, CNGY, WLGTN, CNBRA, WSHDC, WDOAS, PESCO, SECSTATE/HULL/DADSON,
JUSTOTT/INA/HULL/COULTER, SPORT CANADA/GRAVELINE

Distribution

MINA, MINP, BCB, BKD, BFD, BFE, BKC, RCM, RCR, JLO, BKA, RWM, DMC, IMD,
IFD

LUBICON LAKE BAND LAND CLAIM

The Lubicon Lake Indian Band is located 90 km east of Peace River, Alberta. The members of the Band are largely of Woods Cree ancestry. In 1933 and again in 1939, Indians living in the Lubicon Lake area, who were at that time mainly members of other neighbouring Indian Bands, petitioned Canada for recognition as a separate Band. This request was granted in 1940 for the 127 Indians who were the initial members of the Band. On the basis of 128 acres for each Indian provided for by Treaty 8, the province of Alberta agreed to transfer to Canada 25.4 square miles of Crown land for a reserve for the Band pursuant to the Natural Resources Transfer Agreement, 1930. Because the transfer of land never occurred, the reserve was not established.

Because the reserve was never established, the Band in 1980 filed a statement of claim in the Federal court of Canada against Canada, Alberta, and certain corporate entities, alleging "Aboriginal Title" to 8,500 square miles of land in Northern Alberta and seeking one billion dollars in compensation. The action against the federal Government in the Federal Court of Canada is currently on hold, pending the outcome of an action instituted in the Alberta Court of Queen's Bench in February, 1982, against the Province of Alberta and certain corporate defendants.

As part of the latter action, the Band sought an interim injunction pending trial to halt oil exploration activities in the area under dispute. The interim injunction was denied by the Court base on criteria in existing case law and the Superior Court of Canada denied leave of appeal.

The Band has also commenced proceedings in the international forum. By a communication dated February 14, 1984, Chief Ominayak, on behalf of the Lubicon Lake Band, alleged, pursuant to the Optional Protocol to the International Covenant on Civil and Political Rights, that Canada was in breach of Article 1 of the Covenant. Article 1 confers on all peoples the right of self-determination, including a degree of control over natural resources. The Human Rights Committee has not yet made a decision on the admissibility of this case; a conclusion is hope for at the next meeting of the Committee in the Spring of 1987.

In 1985 the Government of Canada appointed the Honourable E. Davie Fulton, a former federal Minister of Justice, to undertake an inquiry into the Lubicon Lake Band's claim. Mr. Fulton submitted his final report to Canada and the Lubicon Lake Band in February, 1986. At the recommendation of Mr. Fulton, Canada made a payment of \$1.5 million to the Band in January, 1986, to help it defray legal and other costs associated with presenting their claim.

.../2

- 2 -

In June, 1986, the Band agreed to participate in bilateral negotiations with Canada through Canada's negotiator, Mr. Roger Tassé. At that time the Band and Mr. Tassé agreed that he would also undertake parallel negotiations with the Province of Alberta, as Alberta would have to be a party to at least some elements of a final settlement of the Band's claim. Mr. Tassé and the Band also agreed to use the report prepared by Mr. Fulton as the basis of negotiations.

On July 8, 1986, the Band withdrew from the bilateral negotiations over the question of the amount of land to which the Band is entitled under the provision of Treaty 8. The position adopted by Canada was that the Band was entitled to 128 acres for each of the 200 Indians registered as such under the Indian Act. The Band, on the other hand, maintained that, since it has control over its own membership as provided for under the Indian Act, it was entitled to 128 acres for each of the 457 persons on its membership list, regardless of whether they are eligible to be counted under the provisions of Treaty 8 for land purposes.

At the breakdown in the negotiations, Mr. Tassé tabled with the Band a comprehensive proposal for resolving the claim. This proposal would have resulted in the Band receiving about 25,000 acres or 40 square miles of land for a reserve, including full mineral rights, a new community on the reserve, including housing, infrastructure and schools, and millions of dollars of compensation and other benefits.

Subsequent to the breakdown of negotiations, the federal negotiator wrote to the Band indicating that Canada was flexible on many of the points contained in his proposal, including the question of the quantum of land, and urged a return to the negotiating table. The Minister of Indian Affairs and Northern Development has also publicly urged the Band to return to the negotiating table. To date, the Band has not returned.

At the breakdown of negotiations, the Band's representatives indicated that they would be recommencing their legal actions against the Governments of Canada and Alberta, and that they would escalate their national and international public relations campaigns. As the main element of this campaign, the Band has evidently urged countries not to send their athletes to the Calgary Winter Games in 1988, and has urged a boycott of a native artifacts exhibition organized by Calgary's Glenbow Museum to coincide with the Winter Games.

Canada recognizes that the Lubicon Lake Band has a legitimate and outstanding claim. Because of this recognition, Canada remains committed, through negotiations with the Band and the Province of Alberta, to seeking a fair and just resolution to the claim in accordance with its legal obligations to the Band which flow from Treaty 8, signed in 1899.

IMHR/JOANNE SIMPSON/992-6664/mp

Canada

Canada

file

TO/À See list attached

FROM/DE Under-Secretary of State
 for External Affairs - (IMH)

REFERENCE • Our telegrams IMH-1195 of
RÉFÉRENCE 07 November 1986 and 1229 of
 13 November 1986

SUBJECT • Lubicon Lake Band - European Tour
SUJET

Security / Sécurité
CONFIDENTIAL
Accession / Référence
File / Dossier
45-CDA-13-1-3-LUBICON LAKE BAND.
Date
November 20, 1986
Number / Numéro
IMH-1240

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- 2 -

CONFIDENTIAL

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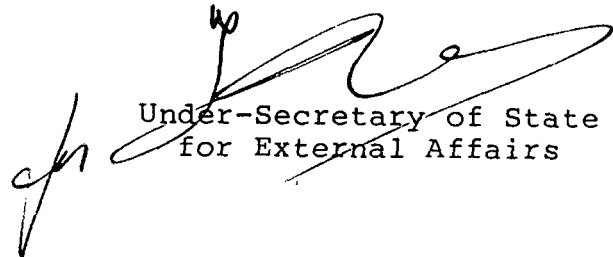
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JUSTOTT/INA/HULL/COULTER, SPORT CANADA/GRAVELINE

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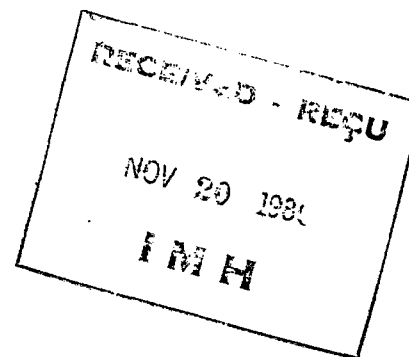
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C O N F I D E N T I A L

FM LSBON XMGR0511 19NOV86

TO EXTOTT IMH

INFO BH INAHULL/COULTER DE OCI

DISTR BKC MINA RCR

REF YOURTELS IMH1190 06NOV IMH1195 07NOV

---LUBICON LAKE BANK GRIEVANCES

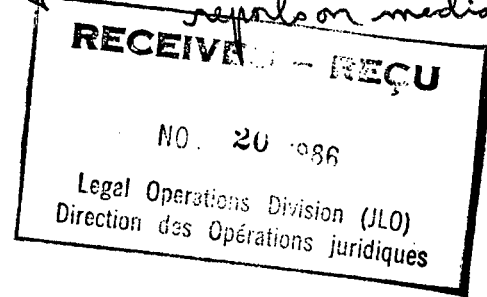
SINCE RECEPTION OF YOUR REFTELS HAVE CHECKED THOROUGHLY
ALL NEWSPAPERS RECEIVED AT MISSION. TO DATE HAVE NOT/NOT
NOTICED ANY ARTICLE ON LUBICON LAKE BAND. EMBASSY HAS PRESS
CLIPPING SERVICE FOR LOCAL AND REGIONAL PRESS WHICH ALSO
HAS NOTHING TO REPORT. COMMUNICATIONS AND CULTURAL SERVICES
HAS NOT/NOT RECEIVED ANY LETS NOR HAS IT RECEIVED ANY
PHONE CALLS OR REQUESTS FROM LOCAL ASSOCIATIONS OR MUSEUMS
THAT COULD HAVE BEEN CANVASSED BY THE BAND.

2. WILL KEEP YOU ABREAST OF SITUATION AS REQUIRED.

CCC/162 191449Z XMGR0511

ACC	REF	DATE
FILE	45-COA-13-1-3	DOSSIER LUBICON LAKE BAND

Peter: see last para - isn't "dreams an unfortunate choice of words?"
see para 2 - I take it you don't want JLO to receive reports on media contacts



C O N F I D E N T I A L

FM EXTOTT BKC3133 19NOV86

TO HAGUE BONN BREEC BRU VIENNA LDN PARIS DELIVER BY 200900
INFO GENEV PRMNY OSLO STKHM MDRID LSEON CNGNY COPEN DUBLN ROME VATCN
WLGTN CNBRA WSHDC WDOAS
BE SECSTATE HULL/DADSON INAHULL/EXEC SERVICES/GOLDBERG/VENIEZ/
MCGREGOR/COULTER DE OCI JUSTOTT/LAW SPORTSCDAOTT/MACADAM/GRAVELINE/
TOLLER/HCFFMAN NMCOTT/NICHOLS FEDERAL OLYMPIC COORDINATOR OFFICE/
BERGER/FORD/GERARD DE OTT

DISTR MINA MINP DMC BCB IFB RGB BKD BCM BFD BFE IMD IMM RCM RGR

JLO BKA RWM

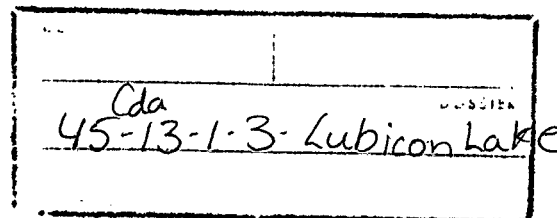
REF OURTEL BKC3118 OF 13NOV

---LUBICCN LAKE INDIAN BAND - OLYMPICS 88 AND THE GLENBOW MUSEUM.

AS INDICATED IN REFTEL ATTACHED IS COPY OF INFORMATION PAPER
PREPARED BY THE FEDERAL OLYMPIC COORDINATORS OFFICE WITH THE
ASSISTANCE OF INDIAN AND NORTHERN AFFAIRS,OCO 88 AND THE GLENBOW
MUSEUM.IT ADDRESSES QUESTION OF LINKAGE OF CLAIM WITH OLYMPICS 88,
AND MUSEUM EXHIBIT.

2.YOU MAY DRAW UPON THIS INFORMATION FREELY IF INQUIRERS REQUEST
ADDITIONAL INFORMATION ON THE ABOVE SUBJECT.THIS SHOULD HOWEVER BE
DONE UPON A RESPONSIVE BASIS ONLY,OR UPON SPECIFIC INSTRUCTION FROM
HEADQUARTERS TO THAT EFFECT.PLS REPORT ANY CONTACT WITH THE MEDIA
TO BCM,INFO IAND/VENIEZ SPORTCDA/OLYMPICS OFFICE/GIRARD,DISTR

...2



001105

PAGE TWO BKC3133 CONFD

BKC IMH BKA BFE.INFO PACKAGE DEVELOPED BY IMH ON QUESTION OF LUBICON CLAIM WILL BE SENT TO YOU IN NEAR FUTURE UNDER COVER OF LET OF INSTRUCTIONS.

TOPIC:THE LUBICON LAKE BAND AND THE OLYMPICS

ISSUE:THE LUBICON LAKE BAND AND THE THREATENED BOYCOTT OF THE CALGARY 1988 OLYMPIC WINTER GAMES AND THE OLYMPIC

EXHIBITION OF INDIAN AND INUIT ARTIFACTS AT THE GLENPOW MUSEUM.

BACKGROUND:

THE LUBICON LAKE BAND IS USING THE 1988 OLYMPIC WINTER GAMES IN CALGARY TO BRING NATIONAL AND INTERNATIONAL AWARENESS TO THEIR LONG-STANDING LAND CLAIM GRIEVANCES BY URGING COUNTRIES TO BOYCOTT THE GAMES.PART OF THE BANDS INTERNATIONAL CAMPAIGN IS TO LOBBY NATIONAL OLYMPIC COMMITTEES,ATHLETES AND MEMBERS OF THE INTERNATIONAL OLYMPIC COMMITTEE.IT IS UNLIKELY THAT THE BAND WILL SUCCEED IN GAINING MUCH SUPPORT FROM MEMBERS OF THIS PARTICULAR COMMUNITY.HOWEVER,THE LUBICONS MAY SUCCEED IN ATTRACTING A DEGREE OF PUBLIC SUPPORT FROM OTHER GROUPS ABROAD NOT/NOT DIRECTLY ASSOCIATED WITH THE OLYMPIC GAMES.

OF MOST CONCERN TO OLYMPIC ORGANIZERS OF THE 1988 CALGARY GAMES IS THE EXHIBITION OF INDIAN AND INUIT

...3

PAGE THREE BKC3133 CONF

ARTIFACTS AT THE GLENBOW MUSEUM. THIS EXHIBIT IS AN
IMPORTANT COMPONENT OF THE OLYMPIC ARTS FESTIVAL.
OVER 1200 ARTIFACTS FROM 100 INSTITUTIONS AND
INDIVIDUALS WOULD MAKE-UP THIS EXHIBITION. THUS FAR,
ONLY ONE INSTITUTION HAS OFFICIALLY REFUSED TO SEND
ITS ARTIFACTS IN SUPPORT OF THE LUBICON CAUSE.
ORGANIZERS OF THE GLENBOW MUSEUM ARE QUITE CONFIDENT
THAT THE EXHIBIT WILL BE A SUCCESS. OVER 50
INSTITUTIONS HAVE ALREADY COMMITTED THEIR SUPPORT TO
THE PROJECT.

NATIVE INVOLVEMENT IN THE 1988 OLYMPIC WINTER GAMES
CO88 (THE ORGANIZING COMMITTEE) HAS SET-UP A COMMITTEE TO
ENCOURAGE NATIVE PARTICIPATION IN THE GAMES. IN ADDITION, A
REPRESENTATIVE OF THE NATIVE COMMUNITY HAS BEEN APPOINTED NATIVE
LIAISON COORDINATOR FOR CO88 WITH A VIEW TO ENCOURAGING ECONOMIC
DEVELOPMENT OPPORTUNITIES FOR NATIVES ARISING OUT OF THE GAMES.
OTHER INDIAN BANDS PUBLICLY SUPPORT THE LUBICONS IN THEIR PLIGHT FOR
A SETTLEMENT TO THEIR LAND CLAIMS.

COMMUNICATIONS STRATEGY

THE COMMUNICATIONS STRATEGY IS TO CONTINUE TO DE-LINK THE GAMES
FROM ANY NATIVE LAND CLAIM ISSUES. IT IS INAPPROPRIATE AND
REGRETABLE THAT THE LUBICONS CHOSE THE 1988 OLYMPIC WINTER GAMES TO
REACH A SETTLEMENT OF ITS LAND CLAIMS IN ALBERTA.

