

File No. Dossier 45-13-1-3-LUBICON LAKE BAND  
Volume 6 From-De 87-03-01 To-À 87-06-30

VOLS ACCESSION NO. 47400

CLASSIFIED

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45-CDA-13-1-3-LUBICON LAKE  
Vol 6

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VOLS ACCESSION NO. 47400

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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FRC: 2007

FRCLOC:

BOX: 779



Government of Canada  
Gouvernement du Canada

# CLOSED VOLUME VOLUME COMPLET

DATED FROM À COMPTER DU	87-03-01	TO JUSQU'AU	87-06-30
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AFFIX TO TOP OF FILE - À METTRE SUR LE DOSSIER

DO NOT ADD ANY MORE PAPERS - NE PAS AJOUTER DE DOCUMENTS

FOR SUBSEQUENT CORRESPONDENCE SEE - POUR CORRESPONDANCE ULTÉRIEURE VOIR	
FILE NO. - DOSSIER N°  45-13-1-3-LUBICON LAKE BAND	VOLUME  7



FEDERAL AND  
INTERGOVERNMENTAL AFFAIRS

14th Floor, Seventh Street Plaza, 10030 - 107 Street, Edmonton, Alberta, Canada T5J 3E4 403-427-2611 Telex 627-3300

RECEIVED

JUN 2 1987

CALGARY, ALBERTA

May 26, 1987

Don Carlson  
Director, Regional Operations  
Government of Canada  
Office for the 1988 Olympic Winter Games  
Suite 653, Harry Hays Building  
220 - 4 Avenue S.E.  
CALGARY, Alberta  
T2P 3C3

Dear Don:

Alberta Federal and Intergovernmental Affairs has prepared a "fact sheet" on the Lubicon Lake Indian land claim issue in collaboration with staff of the Alberta Attorney General. It has been distributed to our foreign offices in London, New York, Tokyo, Hong Kong, Los Angeles and Houston to assist them to answer questions on the issue. It also has been distributed to government MLAs. The fact sheet is being sent to individuals and organizations who make enquiries to the provincial government. A copy is attached.

Many of the letters the province has been receiving appear to be generated by the Lubicon's Olympic boycott campaign.

Alberta Federal and Intergovernmental Affairs is coordinating provincial government involvement on the Lubicon issue. I will endeavour to keep you posted on further developments and perhaps whenever possible, we can all work to share information on the status of the Lubicon's publicity campaign. Thanks.

Kind regards,

Mark Gregory  
Director, Communications

MG/deb

Enclosure

copy A.G. McDonald  
John Kristensen

ACC	DATE
508873	
45-CDA-13-1-3-LUBICON LAKE BAND	

RECEIVED - REÇU
Susanne ena
JUN 15 1987
IMH

# Lubicon Lake Indian Band

## FACTS ABOUT THE LAND CLAIMS

During the past several years, the land claims of the Lubicon Lake Indian Band have become a matter of public interest. The following briefly outlines the facts regarding Alberta's involvement in the Lubicon Band's various claims, as well as some of the major events associated with those claims. This information is presented in an attempt to clarify any confusion that may exist about the process between the federal government and the Lubicon Lake Indian Band, and the involvement of the Alberta government in these matters.

### History

**1899** Treaty No. 8 was signed between Indian representatives and the Government of Canada. The effect of this Treaty was to extinguish aboriginal title within the Treaty No. 8 area in exchange for specific benefits, including the establishment of Indian reserves. In Canada, the responsibility to fulfill these obligations under Treaties rests with the federal government. Under the terms of a 1930 federal-provincial agreement, however, the Alberta provincial government has an obligation to provide unoccupied Crown land to assist the federal government in fulfilling its outstanding obligations to the Indians under Treaty.

**1933** Fourteen heads of Indian families, residing in the Lubicon Lake area in northern Alberta, sent a petition to the Government of Canada, requesting a reserve in the Lubicon Lake area. In this petition, the Indians acknowledged that they were Treaty Indians belonging to the Whitefish Lake Indian Band. Reserves southeast of the Lubicon Lake area had been surveyed for the Whitefish Lake Band in 1908.

**1940** The federal government informally recognized the Lubicon Indians as a separate Indian Band, through the election of its own Chief. About this time, the federal government considered establishing a new reserve west of Lubicon Lake, based on a 1939 census figure of 127 Indians. This, however, was not undertaken for a number of reasons, including the effects of World War II.