...4

PAGE FOUR BKC3133 CCNFD

SUGGESTED STATEMENT

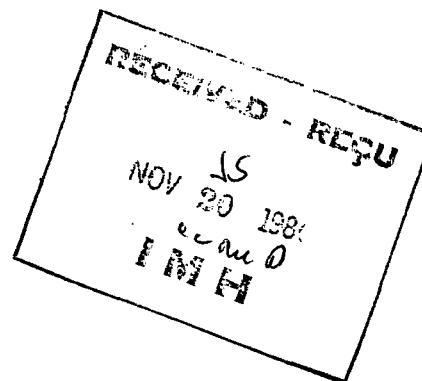
THE FEDERAL GOVERNMENT IS CONCERNED BY THE DECISION OF THE LUBICON LAKE BAND TO PUSH AHEAD WITH ITS CAMPAIGN FOR AN INTERNATIONAL BOYCOTT OF THE 1988 WINTER GAMES, AND OF THE OLYMPIC EXHIBITION OF ABORIGINAL ARTIFACTS IN PARTICULAR. IT REGRETS THAT THE BAND HAS CHOSEN THIS AVENUE TO REACH A MORE GENEROUS SETTLEMENT OF ITS CLAIM IN ALBERTA.

THE FEDERAL GOVERNMENT HAS RECOGNIZED THE LONGSTANDING GRIEVANCES OF THE BAND. THE GOVERNMENT HAS OFFERED A SUBSTANTIAL SETTLEMENT IN AN HONEST EFFORT TO FIND A FAIR AND JUST RESOLUTION OF THESE GRIEVANCES. IT IS READY AT ANY TIME TO RETURN TO THE NEGOTIATING TABLE.

THE FEDERAL GOVERNMENT SYMPATHIZES WITH THE DREAMS AND ASPIRATIONS OF THE LUBICON PEOPLE. AS WELL, THE VISION AND PLANS OF THE ORGANIZERS AND VOLUNTEERS ASSOCIATED WITH THE WINTER OLYMPICS ARE STRONG. THE FEDERAL GOVERNMENT WISHES TO ENSURE THAT BOTH ARE FULFILLED.

CCC/216 192159Z BKC3133

**ACTION
SUITE A DONNER**



C O N F I D E N T I A L

FM LSBON XMGR0511 19NOV86

TO EXTOTT IMH

INFO BH INAHULL/COULTER DE OCI

DISTR BKC MINA RCR

ACC	DATE
FILE	DESCRIER
45- CDA-13-1-3	
LOC	
C7a	

*Lubicon
Lake Band*

REF YOURTELS IMH1190 06NOV IMH1195 07NOV

---LUBICON LAKE BAND GRIEVANCES

SINCE RECEPTION OF YOUR REFTELS HAVE CHECKED THOROUGHLY
ALL NEWSPAPERS RECEIVED AT MISSION. TO DATE HAVE NOT/NOT
NOTICED ANY ARTICLE ON LUBICON LAKE BAND. EMBASSY HAS PRESS
CLIPPING SERVICE FOR LOCAL AND REGIONAL PRESS WHICH ALSO
HAS NOTHING TO REPORT. COMMUNICATIONS AND CULTURAL SERVICES
HAS NOT/NOT RECEIVED ANY LETS NOR HAS IT RECEIVED ANY
PHONE CALLS OR REQUESTS FROM LOCAL ASSOCIATIONS OR MUSEUMS
THAT COULD HAVE BEEN CANVASSED BY THE BAND.

2. WILL KEEP YOU ABREAST OF SITUATION AS REQUIRED.

CCC/162 191449Z XMGR0511

**ACTION
SUITE A DONNER**

UNCLASSIFIED

FM BERN ZNGR0737 18NOV86

TO EXTOTT/IMH ✓

INFO INAHULL/COULTER

DISTR MINA BKC

REF YOURTEL IMH1190 06NOV

---IUBICON LAKE BAND GRIEVANCE

NIL/NIL.

UUU/205 190832Z ZNGR0737

RECEIVED - REÇU

NOV 19 1986

IMH

ACC

FILE

DOSSIER

45- CDA-13-1-3- L. L. L. L.

LOC

C7-

L. L. L. L.
Lake
Band



External Affairs
Canada

Affaires extérieures
Canada

DIV WF

MESSAGE

Accession/Référence 472388
File/Dossier 45-CDA-13-1-3- LUBICON

Align first character of Security Classification under this arrow
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SECURITY SÉCURITÉ	C O N F I D E N T I A L	19 Nov 86 12 21 202	10 BAND
FM/DE	FM EXTOTT IMH1238 18NOV86		
TO/À	TO VPERM GENEV BREEC MDRID HAGUE LSBON DUBLN COPEN HNSKI OSLO		
INFO	STKHM ROME VATCN PARIS LDN BONN BERN		
DISTR	INFO PRMNY CNGNY WLGTN CNBRA WSHDC WDOAS PESCO		
REF	SECSTATE ^{BH} HULL/DADSON JUSTOTT ^{BH} INAC ^{BH} HULL/COULTER SPORT ^{OTT} CDA/GRAVELINE		
SUBJ/SUJ	DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCM RCR JLO BKA RWM		
	DMC IMD IFD		
	REF OURTELS IMH1195,1196 07NOV86,BKC 3118 13NOV86		
	---LUBICON LAKE BAND - EUROPEAN TOUR		
	WITH REGARD TO LUBICONS EUROPEAN CAMPAIGN, HAVE BEEN INFORMED THROUGH CDN PRESS ARTICLES OF NOV 14 AND 16, ^{REPORT} THAT BAND HAS, <i>For the moment</i> ^{EFFORTS.} CONCLUDED ITS LOBBYING ENDAVOURS FOR THE MEANTIME. <i>AT LEAST,</i>		
	2.ASSESSMENT OF RESULTS WAS QUALIFIED BY BAND CHIEF, BERNARD OMINAYAK AS QUOTE LIMITED SUCCESS UNQUOTE. OTHER REP FM ALTA, LAWRENCE COURTOREILLE, WAS MORE SUBDUED, INDICATING QUOTE I EXPECTED MORE RESULTS RIGHT AWAY, BUT TIME WILL TELL HOW SUCCESSFUL IT REALLY WAS. A LOT WILL DEPEND ON HOW PERSISTENT WE ARE IN FOLLOWING UP SUPPORT GROUPS, OLYMPIC PEOPLE AND POLITICIANS. UNQUOTE.		
	3.PRESS REPORTED FURTHER ON RESULTS, COMMENTING QUOTE -MOST OF THE DIPLOMATS AND OLYMPIC CTTEES THE DELEGATION SPOKE TO, SAID THEY WLD LOOK INTO THE MATTER.		
	...2		

DRAFTER/RÉDACTEUR JOANNE STIMPSON/mp <i>Joanne Stimpson</i> SIG	DIVISION/DIRECTION IMHR	TELEPHONE 992-6664	APPROVED/APPROUVÉ F.D. PILLARELLA <i>[Signature]</i> SIG
--	----------------------------	-----------------------	---



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PAGE TWO IMH1238 CONFD

121

10

-THAT GROUP OBTAINED BACKING FM AT LEAST ONE EUROPEAN MUSEUM, THE
GREENS PARTY IN AUSTRIA AND WEST GERMANY AND SURVIVAL INNATL, A
LONDON-BASED HUMAN RIGHTS GROUP INTERESTED IN THE PROBLEMS OF
ABORIGINAL PEOPLES.UNQUOTE.

AS PROMISED in REF. tel BKC 3118,
4.WILL BE FORWARDING ~~THEREFORE~~ BY DIP BAG, BRIEFING KITS ~~AS~~
~~MENTIONED~~ ON LUBICON LAKE BAND LAND CLAIM.DOCUMENTATION SHLD BE
USED AS NECESSARY *should* ~~IN NEAR FUTURE~~ ~~OF~~ LOBBYING EFFORTS OF BAND
PRODUCE ENQUIRIES ON THE SUBJECT.

5.WLD APPRECIATE CONTINUED MONITORING OF MEDIA AND FOLLOW-UP ON
ISSUE BY POSTS WHICH HAVE YET TO PROVIDE ASSESSMENT ON SUBJECT.

6.GRATEFUL FOR YOUR CONTINUED COOPERATION ON ISSUE.

UNCLASSIFIED

FM BERN ZNGR0737 18NOV86

TO EXTOTT/IMH

INFO INAHULL/COULTER

DISTR MINA BKC

REF YOURTEL IMH1190 06NOV

---IUBICON LAKE BAND GRIEVANCE

NIL/NIL.

UUU/205 190832Z ZNGR0737

RECEIVED - REÇU

NOV 19 1986

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FILE	45-CDA-13-1-3-DOSSIER	LUBICON
		LAKE BAND

ACTION
SUITE A DONNER

ACC	R.	ATE
FILE	45-00A-13-1-3-	DOSSIER

174-1247

21 NOV 86

LUBICON LAKE BAND

RECEIVED - REÇU
15
NOV 21 1986
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FMH

C O N F I D E N T I A L

FM LDN XNFC0512 17NOV86

TO EXTOTT IMH

INFO BH SECSTATE/HULL/DADSON INAHULL/COULTER DE OCI

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCR JLO BKA RWM

RWP DMC IMD IFB

---LUBICON LAKE BAND & CALGARY WINTER OLYMPICS/GLENBOW MUSEUM

AS PREVIOUSLY REPORTED ENQUIRIES CONCERNING THREATENED

BOYCOTT HAVE BEEN RECEIVED AT HIGH COMMISSION FROM BRITISH

MUSEUM.] MUSEUM HAS ALSO RECEIVED COMMUNICATION FROM ERASMUS,

ASSEMBLY OF FIRST NATIONS. OUR RESPONSE HAS BEEN TO SUPPORT

THE OLYMPICS, THE EXHIBIT AND THE LOAN.

2. NEW ENQUIRY AND EXPRESSION OF CONCERN ALSO RECEIVED FROM

PITT RIVERS MUSEUM OXFORD.

3. REQUEST ADVICE FROM OTTAWA ON 2/2 POINTS FOR OUR REPLY

TO PITT RIVERS: A) HAVE ANY U.S. MUSEUMS DECIDED NOT TO LEND

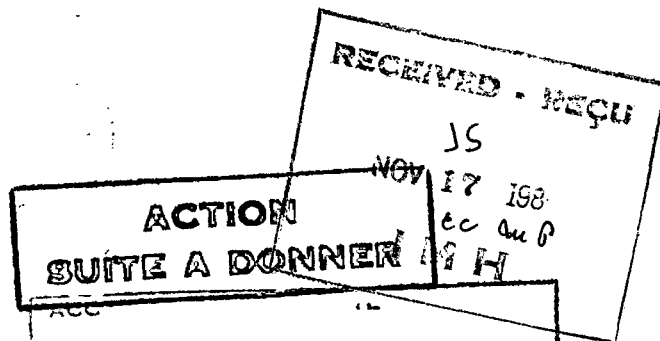
ARTEFACTS TO THE GLENBOW, AND B) CAN WE GUARANTEE SAFETY

OF LOANED ARTEFACTS.

4. APPRECIATE EARLY REPLY.

5. WILL MAINTAIN POSITIVE SUPPORT AND KEEP YOU ADVISED.

CCC/06E 201445Z XNFC0512



C O N F I D E N T I A L

FM STKHM UDGR1471 14NOV86

TO EXTOTT (IMH)

DISTR MINA MINP BCB BKD BCM BFD BFE ~~BKC RCR JLO BKA RWM DMC IMD~~

IFB

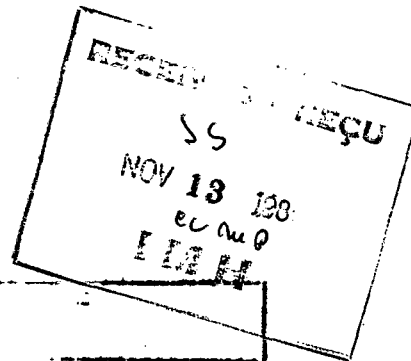
REF YOURTEL IMH1190 06NOV

---LUBICON GRIEVANCE-CALGY WINTER OLYMPICS

THERE HAVE BEEN NO/NO REPRESENTATIONS (OFFICIAL OR OTHERWISE),
NO/NO MEDIA REPORTS OR LETS TO EDITOR OR THE EMB ON THIS MATTER.
2. TO OUR KNOWLEDGE THERE HAVE BEEN NO/NO CONTACTS BETWEEN LUBICON
BAND AND TWO INSTITUTIONS APPROACHED BY GLENBOW FOR LOWAN OR
ARTIFACTS. DURING OUR MEETING WITH DIR OF ETNOGRAFISKA MUSEET,
ISSUE NOT/NOT EVEN RAISED. IT WOULD APPEAR THAT SWEDISH MUSEUMS
HAVE ACCEPTED BRIEFING ON SUBJECT PROVIDED BY GLENBOW PRIOR TO
ARRIVAL OF PHOTOGRAPHER AND CURATOR ON THEIR CATALOGUING TOUR.
3. SWEDES, LIKE THEIR NORDIC NEIGHBOURS, HAVE A REFINED SENSE OF
MORAL OUTRAGE WHEN IT COMES TO ALLEDGED DESTRUCTION OF NATIVE
CULTURES AND LIFESTYLES BUT WE DO NOT/NOT EXPECT LUBICON
SITUATION TO THREATEN SWEDISH PARTICIPATION IN CALGARY OLYMPICS.
THIS ASSESSMENT IS BASED ON CURRENT PUBLIC AWARENESS OF MATTER
AND WILL HAVE TO BE REVIEWED SHOULD LEADERS OF LUBICON BAND
ARRIVE IN SWEDEN TO PUBLICIZE THE ISSUE.

CCC/152 170700Z UDGR1471

ACTION
SUITE A DONNER



C O N F I D E N T I A L
FM GENEV YTGR7745 13NOV86
TO EXTOTT IMH

ACC	472164
FILE	45-CDA-13-1-3-
DOSSIER	
LOC	

Lubicon Lake
Band

INFO BH SECSTATEHULL/DADSON INAHULL/COULTER DE OCI JUSTOTT
SPORTSCDAOTT/GRAVELINE DE OTT

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCR JLO BKA RWM DMC IMD IFB
REF OURTEL YTGR5653 06AUG YOURTEL IMH1190 06NOV

---LUBICON LAKE BAND GRIEVANCE: HUMAN RIGHTS CTTEE

AS INDICATED IN OUR REFTL(NOTAL)CTTEE CAME VERY CLOSE, DURING ITS
LAST SESSION, TO DECLARING LUBICON COMPLAINT INADMISSIBLE ON GROUNDS
THAT INDIVIDUAL COMPLAINTS PROCEDURE UNDER OPTIONAL PROTOCOL DID
NOT/NOT EXTEND TO CLAIMS IN RESPECT OF COLLECTIVE RIGHT OF SELF-
DETERMINATION. NEW ELEMENT EMERGING FROM OUR LATEST DISCUSSIONS WITH
CENTRE CASE-OFFICER IS THAT DECISION RE INADMISSIBILITY WOULD HAVE
BEEN TAKEN AT LAST SESSION BUT FOR LACK OF CTTEE QUORUM AT FINAL
MTG. OUR CONTACT ADVISES IN CONFIDENCE THAT SECRETARIAT WILL PUT
SAME DRAFT DECISION BEFORE CTTEE AT ITS NEXT MTG IN MARCH 1987, AND
EXPECTS IT TO BE ADOPTED. HOWEVER THIS RESULT CAN BY NO/NO MEANS BE
GUARANTEED, ESPECIALLY SINCE CTTEE WILL HAVE FIVE NEW MEMBERS THIS
YEAR.

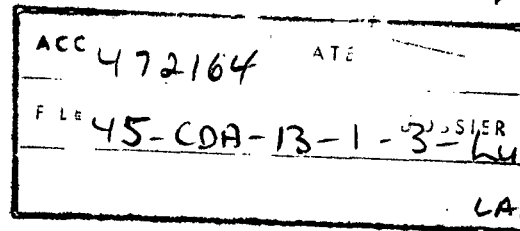
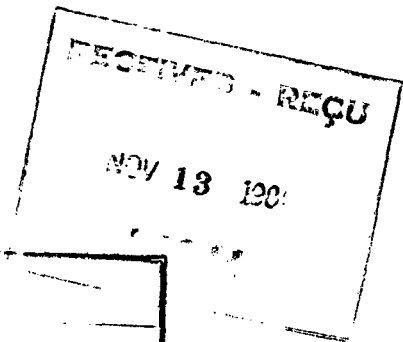
2. REGARDING YOUR REQUEST FOR REPORTING ON MEDIA COVERAGE, WE WILL
ADVISE OF ANY PERTINENT DEVELOPMENTS THAT COME TO OUR ATTENTION.
WOULD CAUTION HOWEVER THAT MISSION DOES NOT/NOT HAVE COMPREHENSIVE
MEDIA MONITORING CAPACITY. EMBASSY IN BERNE MAINTAINS A MORE

...2

PAGE TWO YTGR7745 CONF

SYSTEMATIC WATCH OVER SWISS MEDIA AND MAY BE IN POSITION TO BE OF
GREATER ASSISTANCE. HAVE JUST NOTICED THAT BERNE IS NOT/NOT INCLUDED
AMONG ADDRESSEES OF YOUR VARIOUS RECENT BACKGROUND TELS ON THIS
SUBJ. YOU MAY WISH TO COPY THEM ON THE MOST CURRENT PERTINENT
MESSAGES.

CCC/131 130332Z YTGR7745



C O N F I D E N T I A L

FM GENEV YTGR7745 13NOV86

TO EXTOTT IMH

INFO BH SECSTATEHULL/DADSON INAHULL/COULTER DE OCI JUSTOTT

SPORTSCLAOTT/GRAVELINE DE OTT

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCR JLO BKA RWM DMC IMD IFB

REF OURTEL YTGR5653 06AUG YOURTEL IMH1190 06NOV

---LUBICON LAKE BAND GRIEVANCE: HUMAN RIGHTS CTTEE

AS INDICATED IN OUR REFTTEL(NOTAL)CTTEE CAME VERY CLOSE, DURING ITS
LAST SESSION, TO DECLARING LUBICON COMPLAINT INADMISSIBLE ON GROUNDS
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...2

PAGE TWO YTGR7745 CONF

SYSTEMATIC WATCH OVER SWISS MEDIA AND MAY BE IN POSITION TO BE OF
GREATER ASSISTANCE.HAVE JUST NOTICED THAT BERNE IS NOT/NOT INCLUDED
AMONG ADDRESSEES OF YOUR VARIOUS RECENT BACKGROUND TELS ON THIS
SUBJ.YOU MAY WISH TO COPY THEM ON THE MOST CURRENT PERTINENT
MESSAGES.

CCC/131 130332Z YTGR7745



TO/À See distribution list attached

FROM/DE • IMH

REFERENCE •
RÉFÉRENCE

SUBJECT • Lubicon Lake Band Land Claim -
SUJET European Tour

Security/Sécurité
UNCLASSIFIED
Accession/Référence
472098
File/Dossier
45-CDA-13-1-3-LUBICON LAKE BAND
Date
November 13, 1986
Number/Numéro
IMH-1228

ENCLOSURES
ANNEXES

DISTRIBUTION

... Attached for your consideration is a comprehensive summary on the Lubicon claim, prepared jointly by DIAND, DEA and Justice, which will be forwarded to posts in Europe for briefing purposes.

2. We would appreciate receiving your suggestions on content shortly, in order to expedite the information package to Europe as soon as possible.

3. Comments may be referred to Ms. J. Simpson (992-6664) or Mr. Dan Livermore (995-6960) of the Human Rights and Social Affairs Division.

F. D. PILLARELLA

F.D. Pillarella
Director
Human Rights and
Social Affairs Division

DISTRIBUTION

DIAND/Communications/Don McGregor/Bob Coulter

JUSTICE/Irit Weiser/Martin Freeman

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DEA/Minister's Office/Susan Norquay

DEA/JLO/Peter McRae

LUBICON LAKE BAND LAND CLAIM

The Lubicon Lake Indian Band is located 90 km east of Peace River, Alberta. The members of the Band are largely of Woods Cree ancestry. In 1933 and again in 1939, Indians living in the Lubicon Lake area, who were at that time mainly members of other neighbouring Indian Bands, petitioned Canada for recognition as a separate Band. This request was granted in 1940 for the 127 Indians who were the initial members of the Band. On the basis of 128 acres for each Indian provided for by Treaty 8, the province of Alberta agreed to transfer to Canada 25.4 square miles of Crown land for a reserve for the Band pursuant to the Natural Resources Transfer Agreement, 1930. Because the transfer of land never occurred, the reserve was not established.

Because the reserve was never established, the Band in 1980 filed a statement of claim in the Federal court against Canada and Alberta alleging "Aboriginal Title" to 8,500 square miles of land in Northern Alberta and seeking one billion dollars in compensation. The action against the federal Government in the Federal Court of Canada is currently on hold, pending the outcome of an action instituted in the Alberta Court of Queen's Bench in February, 1982, against the Province of Alberta and certain corporate defendants.

In 1983 the Band sought a court injunction against Alberta and several oil companies to halt oil exploration activity over a large area near where they live. Alberta courts, and subsequently the Supreme Court of Canada, rejected the application.

The Band has also commenced proceedings in the international forum. By a communication dated February 14, 1984, Chief Ominayak, on behalf of the Lubicon Lake Band, alleged, pursuant to the Optional Protocol to the International Covenant on Civil and Political Rights, that Canada was in breach of Article 1 of the Covenant. Article 1 confers on all peoples the right of self-determination, including a degree of control over natural resources. The Human Rights Committee has not taken a decision on this case; further meetings are scheduled for 1987, and a resolution on the admissibility of this communication might then be taken.

In 1985 the Government of Canada appointed the Honourable E. Davie Fulton, a former federal Minister of Justice, to undertake an inquiry into the Lubicon Lake Band's claim. Mr. Fulton submitted his final report to Canada and the Lubicon Lake Band in February, 1986. At the recommendation of Mr. Fulton, Canada made a payment of \$1.5 million to the Band in January, 1986, to help it defray legal and other costs associated with presenting their claim.

- 2 -

In June, 1986, the Band agreed to participate in bilateral negotiations with Canada through Canada's negotiator, Mr. Roger Tassé, a former deputy minister of Justice. At that time the Band and Mr. Tassé agreed that he would also undertake parallel negotiations with the Province of Alberta, as Alberta would have to be a party to at least some elements of a final settlement of the Band's claim. Mr. Tassé and the Band also agreed to use the report prepared by Mr. Fulton as the basis of negotiations.

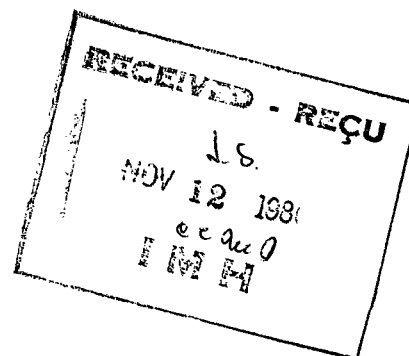
On July 8, 1986, the Band withdrew from the bilateral negotiations over the question of the amount of land to which the Band is entitled under the provision of Treaty 8. The position adopted by Canada was that the Band was entitled to 128 acres for each of the 200 Indians registered as such under the Indian Act. The Band, on the other hand, maintained that, since it has control over its own membership as provided for under the Indian Act, it was entitled to 128 acres for each of the 457 persons on its membership list, regardless of whether they are eligible to be counted under the provisions of Treaty 8 for land purposes.

At the breakdown in the negotiations, Mr. Tassé tabled with the Band a comprehensive proposal for resolving the claim. This proposal would have resulted in the Band receiving about 25,000 acres or 40 square miles of land for a reserve, including full mineral rights, a new community on the reserve, including housing, infrastructure and schools, and millions of dollars of compensation and other benefits.

Subsequent to the breakdown of negotiations, the federal negotiator wrote to the Band indicating that Canada was flexible on many of the points contained in his proposal, including the question of the quantum of land, and urged a return to the negotiating table. The Minister of Indian Affairs and Northern Development has also publicly urged the Band to return to the negotiating table. To date, the Band has not returned.

At the breakdown of negotiations, the Band representatives indicated that they would be recommencing their legal actions against the Governments of Canada and Alberta, and that they would escalate their national and international public relations campaigns. As the main element of this campaign, the Band has evidently urged countries not to send their athletes to the Calgary Winter Games in 1988, and has urged a boycott of a native artifacts exhibition organized by Calgary's Glenbow Museum to coincide with the Winter Games.

Canada recognizes that the Lubicon Lake Band has a legitimate and outstanding claim. Because of this recognition, Canada remains committed, through negotiations with the Band and the Province of Alberta, to seeking a fair and just resolution to the claim in accordance with its legal obligation to the Band which flow from Treaty 8, signed in 1899.



ACTION
SUITE A DONNER

ACC	
FILE	DOSSIER
45-2DA-13-1-3- <i>Lubicon Lake Band</i>	
LOC	
CT-	

C O N F I D E N T I A L
FM WLGTH/UGR1731 12NOV86
TO EXTOTT IMH

INFO BE SECSTATE/HULL/DADSON INAHULL/COULTER DE CCI

JUSTOTT SPORTCDAOTT/GRAVELINE DE OTT

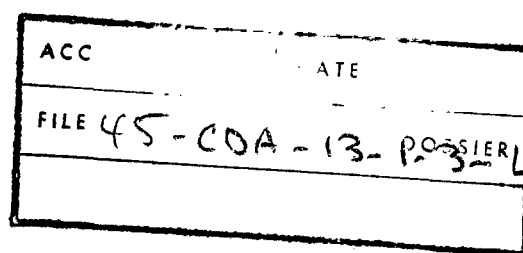
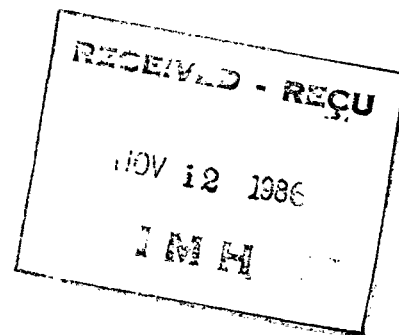
DISTR MINA MINP BCE BKD DCM BFE BKC RCR JLO BKA RWM DMC IMD IGB

REF YOURTEL IMH1190 06NOV

---LUBICON LAKE BANK GRIEVANCE-CALGARY WINTER OLYMPICS

RE REFTEL PARA2 TO BEST OF OUR KNOWLEDGE ISSUE HAS NOT/NOT
YET SURFACED HERE.

CCC/011 120248Z UGR1731



LUBICON
LAKE
BAND

C O N F I D E N T I A L

FM WLGTH UOGR1731 12NOV86

TO EXTOTT IMH

INFC BE SECSTATE/HULL/DADSON INAHULL/COULTER DE CCI

JUSTOTT SPORTCDAOTT/GRAVELINE DE OTT

DISTR MINA MINP BCB BKD DCM BFE BKC RCR JLO BKA RWM DMC IMD IGB

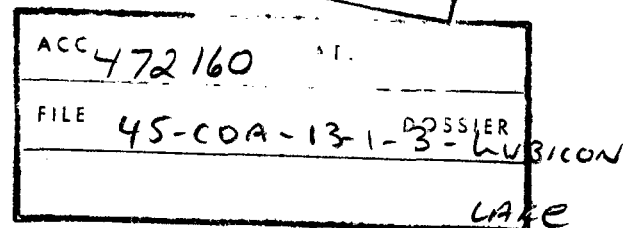
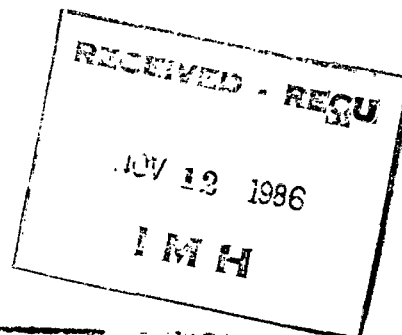
REF YOURTEL IMH1190 06NOV

---LUBICON LAKE BANK GRIEVANCE-CALGARY WINTER OLYMPICS

RE REFTTEL PARA2 TO BEST OF OUR KNOWLEDGE ISSUE HAS NOT/NOT

YET SURFACED HERE.

CCC/011 120248Z UOGR1731



C O N F I D E N T I A L

FM OSLO WGR3277 11NOV86

TO EXTCTT IMH

INFO COPEN HSNKI STKHM

BH SECSTATEHULL/DADSON INAHULL/COULTER DE OCI

JUSTCTT SPORTCDAOTT/GRAVELINE DE OTT

DISTR MINA MINP DMC BCB BKD BCM BED BFE BKC BKA RCR JLO RWM

IMD IFB RSR

REF YOURTEL 1190 26NOV,OURTEL 3145 23OCT

---LUBICON LAKE BAND GRIEVANCE-CALGY WINTER OLYMPICS

WE HAVE SEEN ABSOLUTELY NO/NO INDICATION EITHER IN FORM OF MEDIA COVERAGE, REPRESENTATIONS, LETS OR DISCUSSIONS WITH INDIGENOUS AFFAIRS CONTACTS THAT LUBICON BAND IS AT ALL ISSUE IN NORWAY OR INDEED THAT ANYONE HERE IS EVEN AWARE OF IT. HOWEVER, GIVEN POSSIBILITY THAT ISSUE MIGHT EMERGE NOW THAT LUBICON BAND LEADERS ARE IN EUROPE WE CONTACTED TOM SVENSSON OF ETHNOGRAPHIC MUSEUM (EMB CONTACT ON GLENBOW) IN ORDER TO BRIEF HIM FIRST ON SITU. SVENSSON IS EXPERT ON SAMI LAND CLAIMS IN SWEDEN AND NORWAY AND AS RESULT OF YEAR SPENT AT MCGILL AS VISITING ANTHROPOLOGY PROF IS ALSO VERY KNOWLEDGEABLE ABOUT INDIGENOUS AFFAIRS IN CLA. A MUTUAL FRIEND OF SVENSSON AND EMB OFFICER IS DR HARVEY FEIT, AN ANTEROPOLOGIST WHO WAS INVITED TO OSLO LAST YEAR TO GIVE LECTURE ON HIS CONSULTING WORK FOR CREE IN JAMES BAY NEGOTIATIONS. WHILE SVENSSON IS THUS SYMPATHETIC TO NATIVE CLAIMS HE ALSO RECOGNIZES COMPLEXITY OF NEGOTIATIONS. HIS REACTION TO LUBICON MANOEUVERS WAS

...2

PAGE TWO WGGR3277 CONF

TEAT(A)THEY APPEARED TO BE NEGOTIATING PLOY TO SPEED UP AND UP ANTE
ON NEGOTIATIONS ON CLAIM WHICH LIKELY HAD BEEN FESTERING FAR TOO LONG.
(B)MEMBERS OF EUROPEAN PARL APPROACHED PERHAPS BECAUSE THEY HAVE
NO/NO EXPERIENCE IN NATIVE CLAIMS ISSUES AND DO NOT/NOT UNDERSTAND
COMPLEXITY-UNLIKE SWEDES AND NORWEGNS,AND(C)IT IS UNFORTUNATE
EXTRANEOUS POLITICAL ISSUES MAR SPORTS EVENTS SUCH AS OLYMPICS.
SVENSSON INTERESTED(FOR PROFESSIONAL REASONS)IN LEARNING MORE ABOUT
LUBICON AND WE PROMISED TO SEND INFO KIT WHEN RECEIVED.SVENSSON WILL
BE IN EDMN NEXT WEEK AS KEYNOTE SPEAKER AT UNIV OF ALTA BOREAL INST
FOR NORTHERN STUDIES CONF,PRESENTING PAPER ON EFFECTS OF NUCLEAR
RADIATION CONTAMINATION OF REINDEER ON SAMI LIFE,AFTER WHICH HE WILL
SPEND WEEK IN MONTL.HE MAY HAVE OPPORTUNITY TO VISIT GLENBOW AND
DISCUSS LUBICON DURING VISIT.