**1949** The Alberta government, in response to a request by the federal government, placed an administrative notation on its files with respect to approximately 25 square miles of land to the west of Lubicon Lake.

Subsequently, an agreement between the Band and the federal government on the location of a reserve was not reached. As a result, the province withdrew its notation on the files in 1954.

### Recent events

**1980** In April, the Lubicon Indian Band, consisting of less than 200 members, filed a statement of claim in the Federal Court of Canada against Canada, Alberta and 10 oil companies. Included in the statement was a claim of title to 25,000 square miles of land (close to one-tenth of Alberta, which comprises 255,200 square miles in total area) and \$1 billion. It was the decision of the Federal Court that this case could be heard only against the federal government and the one oil company which is a federal Crown corporation.

**1982** In January, the federal government met with the Band and the province separately to explore the possibility of a negotiated resolution within the framework of the federal land claims process.

**1982** In February, the Lubicon Band initiated a second action against the Alberta government and 11 oil companies. Again, the Band, now representing approximately 250 individuals, claimed title to 25,000 square miles of land, but this time sought a permanent injunction against all resource development activity within the area. As well, the Band sought \$700 million in compensation or, alternatively, a reserve of 60 square miles and \$200 million in compensation.

**1982** In September, the Lubicon Band filed an application for an interim injunction against the Government of Alberta and **1983** eleven oil companies to prevent any resource exploration or development within an 8,500 square-mile area of north-central Alberta.

In November, 1983 the Alberta Court of Queen's Bench denied the Lubicon Band's application for the interim injunction on the basis of insufficient evidence that "a way of life" was being destroyed by the defendants. The Band subsequently appealed this decision.

**1983** A campaign conducted by the Band resulted in allegations being made against Alberta government officials in regard to the **1984** 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 a special report titled "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 the Band's charge of "cultural genocide" to "have no factual basis".

**1984** In May, the Alberta government indicated that it would be prepared to include subsurface mineral rights in future Treaty land entitlement settlements, thereby removing one of the major perceived obstacles to resolving the Band's land claim.

**1984** Shortly after the 1984 federal election, the federal minister of Indian and Northern Affairs appointed the Honourable E. Davie Fulton to inquire into the situation with respect to the claims of the Lubicon Band and to make recommendations to the federal minister.

**1985** The Alberta Court of Appeal, in January, upheld the decision of the Court of Queen's Bench denying the Lubicon Band's application for an interim injunction against the Government of Alberta and eleven oil companies. Again, the Court was of the view that there was insufficient evidence supporting the Band's allegations of the destruction of a way of life and livelihood. Subsequently, the Supreme Court of Canada twice denied leave for further appeal by the Lubicon Band (March and May, 1985).

**1985** In October, following discussion with the the Honourable E. Davie Fulton, the Alberta government advised the federal minister that Alberta was prepared to transfer to the federal government the 25.4 square mile area which had been discussed in the 1940s, including mines and minerals, to enable the federal government to establish a reserve for the Lubicon Band. Following a reply from the Honourable David Crombie indicating that the offer was acceptable to the federal government, Alberta, on December 10, made its offer public. It was rejected immediately by the Lubicon Band.

**1986** In January, the federal government provided the Lubicon Band with \$1.5 million to cover the costs the Band had incurred to that date in pursuing its claims.

In April the Lubicon Band proceeded to sue the federal government for a further \$750,000 to pursue the court actions.

**1986** The federal minister, in June, appointed Mr. Roger Tasse, the former Deputy Minister of Justice, to negotiate a possible settlement of the Band's claim.

At the Band's insistence, the Alberta government was excluded as a party to the negotiations.

In July, after only preliminary discussions, the Band broke off negotiations with the federal government.

## Current situation

**1986** In the fall, the Lubicon Band focussed its attention on initiating a boycott of the XV Olympic Winter Games in 1988. In November, members and representatives of the Band travelled to Europe to launch a campaign discouraging other countries and their athletes from participating in the Games, and museums from contributing to a Native cultural exhibit being planned by the Glenbow Museum as part of the Olympic activities.

**1987** In January, media reports indicated that the members of the Lubicon Band--in spite of its lack of legal authority over provincial Crown lands--had voted to evict, with force if necessary, crews engaged in what the Band alleges to be unauthorized oil and gas exploration activity, particularly within a 90 square mile area the Band now is said to be claiming as a reserve.