2.WHILE NORWEGNS ARE KEEN ADVOCATES OF MULTITUDE OF MINORITY CAUSES
WE DO NOT/NOT THINK LUBICONS COULD POSE THREAT TO THEIR OLYMPIC
PARTICIPATION.ADMITTEDLY SAMI ACTIVISTS LIKE TO SEE CDN NATIVE
COUNTERPARTS AS QUOTE BROTHERS UNQUOTE(WITNESS NILS SOMBYS TAKING
REFUGE AMONG CDN INDIANS)AND HAVE CLOSE CONTACTS WITH THEM,HOWEVER
THEIR CONCERNS SEEM MORE CENTRED ON GENUINELY THREATENED INDIGENOUS
GROUPS IN CENTAM AND SOUTH AMERICA.LIKewise WHILE WORLDS LEADING
EXPERT ON INNU IS NORWGN PROF(AND NUMBER TWO IN IWGIA)INNU CLAIMS
THAT NATO EXERCISES ARE DISRUPTING THEIR WAY OF LIFE HAVE NOT/NOT
BEEN SERIOUSLY ESPOUSED HERE.SAMI PRESENCE IF ANYTHING GIVE NORWGN

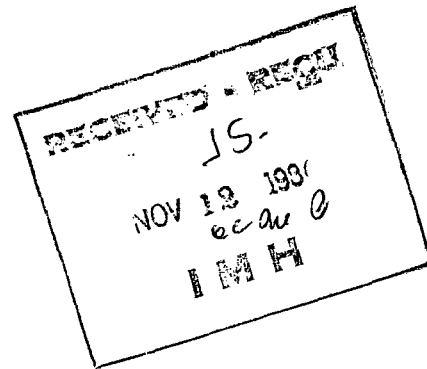
...3

PAGE TWO WGGR3277 CONFD

OFFICIALS MORE REALISTIC PERSPECTIVE OF COMPLAINTS OF THIS SORT
THAN IS CASE ELSEWHERE ON CONTINENT.

3.WE WOULD IMAGINE THAT NORWAY WOULD BE ABOUT AS LIKELY TO SUPPORT
OLYMPIC BOYCOTT OF CDA OVER LUBICON COMPLAINT AS CDA WOULD BE TO
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OLYMPICS ARE STRONG DETERRENT TO JOINING BOYCOTT PARTICULARLY AS
THEY PLAN TO USE CALGY AS VEHICLE FOR PROMOTING LILLEHAMMERS
1994 BID.

CCC/204 111453Z WGGR3277



**ACTION
SUITE A DONNER**

C O N F I D E N T I E L

[DE MDRID] XQFC1033 11NOV86

A EXTOTT IMH

REF VOTRETEL IMH1192 26NOV

---OLYMPIQUES-BANDE LUBICON

RIEN/RIEN A SIGNALER POUR LE MOMENT.

CCC/117 111510Z XQFC1033

ACC	DATE
FILE	DOSSIER
45- CDA - 13 - 1-3	Lubicon
LOC	Lake Road
C7-	

HOUSE OF COMMONS BOOK — BRIEFING NOTE
LIVRE DE LA CHAMBRE DES COMMUNES — NOTES D'INFORMATION

Section

Subject/Highlights Sujet/Points saillants

DEPARTMENTAL ROLE IN ASSISTING GLENBOW MUSEUM NATIVE ART

EXHIBITION: LUBICON LAKE BAND CLAIM

FILE	55-16-SPIRIT STINGS
45-CDA-13-1-3-LUBICON	
LOC	LAKE BAND
C7	

Source

CBC/CBOT Transcript (attached) & Calgary Herald

Assessment

Évaluation

Classification

UNCLASSIFIED

It is alleged that the Department is helping the Glenbow Museum of Calgary to circumvent the Lubicon Lake Band's attempt to boycott an exhibition of Canadian native art to be presented by Glenbow in 1988.

Suggested Reply Réponse suggérée

- My Department routinely assists Canadian museums to mount major international exhibitions involving loans of artifacts from foreign countries.
- A number of Canadian diplomatic missions in Europe have provided advice and assistance to curators and other officials from Glenbow in putting together this exhibition which will bring to Calgary some of the best examples of Canadian native art currently held in foreign collections.
- The question of the Lubicon Lake Band's claims is a separate matter which should be addressed to the Minister of Indian and Northern Affairs.

Prepared by Préparé par

B. WATSON

Division Direction

BKA

Date

19.11.86

Tel. no. No de tél.

992-6104

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11/18/86

13:12

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PROGRAM: MIDDAY NEWS
EMISSION:

DATE: NOVEMBER 18, 1986
DATE:

NETWORK / STATION: CBC/CBOT
RESEAU / STATION:

TIME: 12:00 PM
HEURE:

INDIAN BAND PROTESTS CALGARY OLYMPICS

CBC: Because of a feud with the federal government over land claims an Indian band in Alberta plans to boycott the 1988 Calgary Winter Games. Now the Indians say the government is deliberately misleading European officials in an effort to scuttle the planned boycott. Debra Lamb reports.

REPORTER: Anthropologist Joan Ryan is an expert on the Lubicon Lake Indians. The northern Alberta band has been involved in a bitter land claims dispute for fifty years and it seized on the 1988 Winter Olympics as a way of drawing attention to that. Band members have just returned from a European tour, trying to convince governments there to boycott the Olympic games. The strategy is starting to pay off.

RYAN: Ministers of Sports in several countries agreed to allow their athletes not to participate in the opening and closing events if they so chose.

11/18/86

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- 2 -

REPORTER: Ryan is furious at the federal Department of External Affairs, which she says has been lying to European officials in an attempt to thwart the Lubicon boycott.

RYAN: The false information is that the federal and provincial governments are ready any day to resolve the issues, but the Lubicons will not talk to them. Another piece of false information is that the Lubicon people are not really in support of the boycott, but are being advised badly by whites to do so.

REPORTER: To protest Ryan has resigned from a prestigious position with Calgary's Glenbow Museum which is providing the centrepiece native art exhibit for the games. Joan Ryan's resignation is meant to embarrass the federal government. She thinks their efforts are misdirected, that instead of trying to derail the Lubicon boycott the government should be negotiating the band's land claims instead. Debra Lamb, CBC News, Calgary.

ACTION
SECRET DODNER

RECEIVED - REQU
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NOV 12 1986
EX-100
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C O N F I D E N T I A L

FM OSLO WGR3277 11NOV86

TO EXTCTT IMH

INFO COPEN HSNKI STXHM

BH SECSTATEHULL/DADSON INAHULL/COULTER

JUSTCTT SPORTCDAOTT/GRAVELINE DE OTT

DISTR MINA MINP DMC BCB BKL BCM BFD BFE BKC BKA RCR JLO RWM

IMD IFB RSR

REF YOURTEL 1190 26NOV,OURTEL 3145 23OCT

---LUBICON LAKE BAND GRIEVANCE-CALGY WINTER OLYMPICS

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ACC	472160	DOSSIER
FILE	45-DA-13-1-3-Lubicon	
LOC	DECCI	Lake Sand

PAGE TWO WGGR3277 CONF

OFFICIALS MORE REALISTIC PERSPECTIVE OF COMPLAINTS OF THIS SORT
THAN IS CASE ELSEWHERE ON CONTINENT.

3.WE WOULD IMAGINE THAT NORWAY WOULD BE ABOUT AS LIKELY TO SUPPORT
OLYMPIC BOYCOTT OF CDA OVER LUBICON COMPLAINT AS CDA WOULD BE TO
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1994 BID.

CCC/204 111453Z WGGR3277

**ACTION
SUITE A DONNER**

C O N F I D E N T I A L

FM COPIEN YJCS0731 10NOV86

TO EXTOTT **IMH**

INFO STKHM HSNKI OSLO

BY INAHULL/COULTER SECSTATEHULL/DADSON DE OCI JUSTOTT SPORTCDAOTT/

GRAVELINE DE OTT

DISTR MINA BKC

REF YOURTEL IMH1190 06NOV

---LUBICON GRIEVANCE/OLYMPICS

ACC	FILE	DOSSIER
	45-CDA-13-1-3	
LOC		

*Lubicon
Lake Band*

NO/NO MEDIA REPORTS, LETS TO EDIT, OFFICIAL REPS, LETS TO EMB SO FAR.

2. LUBICONS HAVE CONTACTED NATL MUSEUM. CHIEF CURATOR HAS FLAGGED THIS AS POTENTIAL PROBLEM BUT SO FAR NO/NO DECISION TAKEN. RECENT CONVERSATIONS HAVE INDICATED MORE POSITIVE VIEW OF LOAN AND PERHAPS DECLINING INTEREST IN LUBICON BOYCOTT. IF SUBJ BECAME PUBLIC HERE, ATTITUDE WOULD PROBABLY HARDEN AGAIN.

3. NO/NO DANE HAS EXPRESSED PUBLIC INTEREST IN MATTER. MAKING DISCREET ENQUIRIES TO ASCERTAIN IF ANY OF EUR PARLMTRY MEMBERS KNOW OF DISPUTE.

4. DENMARK HAS STRONG SOCIAL CONSCIENCE, EVEN IN CONSERVATIVE POLITIMAL CIRCLES, SO IF MATTER GAINS PUBLIC CREDIBILITY HERE, WE WILL FACE PROBLEMS NOT/NOT ONLY WITH MUSEUM LOAN BUT POSSIBLY ALSO WITH OLYMPIC TEAM ITSELF. DENMARK HAS NOT/NOT BEEN TO WINTER OLYMPICS IN 24 YEARS AND STAYING HOME TO AVOID CONTROVERSY WOULD BE NO/NO PROBLEM FOR THEM. AT PRESENT THEIR PARTICIPATION IS PREDICATED ON INNATL LEVEL.

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12 FEB 1980

PAGE TWO YJCS0731 CONF

PERFORMANCES BY FUGURE SKATER, CROSS COUNTRY SKIERS, AND CURLERS.
BUT IF THESE ARE NOT/NOT OUTSTANDING IN NEXT YEAR AND LUBICON
ISSUE BECOMES MATTER OF EUROPEAN PUBLIC DEBATE, TEAM COULD WELL STAY
HOME.

CCC/036 101051Z YJCS0731

RECEIVED - REÇU

NOV 10 1986

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*Sooner, tel
Please see tel
sent last Friday
on this subject.*

ACC	DATE
FILE	DOSSIER
45-CDX-13-1-3	
LOC	
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*Lubicon
Lake Band*

C O N F I D E N T I A L

FM HSNKI YZGR1494 07NOV86

TO EXTOTT IMH

INFO STKHM COPEN OSLO

BH SECSTATEHULL/DADSON INAHULL/COULTER DE OCI JUSTOTT SPORTCDAOTT/
GRAVELINE DE OTT

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RSR RWP RCR JLO EKA RWM

DMC IMI IFB

---LUBICON LAKE BAND GRIEVANCE-CALGY WINTER OLYMPICS

WE HAVE SEEN NO/NO INDICATIONS SO FAR OF LUBICON LAKE BAND

ACTIVITIES HERE. GLENBOW TEAM VISITING NATL MUSEUM OF FINLAND THIS

WEEK TO ARRANGE TO BORROW INDIAN ARTIFACTS ADVISED US QUESTION

WAS NOT/NOT RAISED THERE.

CCC/049 100600Z YZGR1494

*- telex sent on Friday.
- re media clipping.*

ACTION
SUITE A DONNER

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NOV 10 198
IMH

C O N F I D E N T I A L

FM HSNKI YZGR1494 07NOV86

TO EXTOTT LIMH

INFO STKHM COPEN OSLO

BH SECSTATEHULL/DADSON INAHULL/COULTER DE OCI JUSTOTT SPORTCDAOTT/
GRAVELINE DE OTT

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RSR RWP RCR JLO EKA RWM

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WAS NOT/NOT RAISED THERE.

CCC/049 100600Z YZGR1494

ACC	DATE
FILE 45-COA-13-1-3	DOSSIER LUBICON LAKE BAND



External Affairs
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DIV WF

MESSAGE

Accession/Référence

472156

File/Dossier

45-CDA-13-1-3 - LUBICON

LAKE
BAND

Align first character of Security Classification under this arrow
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SECURITY
SÉCURITÉ

C O N F I D E N T I A L

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FM/DE

FM EXTOTT IMH1195 07NOV86

TO/À

TO VPERM GENEV BREEC MDRID HAGUE LSBON DUBLN COPEN HNSKI OSLO

INFO

STKHM ROME VATCN PARIS LDN BONN

DISTR

REF

INFO PRMNY CNGNY WLGTN CNBRA WSHDC WDOAS PESCO

SUBJ/SUJ

SECSTATE/HULL/DADSON JUSTOTT/INA/HULL/COULTER SPORT CDA GRAVELINE

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCM RCR JLO BKA RWM

DMC IMD IFD

REF OURTEL LUBICON IMH1190 06NOV86

---LUBICON LAKE BAND GRIEVANCE

WE ARE SENDING TO ACTION ADDRESSEES AND INFO DESTINATIONS TEXT OF
CP WIRESERVICE STORY (FM OTT) RE CURRENT EUROPEAN TOUR BY LUBICON
(IMH TEL 1196)
BAND LEADERS. IN BRIEF, STORY INDICATES THAT BAND LEADERS CONSIDER
TOUR TO DATE A SUCCESS, AND THAT THEY HAVE HAD SOME INITIAL
CONTACT WITH PARLIAMENTARIANS AND OLYMPIC OFFICIALS IN AUSTRIA
AND FRG, WITH TOUR NOW ON TO EUROPEAN PARLIAMENT, BRU, STRBG,
LUXEMBOURG, PARIS AND LDN IN COMING DAYS.

2. WHILE STORY OBVIOUSLY REFLECTS VIEWS OF LUBICON LEADERSHIP
CURRENTLY ON TOUR, WE MUST ANTICIPATE ENQUIRIES ON SUBJECT OF BAND
GRIEVANCES, ALTHOUGH SUCH ENQUIRIES MAY VARY IN SERIOUSNESS.
PENDING COMPLETION OF INFO KIT AND DESPATCH TO POSTS, FOLLOWING IS
LINE WHICH SHOULD BE TAKEN ON RESPONSIVE BASIS IN EVENT OF
ENQUIRIES FM MEDIA AND OTHER SOURCES.

...2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

F.D. LIVERMORE/mp

992-6960 IMHR

992-6960

F.D. PILLARELLA

SIG

001140



Align first character of word "PAGE" under this arrow
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PAGE TWO IMH1195 CONFD

12

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(A) GOVT OF CDA HAS LONG RECOGNIZED THAT LUBICON BND HAS
LEGITIMATE GRIEVANCES, AND FEDERAL OFFER IS CURRENTLY ON THE
TABLE, ALONG WITH EXPRESSION OF WILLINGNESS TO NEGOTIATE. FED GOVT
^{soon}
HOPES THAT BAND WILL RETURN TO TABLE. ONLY ONE MONTH AGO, MINISTER
OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT INDICATED WILLINGNESS
TO NEGOTIATE CLAIMS, JUST AS SIMILAR CLAIMS ARE BEING NEGOTIATED
WITH OTHER INDIAN GROUPS.

(B) LUBICON BAND ALSO HAS OPTION TO RETURN TO CDN COURTS IN EFFORT
TO FIND EQUITABLE SETTLEMENT, BUT HAS THUS FAR NOT/NOT CHOSEN TO
PURSUE THE OPTION.

(C) WE ARE WILLING TO PROVIDE INFO ON THE BACKGROUND AND CURRENT
STATUS OF THIS CASE TO INTERESTED PERSONS. THIS INFO WILL BE
FORTHCOMING IN A MATTER OF DAYS IF POSSIBLE.

3. WHILE ABOVE LINE WILL NO/NO DOUBT SATISFY FAIRLY BASIC
ENQUIRIES OVER SHORT TERM PENDING RECEIPT OF INFO KIT, POSTS MAY
MEET SITUATIONS WHICH THEY JUDGE AS MORE SERIOUS AND WHICH MIGHT
CALL FOR IMMEDIATE ACTION (SHLD, FOR EXAMPLE, PARLIAMENTARIANS RAISE
PROSPECTS OF CONDEMNATION OF CD^A FOR TREATMENT OF LUBICON
BAND). IN THIS CASE POSTS SHLD ADVISE ON IMMEDIATE BASIS.

4. OURTEL IMH1190 OF 06 NOV CONTAINS SOME BACKGROUND, AND BKC TEL
3078 OF 31 OCT WILL BE USEFUL. POSTS ARE REMINDED OF NEED FOR
REPORT ON THIS QUESTION IN DUE COURSE.

External Affairs
CanadaAffaires extérieures
Canada

DIV WF

Accession/Référence

472153

File/Dossier

45-COA-13-1-3- LUBICON

LAKE
BAND

MESSAGE

Align first character of Security Classification under this arrow
Alignez le premier caractère de la Sécurité sous cette flècheSECURITY
SÉCURITÉ

UNCLASSIFIED

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FM/DE

FM EXTOTT IMH1196 07NOV86

TO/À

TO VPERM GENEV BREEC MDRID HAGUE LSBON DUBLN COPEN HNSKI OSLO

INFO

STKHM ROME VATCN PARIS LDN BONN

DISTR

REF

INFO PRMNY CNGNY WLGTN CNBRA WSHDC WDOAS PESCO

SUBJ/SUJ

SECSTATE/HULL/DADSON JUSTOTT/INA/HULL/COULTER SPORT CDA/GRAVELINE

DISTR MINA MINP BCB BKD BCM BFD BFE BKC ~~RCR~~ RCR JLO BKA RWMDMC IMD ~~IFB~~ IFB

REF OURTEL IMH1195 07NOV86

---LUBICON LAKE BAND:EUROPEAN TOUR

FOLLOWING IS TEXT OF CP WIRESERVICE STORY RE LUBICON BAND:

QUOTE PM-LUBICON-EUROPE, BY MARILYN RONALD, OTTAWA (CP) -AUSTRIA
AND WEST GERMANY WILL WRITE TO THE FEDERAL GOVT TO VOICE THEIR
STRONG SUPPORT FOR ALBERTAS LUBICON LAKE INDIAN BAND IN ITS
DECADES-LONG BATTLE IN OTT, A LUBICON ADVISER SAID THURSDAY.

LUBICON CHIEF BERNARD OMINAYAK IS PART WAY THROUGH A TWO-WEEK
TOUR OF SEVEN EUROPEAN CAPITALS, WORKING TO DRUM UP GOVT AND
PARLIAMENTARY SUPPORT FOR A BOYCOTT OF THE 1988 CALGARY WINTER
OLYMPICS.

THE BAND, STRUGGLING TO GAIN A RESERVE FOR ALMOST 50 YEARS, SAYS
OIL AND GAS DEVELOPMENT HAS DESTROYED ITS TRADITIONAL HUNTING AND
TRAPPING WAY OF LIFE AND WANTS TO BE COMPENSATED FOR MILLIONS OF
DOLLARS IN OIL REVENUES THAT HAVE FLOWED TO THE ALTA GOVT.

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DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J. D. LIVERMORE/mp

IMHR

992-6160

F. D. PILLARELLA

SIG

001142



Align first character of word "PAGE" under this arrow
Alignez le premier caractère du mot "PAGE" sous cette flèche

PAGE TWO IMH1196 UNCLAS

12

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IT SAYS THE CALGY GAMES ARE BEING ORGANIZED BY THE SAME GOVT
AND PETROLEUM COMPANY INTERESTS RESPONSIBLE FOR THE BANDS
DEBILITATED STATE.

MEMBERS OF THE AUSTRIAN OLYMPIC CTTEE PROMISED DURING OMINAYAKS
STOPOVER IN VIENN EARLIER THIS WEEK TO WRITE TO THE CDN
ORGANIZING CTTEE QUOTE ASKING THEM WHAT THE HELL IS GOING ON,
UNQUOTE BAND ADVISER FRED LENNARSON SAID IN A TELEPHONE INTERVIEW
FM HOLLAND.

THE AUSTRIAN SPROTS MINISTER MADE A COMMITMENT TO WORK WITH
THAT COUNTRYS OLYMPIC CTTEE IN ARRANGING FOR INCLUSION OF INFO
ABOUT LUBICON LAKE IN ALL INFO PACKETS DISTRIBUTED TO AUSTRIAN
OLYMPIC COMPETITORS.

QUOTE THE AUSTRIAN SPORTS MINISTER SAID HE WAS VERY CONCERNED
AND THOUGHT IT WAS IMPORTANT THAT AUSTRIANS LEARNED MORE ABOUT
THIS SITU, UNQUOTE LENNARSON SAID.

QUOTE HE SAID HE WLD RAISE IT IN CABINET AND TALK TO THE
FOREIGN MINISTER TO SEE WHAT HE CLD DO AT THE UN. UNQUOTE.

AND THE HEAD OF THE HUMAN RIGHTS SECTION OF AUSTRIAS FOREIGN
MINISTRY PROMISED TO REVIEW THE CURRENT STATUS AND HISTORY OF
LUBICON LAKES SITU BEFORE CONSULTING WITH THE AUSTRIAN
REPRESENTATIVE AT THE UN.

THE NORTHERN ALTA BAND FILED A FORMAL COMPLAINT WITH THE UN

...3



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PAGE THREE IMH1196 UNCLAS

HUMAN RIGHTS CTTEE IN 1984, CHARGING THE CDN GOVT WITH DENYING IT
THE RIGHT TO BASIC SUBSISTENCE.

OMINAYAK MET THURSDAY WITH MEMBERS OF THE BUNDESTAG, THE WEST
GERMAN PARLIAMENT, WHERE IS BAND HAS LONGSTANDING VOCAL SUPPORT FM
GREEN PARTY MEMBERS.

THE GERMAN PARLIAMENTARIANS INTEND TO WRITE BOTH PM BRIAN
MULRONEY AND INDIAN AFFAIRS MINISTER BILL MCKNIGHT IN ADDITION TO
LOBBYING WEST GERMAN OLYMPIC ATHLETES, LENNARSON SAID.

THE LUBICON DISCUSSIONS ARE GETTING EXTENSIVE MEDIA PLAY IN
EUROPE, WHERE REPORTS ARE BEING CARRIED ON WIRE SERVICES.

QUOTE ON OUR WAY TO HOLLAND ON THE TRAIN, WE WERE READING
STORIES ABOUT WHAT HAD HAPPENED IN AUSTRIA, UNQUOTE LENNARSON
SAID.

QUOTE IT EXCEEDS OUR EXPECTATIONS, THE SUPPORT AND SYMPATHY IS
REALLY HEARTWARMING. UNQUOTE.

THE CHIEF WILL HOLD SESSIONS WITH HUMAN RIGHTS OFFICIALS OF THE
EUROPEAN PARLIAMENT IN HOLLAND DURING THE NEXT FEW DAYS BEFORE
TRAVELLING ON TO BRUSSELS, STRBG, LUXEMBOURG, PARIS AND LDN.

JOHN VAN TILBORG, A MEMBER OF THE DUTCH PARLIAMENT VISITED THE
BAND LAST JUN. HE CAME AWAY FM THAT VISIT SAYING HE WAS SHOCKED BY
LIVING CONDITIONS AND HOPED OTT WLD ACT SOON TO RESOLVE THE
LUBICON CLAIMS AS A WAY OF AVOIDING INNATL EMBARRASSMENT. UNQUOTE.



External Affairs
Canada

Affaires extérieures
Canada

DIV WF

Accession/Référence

472158

File/Dossier

45-COA-13-1-3-LUBICON

LAKE
BAND

MESSAGE

Align first character of Security Classification under this arrow
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SECURITY
SÉCURITÉ

C O N F I D E N T I A L

7 Nov 89 09 01z

FM/DE

FM EXTOTT IMH1190 06NOV86

TO/À

TO VPERM GENEV BREEC MDRID HAGUE LSBON DUBLN COPEN HNSKI OSLO

INFO

DISTR

STKHM ROME VATCN PARIS LDN BONN

REF

INFO PRMNY CNGNY WLGTN CNBRA WSHDC WDOAS PESCO

SUBJ/SUJ

SECSTATE^{B#} HULL/DADSON JUSTOTT^{B#} INAL^{B#} HULL/COULTER SPORT CDA/GRAVELINE^{OTT}

DISTR MINA MINP BCB BKD BCM BFD BFE BKC RCM RCR JLO BKA RWM

DMC IMD IFD

REF EARLIER TEL RE LUBICON IMH1164 03NOV86, BKC 3078 31OCT86

---LUBICON LAKE BAND GRIEVANCE-CALAGRY WINTER OLYMPICS ~~LEADERS OF~~
LEADERS OF
A LUBICON LAKE BAND ARE NOW IN EUROPE TO RAISE DEGREE OF PUBLIC

CONSCIOUSNESS FOR THEIR POSITION IN DISPUTE WITH FED AND ALBERTA
GOVTS. YOU HAVE ALREADY (NOTAL) BEEN ADVISED OF GENERAL OUTLINES
OF THIS CASE AND ITS POSSIBLE INNATL IMPLICATIONS. IN ADDITION,
INTER-DEPTAL MTG WAS HELD 5NOV, AND YOU WILL BE RECEIVING REPORT
ON THIS SESSION FM BKC AND LIKELY IMPACT OF LUBICON LAKE BAND
REPRESENTATIONS AND OLYMPIC BOYCOTT. PURPOSE OF THIS TEL IS TO
REMIND YOU OF ~~THE~~ GOVT^S LONGER-TERM INTEREST IN CONTAINING THIS
ISSUE AND PREPARING FOR ANY FUTURE ACTION WHICH MAY BE
NECESSARY. FURTHER INSTRUCTIONS WILL BE FOLLOWING IN DUE COURSE
BY TELEX AND BAG AS WARRANTED.

2. AT THIS TIME, POSTS ARE ASKED TO REPORT TO US, AND TO OTT DISTR
ADDRESSEES, ON FOLLOWING POINTS:

...2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
J.D. LIVERMORE J.D. SIMPSON/MD	IMHR	992-6960	F.D. PILLARELLA SIG

001145



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PAGE TWO IMH1190 CONF

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(A) HAVE THERE BEEN ANY MEDIA REPORTS, LETTERS TO EDITOR, OFFICIAL REPRESENTATIONS, LETTERS TO EMBASSY, ETC. ABOUT LUBICON LAKE BAND GRIEVANCES? IF SO, GRATEFUL INDICATIONS OF EXTENT AND EVALUATION OF SIGNIFICANCE.

(B) HAVE THERE BEEN ANY CONTACTS BETWEEN LUBICON LAKE BAND AND LOCAL MUSEUM AUTHORITIES DESIGNED TO URGE BOYCOTT OF GLENBOW EXHIBIT TO BE STAGED AT TIME OF OLYMPIC GAMES 1988 (TO YOUR KNOWLEDGE)?

(C) WHAT DEGREE OF SUPPORT IS THERE IN EUROPE IN GENERAL, AND MORE SPECIFICALLY FM AMONG MEMBERS OF EUROPEAN PARLIAMENT, FOR LUBICON LAKE BAND IN LIGHT OF SUPPORT ALLEGEDLY GIVEN RECENTLY BY DUTCH PARLIAMENTARIAN VAN TILBORG?

3. FOR GENEV ONLY: GRATEFUL FOR BRIEF REPORT ON STATUS OF LUBICON COMPLAINT BEFORE HUMAN RIGHTS CTTEE OF UN.

4. POSTS HAVING NOTHING TO REPORT SHLD PROVIDE NIL REPORT SO THAT PROPER FILES CAN BE MAINTAINED ON THIS ISSUE.

5. WHILE REPORTING TO FOLLOW WILL GIVE YOU SOME EVALUATION OF HOW THIS ISSUE IS PERCEIVED INTER-DEPARTMENTALLY, AND WHAT STRATEGY HAS BEEN DEVELOPED TO COUNTER-ACT ISSUE, MAIN POINT TO EMPHASIZE AT PRESENT TIME IS OUR DESIRE TO KEEP THOROUGHLY ON TOP OF THIS QUESTION BY DEVELOPING SOUND INFORMATION BASE. WE DO NOT/NOT WISH TO ^{BE} CAUGHT BY SURPRISE ON THIS QUESTION, AND, WHILE THERE IS ROOM

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PAGE THREE IMH1190 CONFD

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FOR EMBARRASSMENT FOR CDA, THERE IS GREATER DANGER OF BAND
EVENTUALLY FINDING SOME ISSUE WHERE LINKAGE CAN SUCCESSFULLY BE
FOUND AND EXPLOITED.

6. FOR YOUR INFO, CONTACT GROUP HAS BEEN FORMED UNDER BKC AS
OLYMPIC 88 COORDINATE, AND INCLUDING GROUP OF MAIN DIVISIONS AND
DEPARTMENTS CONCERNED WITH ISSUES INVOLVED. ANY REQUESTS TO OTT
SHLD INCLUDE AT MINIMUM BKC, IMH, MINA IN ADDITION TO *INA/Hull*
~~DIANDS~~ COULTER. WE CAN INCLUDE FURTHER DISTR AS APPROPRIATE. OTHER
OS
~~PTS~~ TS CAN BE INFORMED ON A NEED TO KNOW BASIS.