Since May, 1985, the Lubicon Band has not taken any step in either the Federal Court of Canada or the Alberta Court of Queen's Bench actions, both of which are still only at preliminary stages. To date, at the Band's decision, negotiations have not resumed with the federal government.

March 10, 1987

**Alberta**  
GOVERNMENT OF ALBERTA

Permanent Mission of Canada  
to the United Nations



La Mission Permanente du Canada

auprès des Nations Unies

FOR FILING POUR - ETRE RENVOYER AU PORTE AU DOSSIER	
ACC	509116 DATE
FILE	45-COA-13-1-3-LAKE Bord

No. 109

June 26, 87

The Permanent Mission of Canada to the Office of the United Nations in Geneva presents its compliments to the Secretary-General of the United Nations (Centre for Human Rights) and has the honour to refer to the Secretary-General's Note No. G/SO 215/1 CANA (38) 167/1984, 3 1987 conveying a copy of the most recent correspondence received from the author of Communication No. 167/1984 (B. Ominayak and the Lubicon Lake Band v. Canada) under the Optional Protocol to the International Covenant on Civil and Political Rights.

The Government of Canada wishes to assist the Human Rights Committee in resolving this matter without further delay, and in recognition of the Committee's onerous workload, does not wish to add unnecessarily to the already large quantity of material before the Committee. It is the position of the Government of Canada that the Human Rights Committee has sufficient information before it to make a decision on the issue of admissibility. The Government of Canada does not agree with the allegations contained in the material most recently filed by the communicant. Because this material does not advance any new questions of fact or law, the

- 2 -

Government of Canada submits that these allegations are answered by previous submissions on behalf of the Government.

As indicated in its previous submissions and for the reasons set out therein, the Government of Canada respectfully submits that the Communication is inadmissible under the Optional Protocol.

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, June 26, 1987





External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence

506882

File/Dossier

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

45-CDA-13-1-3-SATIACUM, R

Align first character of Security Classification under this arrow  
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SECURITY  
SÉCURITÉ

R E S T R I C T E D

FM/DE

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INFO

INFO JUSTOTT/LOW/FREEMAN FPROOTT/OACA/CARON SECSTATEHULL/DADSON

DISTR

INAHULL/WHITAKER

REF

SUBJ/SUJ

DISTR IMH JCD IMD

REF YOURTEL YTGR3844 23JUN

---HUMAN RIGHTS CTTEE:COMPLAINTS AGAINST CDA UNDER OPTIONAL

PROTOCOL TO ICCPR(LUCIBON AND SATIACUM)

TEXT OF CDN GOVT RESPONSE WHICH YOU SHOULD PROVIDE BY DIP NOTE  
TO CENTRE FOR HUMAN RIGHTS IMMEDIATELY TO ENSURE IT IS BEFORE  
WORKING GROUP ON COMMUNICATIONS BEFORE IT BEGINS TO MEET 29JAN, IS  
AS FOLLOWS:

QUOTE:(COMPLIMENTARY OPENING REFERRING TO INCOMING NOTE FROM  
CENTRE)

COMCENTRE PLS COPY ATTACHED

(COMPLIMENTARY CLOSING)UNQUOTE.

2.GRATEFUL YOU MONITOR PROCEEDINGS OF HUMAN RIGHTS CTTEE WORKING  
GROUP ON COMMUNICATIONS TO EXTENT POSSIBLE AND ADVISE.

DRAFTER/RÉDACTEUR

C. SWORDS/sf

SIG

DIVISION/DIRECTION

JLO

TELEPHONE

996-5407

APPROVED/APPROUVÉ

P. KIRCH

SIG

001191

The Government of Canada wishes to assist the Human Rights Committee in resolving this matter without further delay, and in recognition of the Committee's onerous workload, does not wish to unnecessarily add to the already large quantity of material before the Committee. It is the position of the Government of Canada that the Human Rights Committee has sufficient information before it to make a decision on the issue of admissibility. The Government of Canada does not agree with the allegations contained in the material most recently filed by the communicant. Because this material does not advance any new questions of fact or law, the Government of Canada submits that these allegations are answered by previous submissions on behalf of the Government.