7. MOST GRATEFUL FOR YOUR COOPERATION.



External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence 472 102
File/Dossier 45-CDA-13-1-3-LUBICON
LAKE BAND

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SECURITY SÉCURITÉ	S E C R E T	31 NOV 85 23 ¹² 252
FM/DE	FM EXTOTT IMH1164 03NOV86	
TO/À	TO VPERM/MIN DEL DELIVER BY 040900	
INFO	INFO HAGUE BONN	
DISTR	BY BAG BREEC GENEV PRMNY PARIS LDN BRU OSLO STKHM MDRID LSBON	
REF	COPEN	
SUBJ/SUJ	DISTR RCM JLO BKC MINA IMD	
	REF BKCTEL 078 31OCT86	
	---LUBICON LAKE BAND - OLYMPICS 88	
	HEREAFTER IS AN UPDATE FM INA ON LUBICON LAKE GRIEVANCES FOR	
	POSSIBLE USE OF SSEA IN LIGHT OF BAND REPS ARRIVAL IN VIENN FOR	
	INNATL PUBLIC RELATIONS CAMPAIGN.	
	2.INFO WILL BE ALSO OF USE TO OTHER EUROPEAN POSTS FOR BACKGROUND	
	PURPOSES AS THE GROUP TRAVELS FM ONE COUNTRY TO ANOTHER.	
	3.QUOTE TOPIC:THE LUBICON LAKE BAND GRIEVANCES -ALBERTA	
	ISSUE:STATUS OF NEGOTIATIONS AIMED AT A SETTLEMENT OF THE LUBICON	
	LAKE BAND GRIEVANCES.	
	BACKGROUND:	
	- THE LUBICON LAKE BAND IS LOCATED 60 MILES EAST OF PEACE RIVER,	
	ALBERTA.THEY WERE ORIGINALLY PAID TREATY MONEY AS MEMBERS OF	
	OTHER BANDS BUT WERE GRANTED SEPARATE BAND STATUS IN 1940.AT	
	THAT TIME,ALBERTA AGREED TO TRANSFER 25.4 SQUARE MILES OF CROWN	
	LAND TO CDA SO THAT A RESERVE MIGHT BE SET ASIDE.FOR MANY	
	...2	

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
JOANNE SIMPSON/mp	IMHR	992-6664	F.D. PILLARELLA
SIG			SIG



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PAGE TWO IMH1164 SECRET

121

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REASONS, CDA NEVER ESTABLISHED THE RESERVE.

- IN 1980 THE BAND FILED A STATEMENT OF CLAIM IN THE FEDERAL COURT AGAINST BOTH CDA AND ALBERTA ALLEGING QUOTE INDIAN TITLE UNQUOTE TO 8,500 SQUARE MILES OF NORTHERN ALBERTA AND SEEKING ONE (1) BILLION DOLLARS COMPENSATION. THE BANDS CASE IN THE FEDERAL COURT IS STILL ACTIVE ALTHOUGH THE BAND HAS NOT/NOT PROCEEDED WITH ITS ACTION IN THE HOPE OF ARRIVING AT A NEGOTIATED SETTLEMENT.
- IN 1983 THE BAND TOOK ACTION AGAINST ALBERTA AND SEVERAL OIL COMPANIES SEEKING AN INJUNCTION TO HALT EXPLORATION IN A 2,300 SQUARE KILOMETER AREA. THE ALBERTA COURT AND SUBSEQUENTLY THE SUPREME COURT OF CDA REJECTED THE APPLICATION TO HEAR THE CASE.
- ALSO IN 1983, CDA URGED ALBERTA TO COOPERATE IN SETTLING THE CLAIM AND MADE THE FOLLOWING RECOMMENDATIONS: 1) A LAND BASE OF 25.4 SQUARE MILES, INCLUDING MINERALS, BE SET ASIDE IMMEDIATELY; 2) A CATCH-UP PROGRAM OF HOUSING, COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BE INITIATED; 3) BAND MEMBERS BE GIVEN PREFERRED HUNTING, FISHING AND TRAPPING RIGHTS IN A DESIGNATED AREA. ALBERTA HAS INDICATED WILLINGNESS TO CONSIDER ALL THE POINTS NOTED ABOVE.
- RESPECTING LAND QUANTUM OWED TO THE BAND, THE PROVINCE IS OF THE VIEW THAT UNDER THE NATURAL RESOURCES TRANSFER AGREEMENT, IT IS

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PAGE THREE IMH1164 SECRET

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OBLIGATED TO ASSIST CDA TO FULFILL ITS TREATY OBLIGATION BASED ON THE POPULATION IN 1899, THE YEAR OF THE TREATY. CDA DOES NOT/NOT SHARE THIS VIEW.

- THE HONOURABLE E. DAVIE FULTON, THE MINISTERS SPECIAL REPRESENTATIVE, UNDERTOOK AN INQUIRY TO THE LUBICON SITUATION AND PRESENTED HIS DISCUSSION PAPER TO THE MINISTER OF DIAND IN FEB 1986.
- IN LATE SEP, 1985 IT BECAME KNOWN THAT UNION OIL OF CALGARY HAD REQUESTED AUTHORIZATION FM THE ALBERTA ENERGY RESOURCES BOARD TO INCREASE THE CAPACITY OF AN EXISTING PIPELINE IN AN EXISTING RIGHT-OF-WAY, PART OF WHICH CROSSES THE LAND DESIGNATED IN 1940. ON JAN 17, 1986, THE BAND AND UNION OIL REACHED A TENTATIVE AGREEMENT WHEREBY UNION WLD BUILD ITS PIPELINE AROUND THE 25.4 SQUARE MILE AREA.
- THE ALBERTA CABINET, AT THE LAST MEETING CHAIRED BY THE HONOURABLE PETER LOUGHEED, AGREED TO TRANSFER TO CDA UPON REQUEST BY CDA THE 25.4 SQUARE MILE PARCEL OF LAND DESIGNATED IN 1940 ON CONDITION THAT:
 - A) ALBERTA MAKE SATISFACTORY ARRANGEMENTS WITH THIRD PARTIES WHO NOW HOLD LEASES TO PART OF THE LAND;
 - B) THE BAND ACCEPT THE OIL AND GAS LEASES AS THEY ARE NOW;
 - C) THE BAND ONLY TAKE ACTION AGAINST ALBERTA FOR LAND IN EXCESS

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PAGE FOUR IMH1164 SECRET

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OF 25.4 SQUARE MILES AS A JOINT PARTY WITH CANADA; AND
D) THE BAND ABANDON ALL ITS CLAIMS AGAINST ALBERTA BASED ON
NATIVE TITLE.

THE FIRST TWO CONDITIONS ARE ACCEPTABLE TO THE BAND BUT THE
LAST TWO, WHICH WERE ADDED AT THE DIRECTION OF THE PROVINCIAL
CABINET, ARE NOT/NOT ACCEPTABLE.

STATUS:

- ON DEC 5, 1985, CABINET CTTEE ON SOCIAL DEVELOPMENT APPROVED THE
PAYMENT OF 1.5M DOLLARS AS AN EX GRATIA PAYMENT TO HELP THE
BAND DEFRAY ITS LEGAL AND OTHER COSTS ASSOCIATED WITH
PRESENTING ITS CLAIM. THIS PAYMENT WAS MADE ON JAN 8, 1986.
- IN DEC 1985, THE BAND ADVISED THEY WERE WILLING TO PARTICIPATE
IN NEGOTIATIONS WITH ALBERTA PRESENT AS AN OBSERVER.
- ON FEB 27, 1986, CABINET APPROVED A NEGOTIATING STRATEGY AND
MANDATE FOR RESOLVING THE BANDS GRIEVANCES.
- IN A SPECIAL REPORT TO THE MINISTER DATED FEB 10, 1986, MR.
FULTON RECOMMENDED FACE-TO-FACE NEGOTIATIONS.
- IN MAR 1986 THE BAND ADVISED THEY WERE NO LONGER WILLING TO
PARTICIPATE IN NEGOTIATIONS WITH ALBERTA PRESENT IN ANY
CAPACITY.
- THE BAND HAS INDICATED THAT IF NEGOTIATIONS ARE NOT SUCCESSFUL
THEY PLAN TO PROCEED WITH AN INTERNATIONAL BOYCOTT OF THE

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PAGE FIVE IMH1164 SECRET

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CALGARY OLYMPIC GAMES. INDICATIONS ARE THAT THEY HAVE AT LEAST SOME SUPPORT FOR THIS BOYCOTT FM SOME MEMBERS OF THE EUROPEAN PARLIAMENT.

- ON JUN 3, 1986 THE BAND AGREED TO PARTICIPATE IN BILATERAL NEGOTIATIONS WITH THE FEDERAL NEGOTIATOR, MR. ROGER TASSE. THE PARTIES AGREED TO ESTABLISH AUG 30, 1986 AS A TARGET DATE TO REACH AN AGREEMENT. THROUGHOUT THE PERIOD, MR. TASSE WAS TO UNDERTAKE PARALLEL NEGOTIATIONS WITH ALBERTA. IT WAS HOPED THAT ONCE SIGNIFICANT PROGRESS WAS MADE IN THE BILATERAL DISCUSSIONS ALBERTA CLD BE BROUGHT TO THE NEGOTIATING TABLE AS A FULL PARTICIPANT.
- ON JULY 8, 1986 THE BAND WITHDREW FM THE NEGOTIATIONS BECAUSE CDA REFUSED TO CONSIDER THE PROVISION OF LAND TO THE BAND UNDER TREATY 8 FOR THOSE MEMBERS OF THE BAND WHO ARE NOT/NOT STATUS INDIANS. IT SHLD BE NOTED THE BAND HAS APPROVAL TO DETERMINE ITS OWN MEMBERSHIP UNDER THE INDIAN ACT. IT IS ARGUED BY CDA THAT BILL C-31, IN ALLOWING BANDS TO DETERMINE THEIR OWN MEMBERSHIP, DID NOT/NOT ALSO CREATE AN AUTOMATIC ENTITLEMENT TO ADDITIONAL LAND UNDER TREATY.
- THE FEDERAL NEGOTIATOR, AT THE CONCLUSION OF THE TALKS, TABLED WITH THE BAND HIS PROPOSAL FOR A SETTLEMENT, WHICH IS BASED ON THE CABINET APPROVED MANDATE. A COPY WAS ALSO RELEASED AND

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PAGE SIX IMH1164 SECRET

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EXPLAINED TO THE MEDIA. THIS OFFER WLD HAVE RESULTED IN THE BAND RECEIVING ABOUT 40 SQUARE MILES FOR A RESERVE BASED ON THE 200 STATUS INDIANS PRESENTLY REGISTERED WITH THE BAND.

- THE REASONS FOR THE BREAKDOWN AND THE FEDERAL OFFER WERE DISCUSSED WITH SENIOR ALBERTA OFFICIALS ON JUL 9, 1986.
- SUBSEQUENT TO THE BREAKDOWN IN NEGOTIATIONS, CDAS NEGOTIATOR WROTE TO THE BAND STATING THAT CDA WAS FLEXIBLE ON MANY OF THE POINTS IN ITS OFFER INCLUDING THE QUESTION OF LAND AND URGING THEM RETURN TO THE NEGOTIATING TABLE. THE INVITATION WAS REFUSED.
- IN JUN 1986 EUROPEAN PARLIAMENTARIAN, JOHN VAN TILBURY, VISITED CAD AND PUBLICLY LENT HIS SUPPORT TO THE BANDS CLAIM AND INDICATED TO CDN OFFICIALS THAT HE HAS AT LEAST SOME SUPPORT IN THE EUROPEAN PARLIAMENT FOR RESLN CONDEMNING CDAS ACTIONS TOWARD THE BAND.
- THE BAND HAS SUBMITTED A COMPLAINT TO THE U.N. HUMAN RIGHTS COMMITTEE UNDER THE ICCPR ALLEGING, INTER ALIA, THAT BAND MEMBERS HAVE BEEN DENIED THE RIGHT OF PEOPLES TO SELF-DETERMINATION UNDER ARTICLE 1 OF THE ICCPR. THE CTTEE HAS YET TO RULE ON THE COMPLAINTS ADMISSIBILITY.

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TALKING POINTS:

1. GENERAL

- IT SHOULD BE INFERRED THAT THE BAND IS APPROACHING EUROPEAN GROUPS AS PART ^F OF A COMPLEX STRATEGY DESIGNED TO PRESSURE CANADA AND ALBERTA TO RESOLVE ITS CLAIM. IT SHOULD BE EMPHASIZED THAT CANADA IS WILLING TO NEGOTIATE A FAIR AND JUST RESOLUTION TO THIS CLAIM AND THAT CANADIAN COURTS, SHOULD NEGOTIATIONS ULTIMATELY FAIL, OFFER THE BAND AN UNEXHAUSTED DOMESTIC REMEDY.
- THE OFFER BY CANADA TO THE BAND IS SUBSTANTIAL AND OFFERS AMPLE SCOPE FOR A NEGOTIATED SETTLEMENT. HAD THE BAND ACCEPTED THE OFFER, IT WOULD HAVE AFFORDED THEM ABOUT 25,000 ACRES OF LAND WITH FULL MINERAL RIGHTS, A NEW COMMUNITY (INCLUDING HOUSING, INFRASTRUCTURE AND SCHOOLS) AND MILLIONS OF DOLLARS IN COMPENSATION AND OTHER BENEFITS.
- IT IS BELIEVED THAT THE BAND'S OLYMPIC BOYCOTT DOES NOT HAVE THE SUPPORT OF OTHER INDIAN BANDS LOCATED CLOSE TO THE OLYMPIC SITE.

2. RE MR. FULTONS RECOMMENDATIONS THAT THE QUESTION OF NATIVE TITLE BE REFERRED TO THE SUPREME COURT:

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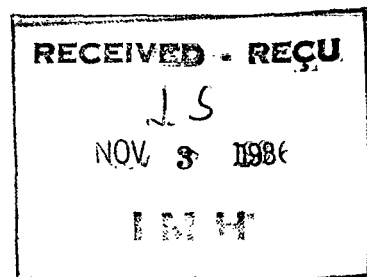
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- THE BAND HAS ALREADY LAUNCHED COURT ACTIONS WHERE THIS QUESTION WILL BE RAISED AND CANADA PREFERS TO SEEK NEGOTIATED RESOLUTION TO THE CLAIM.

3. RE THE ALLEGED NON-USE OF MR. FULTONS DISCUSSION PAPER BY CANADA:

- MR. FULTON PREPARED AN EXCELLENT REPORT WHICH SETS OUT THE ISSUES AT HAND.
- REPRESENTATIVES OF CANADA AND THE BAND ON JUNE 20, 1986 AGREED TO USE HIS PAPER AS THE BASIS OF NEGOTIATIONS.



C O N F I D E N T I A L

FM EXTOTT BKC3083 03NOV86

TO VIENA DELIVER BY 031800

DISTR MINA BCB BKD BCM (IMH

REF BKC3078 31OCT86

---LUBICON LAKE BAND-OLYMPICS 88

FOR ATTENTION MINISTERS PARTY.

IT IS POSSIBLE THAT LUBICONS MAY WISH TO TAKE ADVANTAGE
OF VISIT OF SSEA TO CSCE THIS WEEK IN ORDER TO CREATE
MINOR EMBARRASSMENT. WE ARE CHECKING INTO ITINERARY AND
HOPE TO HAVE SCME ADDITIONAL INFO FOR YOU IN THE NEAR
FUTURE.

2. IMH0814 01AUG86 WHICH YOU RECEIVED PROVIDES INFO ON
COMPLAINT BROUGHT BEFORE UN HUMAN RIGHTS CTTEE IN 1984.

3. PLEASE ADVISE US OF ANY ATTEMPT TO DISRUPT CSCE MTGS
OR TO BRING MEDIA ATTENTION TO BEAR ON THIS CASE IN
CONNECTION WITH THE OLYMPICS.