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External Affairs  
Canada

Affaires extérieures  
Canada

Accession/Référence

File/Dossier

45-CDA-13-1-3-*Lubman (alm)*  
*Send*

MESSAGE

Align first character of Security Classification under this arrow  
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SECURITY  
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25 JUN 87 13 16 Z

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TO/À

TO BERN BONN BRU CNBRA COPEN DUBLN GENEV HAGUE VATCN MLBRN <sup>SN</sup> ~~HE~~SKI

INFO

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~~LISBN~~ LDN MDRID OSLO PARIS ROME STKHM VIENN WLGTN

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INFO PCOOTT/CARON

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~~BA~~ INAHULL/COULTER/FLEMMING SECSTATEHULL/DADSON ~~DE OLT~~

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---INTERDEPT MTG ON GLENBOW MUSEUM EXHIBIT

PLEASE CORRECT THE FOLLOWING ERRORS ON DISTRIBUTION LIST

RCM SHOULD READ RWM

PRS SHOULD READ PSR

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J. Simpson/amm

IMHR

992-6664

D. Livermore

SIG *J. Simpson*

SIG *D. Livermore*



MEMORANDUM/NOTE DE SERVICE

Security Classification - Cote de sécurité	
File number - numéro de dossier	277269
Date	June 24, 1987

DISTRIBUTION

TO/À:

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

SUBJECT/OBJET:    LUBICON LAKE BAND - COMMUNICATION TO THE HUMAN RIGHTS COMMITTEE

Comments/Remarques

The Canadian Mission in Geneva has received from the Secretary-General of the United Nations another communication from the Lubicon Lake Band, the text of which is set out in the attached telex. Early indications are that the Human Rights Committee will probably not have time to consider the Lubicon Lake communication during its July sitting. However, in the event that the Committee does find time, we would like to ensure that all relevant material is before it and that it is not awaiting a response from the Government of Canada.

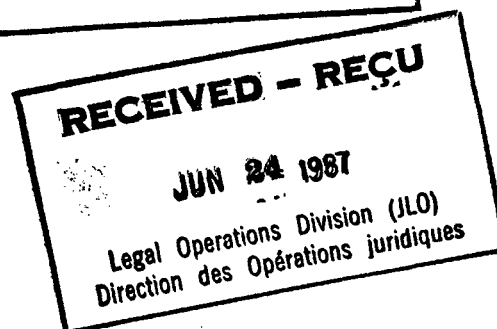
Accordingly, I have attached a draft Canadian response to the Band's most recent communication. He would like to telex this response to Geneva tomorrow for submission to the United Nations. If you have any comments on the response please contact me before noon tomorrow, June 25, 1987, at 957-4937. Thank you for your assistance.

*Irit Weiser*  
Irit Weiser  
c.c.: Martin Low  
Ivan Whitehall

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

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June 24/87

RESPONSE OF THE GOVERNMENT OF CANADA  
TO THE JUNE 1987 COMMUNICATION  
OF CHIEF BERNARD OMINAYAK AND THE  
LUBICON LAKE BAND TO THE HUMAN RIGHTS COMMITTEE

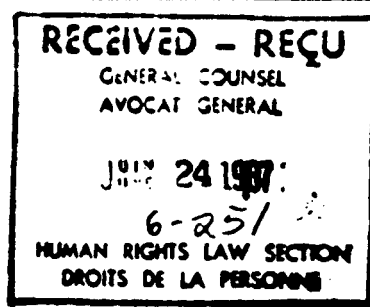
The Permanent Mission of Canada to the United Nations presents its compliments to the Secretary-General of the United Nations (Centre for Human Rights) and has the honour to refer to the Secretary-General's Note No. \_\_\_\_\_ of \_\_\_\_\_, 1987 conveying the most recent supplement to ~~Commission~~ <sup>de</sup> ~~Commission~~ No. 167/1984.  
*Commonwealth*

The Government of Canada wishes to assist the Human Rights Committee in resolving this matter without further delay, and in recognition of the Committee's onerous workload, does not wish to unnecessarily add to the already large quantity of material before the Committee. It is the position of the Government of Canada that the Human Rights Committee has sufficient information before it to make a decision on the issue of admissibility. The Government of Canada does not agree with the allegations contained in the material most recently filed by the communicant. Because this material does not advance any new questions of fact or law, the Government of Canada submits that these allegations are answered by previous submissions on behalf of the Government.

- 2 -

As indicated in its previous submissions and for the reasons set out therein, the Government of Canada respectfully submits that the communication is inadmissible under the Optional Protocol.