CCC/148 031548Z BKC3083

ACC	ATE
FILE	45- (DA-13-1-3-2) DOSSIER LUBICON
	LACE
	BAND



Government
of Canada

Gouvernement
du Canada

Regional Industrial
Expansion

Expansion industrielle
régionale

Federal Economic
Development
Coordinator

Coordonnateur fédéral
du développement
économique

Suite 604
Comerpoint Building
10179 - 105th Street
Edmonton, Alberta
T5J 3N1

Suite 604
Edifice Comerpoint
10179 - 105^e rue
Edmonton (Alberta)
T5J 3N1

November 3, 1986

Mr. Joe Stanford
Assistant Deputy Minister
Europe Branch
Department of External Affairs
Lester B. Pearson Building
125 Sussex Drive
Ottawa, Ontario
K1A 0G2

RETURN TO RENOYER AU		BICO		FOR FILING POUR - ETRE PORTE AU DOSSIER	
ACC	REF	DATE			
471108		1861113			
FILE	DOSSIER				
45 - CDA-13-1-3 - Lubicon Lake Band					

Dear Mr. Stanford:

Attached are copies of the correspondence between Lubicon Lake Band, His Royal Highness, Prince Charles and the Alberta Government, regarding the proposed boycott of the Calgary Olympic Games by the Lubicon Lake Band.

An additional briefing note has been sent by Mr. Bob Coulter, A/DG, Policy Branch, Lands & Trusts, INAC, to Ms. Joanne Simpson of the Human Rights and Social Affairs Division of External Affairs.

Commencing the week of November 1, 1986, Chief Ominayak of the Lubicon Lake Band, accompanied by representatives of the Indian Association of Alberta, is travelling to a number of European countries. I understand that he may visit West Germany, Austria and Geneva. In addition, he may have arranged a meeting with a member of the Dutch government. His intent is to provide information to these countries, in support of the proposed boycott.

It is important that the officials of these European countries are aware of the positions of the Federal and Alberta Governments vis-à-vis the outstanding land claim of the Lubicon Lake Band. The information provided by Mr. Coulter to Ms. Simpson, together with the attached correspondence, defines these positions. Most importantly, the Federal Government has provided an initial package for

.../2

Canada



Government of Canada
Regional Industrial Expansion

Office of the Federal Economic
Development Coordinator

Cornerpoint Building, Suite 604
10178 - 105th Street
Edmonton, Alberta
T5J 3N1

Gouvernement du Canada
Expansion industrielle régionale

Bureau du Coordonnateur fédéral
du développement économique

Edifice Cornerpoint, Suite 604
10178 - 105^e rue
Edmonton (Alberta)
T5J 3N1

file

URGENT

TELECOPIER COVER PAGE

3M 9165

PHONE: (403) 420 - 4164

FAX: (403) 420 - 4557

This message consists of: 1 Short Long pages.

TO: JOE STANFORD
ADM
EUROPE BRANCH
RGB

DATE: NOV. 3/86

RETURN TO RENOYER AU		BICO		FOR FILING POUR - ETRE PORTE AU DOSSIER	
ACC	REF	DATE			
FILE		DOSSIER			
45-cha-13-1-3-Lu		Bicon Lake Band			

FROM: KRISTINA LILJEFORS

AB FEDC Office
EDMONTON, AB

SUBJECT: BOYCOTT OF CALGARY OLYMPIC GAMES
By LUBICON BAND

COMMENTS: PLS. DELIVER TO MR. STANFORD IMMEDIATELY.
THANKS

Canada

- 2 -

negotiation, and is willing to return to the negotiation table at the convenience of the Band.

Please let me know if we can provide any further information.

Yours sincerely,



Kristina Liljefors
Federal Economic Development
Coordinator for Alberta

/arr

cc: Mr. R. Coulter
A/DG
Policy Branch
Lands & Trusts
INAC



FEDERAL AND
INTERGOVERNMENTAL AFFAIRS

FROM John Kristensen
Director
Social Policy Coordination

OUR FILE REFERENCE

YOUR FILE REFERENCE

TO Paul King
Acting Agent General
United Kingdom and Europe

DATE October 31, 1986

TELEPHONE

SUBJECT LETTER TO PRINCE OF WALES FROM LUBICON LAKE BAND CHIEF

Attached please find a response from you to Sir John Riddell regarding the September 25, 1986, letter from Chief Bernard Ominayak to His Royal Highness, Prince Charles.

The attached letter has been reviewed by our Minister as well as by both provincial and federal officials in Edmonton. Therefore, I would appreciate that no changes be made to the letter. I apologize for the delay in getting this letter to you, but we had to be sure of its contents.

Please send to me, by facsimile, a copy of your final letter to Sir John Riddell. Thank you.

A handwritten signature in dark ink, appearing to read "John Kristensen".

John Kristensen

JK/hcc
Attachment

Little Buffalo Lake, AB

Mailing address: .
3536 - 106 Street
Edmonton, AB T6J 1A4

September 25, 1986

HRH Prince Charles
Prince of Wales
Royal Patron of the Royal
Anthropological Institute
Buckingham Palace
London, ENGLAND

C 2 10.

Dear Prince Charles:

As you may or may not know, the Lubicon Lake Indian people of Northern Alberta are organizing an international boycott of the Calgary Winter Olympics. We are organizing this international boycott because the Calgary Winter Olympics are being sponsored by basically the same interests which are systematically trying to wipe us out as a people, so that they can steal our aboriginal lands and the valuable gas and oil resources which our aboriginal lands contain.

We understand that the Glenbow Museum in Calgary has asked your museum for the loan of certain important Indian artifacts which the Glenbow hopes to put on display during the Calgary Winter Olympics. Display of these artifacts by the Glenbow during the Calgary Winter Olympics could only serve to support efforts by these same interests to achieve enhanced international respectability and credibility.

At a time when these immensely wealthy and powerful interests are attempting to publically deny what they're doing to us, the last thing we need is for them to achieve enhanced international respectability and credibility. We therefore ask that the your museum support our boycott of the Calgary Winter Olympics by refusing to loan these Indian artifacts to the Glenbow Museum for display during the Calgary Winter Olympics.

Materials related to our situation and our boycott are enclosed for your information.

Thank you for your concern and support.

Sincerely,

Bernard Ominayak
Chief, Lubicon Lake Band

Sir John Riddell
Private Secretary to His Royal Highness
The Prince of Wales
Buckingham Palace
LONDON, England

Dear Sir John Riddell:

In response to your request for information regarding the September 25, 1986, letter from Chief Bernard Ominayak of the Lubicon Lake Indian Band to His Royal Highness, Prince Charles, Prince of Wales, I wish to provide the following comments. At the outset, I should inform you that negotiations involving Indian land claims, which is the central issue in this case, take place primarily between the Government of Canada and the Indian Band in question.

Both the Government of Canada and the Government of Alberta are concerned about the decision of the Lubicon Lake Band and its consultants to conduct an extensive campaign for an international boycott of the 1988 Winter Olympics near Calgary, Alberta, and of the Olympic exhibition of aboriginal artifacts at the Glenbow Museum in Calgary. The two governments regret that the Band has chosen this avenue to seek a more generous settlement of its land claim in Alberta.

This small Indian Band resides within and around the northern Alberta community of Little Buffalo which consists of Metis, Indians who are not Lubicon Band members, Lubicon Band members, and non-Native people.

The request for land by some Indians residing in the Lubicon Lake area commenced in 1933 when a petition was sent to the Government of Canada. In this petition, the Indians acknowledged that they were Treaty Indians and were from other Bands in the area, which have already received Indian reserve lands as part of their Treaty entitlement. However, some of the Lubicon Indians believed that they were entitled to additional lands.

Sir John Riddell

- 2 -

Since that time, the Lubicon Lake Band and its legal advisors have initiated a number of court actions including an application for an injunction against economic development activities in the area. This application has been unsuccessful in the Court of Queen's Bench (November 1983), the Alberta Court of Appeal (January 1985) and the Supreme Court of Canada (March 1985).

In 1983 and 1984, a campaign conducted by the Band resulted in very serious allegations being made against Alberta Government officials in regard to the treatment of Lubicon Lake Band members. These charges resulted in an independent investigation in 1984 by the Ombudsman of Alberta, the Reverend Dr. Randall Ivany, in which he interviewed members of the Little Buffalo Community as well as people living outside the community. In his special report titled "Re: Complaints of the Lubicon Lake Indian Band," Dr. Ivany concluded that there was no evidence, either from members of the Band or from other sources, to support the allegations. He also found their charge of "cultural genocide" (which term the Band continues to use) to "have no factual basis".

The Government of Canada has made significant efforts in good faith to find a resolution to the concerns of the Lubicon Lake Band and has recently proposed a settlement package. The proposed package provides for the negotiation of an amount of land to be set aside for a Lubicon reserve, surface and subsurface mineral rights on these lands, reserve planning, wildlife management, economic and employment training opportunities, and other benefits. However, the Band has rejected this offer, and has refused to continue negotiations with the Government of Canada, appearing to prefer instead to continue its legal actions and its public and media campaigns.

Specifically regarding the letter to His Royal Highness, you may be interested to know that, although the Band has approached a number of museums requesting that Native artifacts not be loaned to the Glenbow Museum, museums have already committed approximately one-half of the artifacts required. To date, only one institution has officially indicated to the Glenbow Museum that it will not lend any objects in support of the Lubicon Band's situation. One other institution is withholding a small portion of the requested objects. It is regretful that a private organization, which is attempting, through a major exhibit, to contribute to a greater appreciation of the unique histories of Native peoples in North America, is encountering difficulties over a matter for which it has no responsibility.

As the federal government has primary responsibility for dealing with Indian land claims, I have provided the Canadian High Commissioner in London with a copy of this letter, and the letter sent by Chief Ominayak, in the event that the Government of Canada wishes to add to this information.

Sir John Riddell

- 3 -

Thank you for seeking clarification of the facts regarding the letter to His Royal Highness. Please let me know if we can provide any further information.

Yours sincerely,

Paul King
Acting Agent General
United Kingdom and Europe

PK/hcc

c.c. Mr. R. Roy McMurtry
Canadian High Commissioner to Britain



BUCKINGHAM PALACE

From: The Private Secretary to T.R.H. The Prince and Princess of Wales

14th October, 1986

Dear Mr King

I would be most grateful if you had any advice for
His Royal Highness on the attached letter.

Sir John Riddell

Mr. Paul King

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et Procureur général du Canada

OCT 27 1986

166 pop
45-Cda-13-1-3-Lubicon

SECRET

The Honourable Bill McKnight, P.C., M.P.
Minister of Indian Affairs and Northern
Development
House of Commons
Ottawa, K1A 0A6

AR-A-07579-86
JCD

My dear Colleague:

Thank you for your letter of September 17, 1986, concerning the Lubicon Lake Band's land claim, and for the accompanying copy of your letter on the same matter to the Right Honourable Joe Clark, Secretary of State for External Affairs. I understand that the government's position has caused difficulties for the Band and, in consequence, they have broken off negotiations on the claim.

You invite me in your letter to make any comments on the Band's claim and on the proposed risk assessment. I note that our officials have since met to further clarify the issues and reach a common understanding on the Band's claim. I assure you that Justice officers will continue to assist you in assessing the legal risks to the claim and formulating an appropriate response to the Band.

With kindest regards, I remain,

Yours sincerely,

**ORIGINAL SIGNED BY
ORIGINAL SIGNÉ PAR**

Ray Hnatyshyn

c.c.: The Right Honourable Joe Clark, P.C., M.P.
Secretary of State for External Affairs

OFFICE OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
CABINET DU SECRETAIRE D'ETAT AUX AFFAIRES EXTERIEURES

ACTION REQUEST/FICHE DE SERVICE

From/De : HON RAY HNATYSHYN MP
MINISTER OF JUSTICE & ATTORNEY GENERAL OF CANADA

No.: A-07579-86

Subject/ LUBICON LAKE BAND'S CLAIM: LET B MCKNIGHT
Objet: LEGAL AFFAIRS * AFFAIRES JURIDIQUES

Action div./Dir. resp.: JCD
Info div(s)/Dir(s) informee(s):

Let./Tel. dated
Let./Tel. en date du

27 OCT 86

Date sent to division
Date d'envoi à la direction

29 OCT 86

Deadline date
Echeance

13 NOV 86

Comments/Commentaires

RE: A-06644-86

ACTION REQUIRED/SUITE A DONNER

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[] Reply for signature of SSEA
Reponse pour la signature du SEAE

Date received/Date recue
29OCT86

[] Reply for the signature of
Reponse pour la signature de

Action officer/Agent resp.

[] Reply by division
Reponse de la direction

JLO/Kirsch/McRae
Disposition and/et date

[] CAMPAIGN: Reply for signature of SSEA
CAMPAGNE: Reponse pour la signature du SEAE
Quantity/Quantite:

[X] For information and any necessary action
Pour examen et suite a donner, s'il y a lieu

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LE REGISTRE DE MINA DOIT ETRE AVISE DE TOUT CHANGEMENT

(995-1047 OR 992-6428)

White - Return to MINA registry when action completed
Blanche Retourner au registre de MINA lorsque suite a ete donnee

Yellow - Divisional secretary Green - File with original incoming letter
Jaune Secretaire de direction Verte Au dossier avec la lettre recue

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FILE	DOSSIER
45-CA-13-1-3	
LOC	
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Albin
for filing
Lucie
Lake Band

TO ALL PARTICIPANTS OF THE COMMONWEALTH
CONFERENCE VANCOUR TO CHAIRMAN PRIME MINISTER
BRIAN MULRONEY
VANCOUR/BC

WE REQUEST IMMEDIATE SOLUTION OF THE LUBICON LAUD CLAIM
GREEN PARLY BONN FRG SOCIETY FOR ENDANGERED PEOPLES
FRG

COL

NNNN
CHOGAM OFF VCR

CNCP PNS



External Affairs
Canada

Affaires extérieures
Canada

BKC/C. Davis/996-3197/PC

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TO/À The Olympics Contact Group
(see below)

FROM/DE • BKC

REFERENCE •
RÉFÉRENCE

SUBJECT •
SUJET The Lubicon Lake Land Claim and the
1988 Winter Games - Calgary

RECEIVED - REÇU OCT 9 1986 IMH	Security/Sécurité CONFIDENTIAL
	Accession/Référence 467498
	File/Dossier 45-93-13-LUBICON
	LAKE BAND
	Date 08 October 1986
Number/Numéro BKC-0972	

ENCLOSURES
ANNEXES

1

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O/DNC
PMO/Lortie
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IMH
BCM

Attached is a copy of a statement issued from the Ministers Office of Indian and Northern Affairs and provided to me by the Federal Olympic Coordinators Office. You will note that the negotiations on the Lubicon claim appear to have stalled. It would seem that it would be useful to review the media line on this subject again in light of the attachments. Perhaps the best way to achieve this effectively is to meet to discuss the issue with a representative of DINA in attendance to explain this complex situation to us.

2. I therefore propose a meeting at Sport Canada's offices in the near future to review this subject.

Christopher Davis
Head
Olympics Co-ordination Unit

To: MINA (Norquay)

Sport Canada (Graveline/Toller)

Federal Olympic Coordinators Office (Ford/Girard)

Lubicon Lake Land Claim and the 1988 Winter Games

OTTAWA (October 3, 1986) -- The Honourable Bill McKnight, Minister of Indian Affairs and Northern Development, today released the following statement on the call by Alberta's Lubicon Lake Band for a boycott of the 1988 Winter Olympics.

"I am concerned by the decision of the Lubicon Lake Band to push ahead with its campaign for an international boycott of the 1988 Winter Games, and of the Olympic exhibition of aboriginal artifacts in particular. I regret that the Band has chosen this avenue to reach a more generous settlement of its claim in Alberta.

"The Federal government has recognized the longstanding grievances of the Band. The Government has offered a substantial settlement in an honest effort to find a fair and just resolution of these grievances. We are ready at any time to return to the negotiating table.

"I sympathize with the dreams and aspirations of the Lubicon people. I know that the vision and plans of all Canadians as well as the organizers and volunteers associated with the Winter Olympics are strong as well. I believe it is in the interest of all of us to ensure that both are fulfilled".

Additional Background:

The proposed settlement package provides for the negotiation of the amount of land to be set aside for a Lubicon reserve (the July 1986 offer to the Band represented some 40.0 square miles), surface and subsurface rights on these lands, reserve planning, wildlife management, economic and training opportunities, compensation for past losses on lands claimed, and other benefits. Final resolution of a number of these issues will require the involvement of the province of Alberta.

Ref.: Daniel Veniez
Minister's Office
(819) 997-8400



BKC/C.Davis/996-3197/ci

TO/À SEE DISTRIBUTION

FROM/DE • BKC

REFERENCE •
RÉFÉRENCE

SUBJECT •
SUJET • CALGARY WINTER OLYMPIC GAMES

Security/Sécurité
CONFIDENTIAL
Accession/Référence
File/Dossier
45-13-1-1-LUBICON
LAKE BAND
Date
October 3, 1986
Number/Numéro
BKC-0961

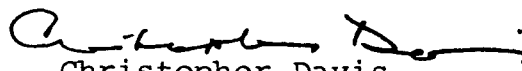
ENCLOSURES
ANNEXES

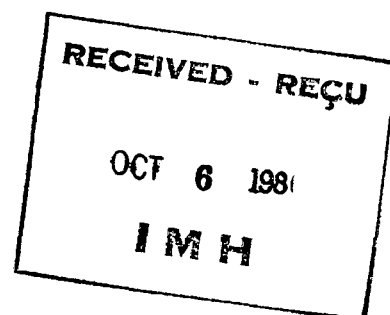
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PMO/Lortie
RGB

Attached is a revision of the press line devised by the Olympics Contact Group for use in responding to inquiries concerning the proposed boycott of the Calgary Winter Olympic Games, by supporters of the Lubicon Lake Indian Band's, aboriginal rights and land claims.

Attach.


Christopher Davis
Head,
Olympics Co-ordination
Unit



Revised: September 15/86

LUBICON LAKE INDIAN BAND'S CALL FOR AN INTERNATIONAL BOYCOTT
AGAINST THE CALGARY OLYMPIC WINTER GAMES

SUGGESTED PRESS LINE FOR OLYMPIC PARTNERS

" It is unfortunate that the Lubicons are using the Calgary Olympic Winter Games as a forum to voice their concerns over aboriginal rights and land claims. We understand, however, that negotiations began on June 3, 1986 between the Government of Canada and the Lubicons and that parallel negotiations with the Province of Alberta will also be conducted. It is hoped that an agreement will be reached in the near future."

SECRET

Oct 1, 1986

TOPIC: THE LUBICON LAKE BAND GRIEVANCES - ALBERTA

ISSUE: Status of negotiations aimed at a settlement of the
Lubicon Lake Band grievances.

BACKGROUND:

1. The Lubicon Lake Band is located 60 miles east of Peace River, Alberta. They were originally paid Treaty money as members of other bands but were granted separate band status in 1940. At that time, Alberta agreed to transfer 25.4 square miles of Crown land to Canada so that a reserve might be set aside. For many reasons, Canada never established the reserve.
2. In 1980 the Band filed a Statement of Claim in the Federal Court against both Canada and Alberta alleging "Indian title" to 8,500 square miles of Northern Alberta and seeking one (1) billion dollars compensation. The Band's case in the Federal Court is still active although the Band has not proceeded with its action in the hope of arriving at a negotiated settlement.
3. In 1983 the Band took action against Alberta and several oil companies seeking an injunction to halt exploration in a 2,300 square kilometer area. The Alberta Court and subsequently the Supreme Court of Canada rejected the application to hear the case.
4. Also in 1983, Canada urged Alberta to cooperate in settling the claim and made the following recommendations: 1) a land base of 25.4 square miles, including minerals, be set aside immediately; 2) a catch-up program of housing, community infrastructure and economic development be initiated; 3) Band members be given preferred hunting, fishing and trapping rights in a designated area. Alberta has indicated willingness to consider all the points noted above.
5. Respecting land quantum owed to the Band, the Province is of the view that under the Natural Resources Transfer Agreement, it is obligated to assist Canada to fulfill its treaty obligation based on the population in 1899, the year of the treaty. Canada does not share this view.
6. The Honourable E. Davie Fulton, the Minister's special representative, undertook an inquiry to the Lubicon situation and presented his discussion paper to the Minister of DIAND in February 1986.

FILE 45-CDA-13-1-3^D LUBICON
LAKE
BAND

SECRET

- 2 -

7. In late September, 1985 it became known that Union Oil of Calgary had requested authorization from the Alberta Energy Resources Board to increase the capacity of an existing pipeline in an existing right-of-way, part of which crosses the land designated in 1940. On January 17, 1986, the Band and Union Oil reached a tentative agreement whereby Union would build its pipeline around the 25.4 square mile area.
8. The Alberta Cabinet, at the last meeting chaired by the Honourable Peter Lougheed, agreed to transfer to Canada upon request by Canada the 25.4 square mile parcel of land designated in 1940 on condition that:
 - a) Alberta make satisfactory arrangements with third parties who now hold leases to part of the land;
 - b) The Band accept the oil and gas leases as they are now;
 - c) The Band only take action against Alberta for land in excess of 25.4 square miles as a joint party with Canada; and
 - d) The Band abandon all its claims against Alberta based on native title.

The first two conditions are acceptable to the Band but the last two, which were added at the direction of the provincial Cabinet, are not acceptable.

STATUS:

1. On December 5, 1985, Cabinet Committee on Social Development approved the payment of \$1.5M as an ex gratia payment to help the Band defray its legal and other costs associated with presenting its claim. This payment was made on January 8, 1986.
2. In December 1985, the Band advised they were willing to participate in negotiations with Alberta present as an observer.
3. On February 27, 1986, Cabinet approved a negotiating strategy and mandate for resolving the Band's grievances.
4. In a special report to the Minister dated February 10, 1986, Mr. Fulton recommended face-to-face negotiations.

SECRET

- 3 -

5. In March 1986 the Band advised they were no longer willing to participate in negotiations with Alberta present in any capacity.
6. The Band has indicated that if negotiations are not successful they plan to proceed with an international boycott of the Calgary Olympic games. Indications are that they have at least some support for this boycott from some members of the European Parliament.
7. On June 3, 1986 the Band agreed to participate in bilateral negotiations with the federal negotiator, Mr. Roger Tassé. The parties agreed to establish August 30, 1986 as a target date to reach an agreement. Throughout the period, Mr. Tassé was to undertake parallel negotiations with Alberta. It was hoped that once significant progress was made in the bilateral discussions Alberta could be brought to the negotiating table as a full participant.
8. On July 8, 1986 the Band withdrew from the negotiations because Canada refused to consider the provision of land to the Band under Treaty 8 for those members of the Band who are not status Indians. It should be noted the Band has approval to determine its own membership under the Indian Act. It is argued by Canada that Bill C-31, in allowing Bands to determine their own membership, did not also create an automatic entitlement to additional land under Treaty.
9. The federal negotiator, at the conclusion of the talks, tabled with the Band his proposal for a settlement, which is based on the Cabinet approved mandate. A copy was also released and explained to the media. This offer would have resulted in the Band receiving about 40 square miles for a reserve based on the 200 status Indians presently registered with the Band.
10. The reasons for the breakdown and the federal offer were discussed with senior Alberta officials on July 9, 1986.
11. Subsequent to the breakdown in negotiations, Canada's negotiator wrote to the Band stating that Canada was flexible on many of the points in its offer including the question of land and urging them return to the negotiating table. The invitation was refused.

SECRET

- 4 -

12. In June 1986 European parliamentarian, John Van Tilbury, visited Canada and publicly lent his support to the Band's claim and indicated to Canadian officials that he has at least some support in the European parliament for resolution condemning Canada's actions toward the Band.
13. The Band has submitted a complaint to the U.N. Human Rights Committee under the ICCPR alleging, inter alia, that Band members have been denied the right of peoples to self-determination under Article 1 of the ICCPR. The Committee has yet to rule on the complaint's admissibility.

TALKING POINTS:

1. General

- It should be inferred that the Band is approaching European groups as part of a complex strategy designed to pressure Canada and Alberta to resolve its claim. It should be emphasized that Canada is willing to negotiate a fair and just resolution to this claim and that Canadian courts, should negotiations ultimately fail, offer the Band an unexhausted domestic remedy.
 - The offer by Canada to the Band is substantial and offers ample scope for a negotiated settlement. Had the Band accepted the offer, it would have afforded them about 25,000 acres of land with full mineral rights, a new community (including housing, infrastructure and schools) and millions of dollars in compensation and other benefits.
 - It is believed that the Band's Olympic boycott does not have the support of other Indian Bands located close to the Olympic site.
2. re Mr. Fulton's recommendations that the question of Native Title be referred to the Supreme Court:
- The Band has already launched court actions where this question will be raised and Canada prefers to seek negotiated resolution to the claim.

SECRET

- 5 -

3. re the alleged non-use of Mr. Fulton's Discussion Paper by Canada:

- Mr. Fulton prepared an excellent report which sets out the issues at hand.
- Representatives of Canada and the Band on June 20, 1986 agreed to use his paper as the basis of negotiations.

A-06644-86

IMD
↑

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

SECRET

SEP 17 1986

ACC 485 396	REF	DATE
FILE 45-0A-13-1-3-LUBICON	DOSSIER LAKE BAND	

The Right Honourable Joe Clark, P.C., M.P.
Secretary of State for External Affairs
Room 163 - EB
House of Commons
OTTAWA, Ontario
K1A 0A6

Dear Joe:

Further to previous correspondence to you from my predecessor the Honourable David Crombie dated February 28, 1986 and June 27, 1986 regarding the Lubicon Lake Band's land claim, I am writing to advise you that the Lubicon Lake Band withdrew from negotiations on July 8, 1986 and have advised the Federal Negotiator, Mr. Roger Tassé, that they plan to proceed with their legal actions and public relations campaign against Canada and Alberta.

In essence, the Band withdrew from the negotiations over the highly complex question of who is eligible to be counted for purposes of treaty land entitlement. The Band argues in the first instance that they have unextinguished aboriginal rights and hence their claim should be approached on the basis that they never signed Treaty Eight. As a fallback position they argue that if it is determined their aboriginal rights have been superceded by Treaty Eight, they are entitled to the full benefits of the Treaty. It is our contention that they have adhered to the Treaty as a consequence of their actions since they were established as a separate Band in about 1940. On this basis, in line with current practice and the views of the Department of Justice, we are prepared to offer them 128 acres of land for each registered Indian who is a member of their Band. The question becomes more complex because Bill C-31, which was enacted last year, in addition to

.../2

SECRET

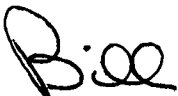
- 2 -

removing the discriminatory provisions of the Indian Act, allows bands to determine their own membership. The Lubicon Lake Band was one of the first in Canada to take advantage of this provision and has determined their membership to include 457 persons of which about 200 are registered Indians and about 250 are non-status and Métis persons. On the basis of this list, the Band claims that all 457 are entitled to be counted for the purposes of land entitlement. I take the view that Bill C-31, in allowing bands to determine their own membership, did not also create a land entitlement for persons who are not registered Indians. To argue otherwise would have major financial and federal-provincial relations implications for Canada.

In view of the major legal and policy implications of this claim, I have asked my officials to undertake a risk assessment which will look at all aspects of the claim including their court cases, their complaint to the United Nations' Human Rights Committee, their proposed boycott of the Calgary Olympics, their national and international public relations campaign, and possible implications for the First Ministers Conference next year. I also understand the Band has the support of some members of the European Parliament for a resolution condemning Canada's actions vis-à-vis the Band. I have asked that my officials ensure that your Department and the Department of Justice have significant input into this assessment. Once complete, I will share the results of the assessment with you.

Finally, at the conclusion of the negotiations with the Band, Mr. Tassé tabled an offer for settlement with them which was based on his mandate as approved by Cabinet on February 27, 1986. This offer has also been reviewed with senior officials of the Alberta Attorney General's Department. Mr. Tassé is available to review this offer, and to provide a detailed briefing if you should deem it necessary at this time.

Yours sincerely,



Bill McKnight

c.c. The Honourable Donald Mazankowski
The Honourable Ray Hnatyshyn
Mr. Roger Tassé, O.C., Q.C.



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WITH 1 COMPLIMENTS
OF THE
DEPARTMENT
OF
EXTERNAL AFFAIRS

AVEC LES HOMMAGES
DU
MINISTÈRE
DES
AFFAIRES EXTÉRIEURES

P. McRae; (160)

09/10

Suite à notre discussion,
Veuillez trouver ci-joint la
Correspondance du Ministre
de Diand.

No apprécierons examiner
la réplique avant la signature
du Ministre. (DEA)

Merci.



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SECTION DES DOSSIERS
DU MINISTRE

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To/A
AU

IMP

☐ FOR INFORMATION AND ANY NECESSARY ACTION
POUR EXAMEN ET SUITE À DONNER, S'IL Y A LIEU

☐ THIS LETTER HAS BEEN ACKNOWLEDGED
ON A ACCUSÉ RÉCEPTION DE CETTE LETTRE

☐ THIS LETTER HAS NOT BEEN ACKNOWLEDGED
AUCUN ACCUSÉ DE RÉCEPTION À CETTE LETTRE
N'A ÉTÉ DONNÉ

☐ BY TELEPHONE/PAR TÉLÉPHONE

REMARKS/REMARQUES

*Herewith is the original letter that
the SSEA had kept. Please replace
photocopy with this original re;*

AR-A

06644-86

Jm

Signature

26/07/86

Date

OFFICE OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
CABINET DU SECRETAIRE D'ETAT AUX AFFAIRES EXTERIEURES

ACTION REQUEST/FICHE DE SERVICE

From/De : HON BILL MCKNIGHT MP
MINISTER OF INDIAN AFFAIRS & NORTHERN DEVELOPMENT

No.: A-06644-86

Subject/ LUBICON LAKE BAND'S CLAIM
Objet: INTL ORGANIZATIONS * ORGANISATIONS INTLES

Action div./Dir. resp.: IMD
Info div(s)/Dir(s) informee(s):

Let./Tel. dated
Let./Tel. en date du

17 SEP 86

Date sent to division
Date d'envoi a la direction

24 SEP 86

Deadline date
Echeance

08 OCT 86

Comments/Commentaires

REF:A-01743-86

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Action officer/Agent resp.

[] Reply by division
Reponse de la direction

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Disposition and/et date

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Quantity/Quantite:

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JOE CLARK

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