The Permanent Mission of Canada to the United Nations 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.



277269

R E S T R I C T E D

FM GENEV YTGR3844 23JUN87

TO RYTOTT JLO DELIVER BY 230900

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---HUMAN RIGHTS CTTEE:COMPLAINTS AGAINST CANADA UNDER OPTIONAL

PROTOCOL TO ICCPR(LUBICON AND SATIACUM)

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206/1986(SATIACUM)AND 167/1984(LUBICON)GOING FORWARD TO JLO BY

CLASSIFIED BAG DEPARTING 24JUN.

2.SATIACUM COUNSEL,IN APRIL14 LETTER WRITTEN IN ANTICIPATION OF  
15JUN HEARING BEFORE IMMIGRATION APPEAL BOARD,REQUESTS CTTEE TO  
RECOMMEND THAT CDN GOVT POSTPONE DEPORTATION AND RELEASE SATIACUM  
ON BAIL PENDING RESOLUTION OF QUOTE SOVEREIGNTY UNQUOTE ISSUE.  
CENTRES 12JUN NOTE(RECEIVED 18JUN IN MISSION)CONVEYING THIS  
MATERIAL INDICATES THAT LETTER WAS APPARENTLY NOT/NOT ACTUALLY  
MAILED UNTIL 29MAY.CENTRE HAS RESPONDED IN NON-SUBSTANTIVE TERMS  
TO SATIACUM COUNSEL,MERELY ACKNOWLEDGING RECEIPT AND INDICATING  
CORRESPONDENCE WAS CONVEYED TO CDN GOVT.

3.TEXT OF LUBICON COUNSEL LET(RECEIVED YESTERDAY IN MISSION)IS  
REPRODUCED BELOW.ASSUME YOU MAY WISH TO SUBMIT QUICK RESPONSE  
ALONG LINES OF OUR LAST SUBMISSION SO AS TO AVOID GIVING CTTEE ANY  
REASON FOR FURTHER UNDUE DELAY IN ADDRESSING ADMISSIBILITY ISSUE.

...2

PAGE TWO YTGR3844 RESTR

CTTEE WORKING GROUP MEETS 29JUN TO 03JUL, WITH CTTEE CONVENING 6-24JUL. SECRETARIAT IS HOWEVER NOT/NOT OPTIMISTIC ABOUT PROSPECTS FOR CTTEE TO GIVE ADEQUATE TIME TO LUBICON CASE THIS SESSION.

4.TEXT OF LUBICON COUNSEL LETTER BEGINS QUOTE DEAR MR.MOLLER:

THANK YOU FOR TRANSMITTING TO US CANADAS COMMENTS ON THE LUBICON LAKE BANDS MOST RECENT SUBMISSION TO THE UNITED NATIONS COMMITTEE ON HUMAN RIGHTS.ON BEHALF OF CHIEF BERNARD OMINAYAK AND THE LUBICON LAKE BAND,I ALSO WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS MY MOST SINCERE APPRECIATION TO THE COMMITTEE FOR ITS KIND CONSIDERATION OF THE BANDS APPEAL.

AS THE BAND HAS STATED IN ITS SUBMISSIONS TO THE COMMITTEE,THE BANDS COMPLAINT HAS MET THE CRITERIA FOR ADMISSIBILITY UNDER THE RULES OF THE COMMITTEE.THE DOMESTIC REMEDIES FOR THE RESOLUTION OF THE BANDS CLAIM HAVE BEEN EXHAUSTED WITH RESPECT OT THE DESTRUCTION OF THE BANDS WAY OF LIFE,LIVELIHOOD AND MEANS OF SUBSISTENCE.THE DECIMATION OF THE BANDS TRADITIONAL TERRITORY,UPON WHICH IT DEPENDS FOR ITS SUBSISTENCE,HAS BEEN DOCUMENTED IN EACH AND EVERY COMMUNICATION SUBMITTED TO THE COMMITTEE.UNFORTUNATELY,THE GOVERNMENT OF CANADA CONTINUES TO IGNORE THE HUMAN TRAGEDY OF THIS DESTRUCTION.

AS THE COMMITTEE IS AWARE,CANADAS REFUSAL TO RECOGNIZE THE BANDS RIGHT TO ITS EXISTENCE AS AN ABORIGINAL PEOPLE,A RIGHT GUARANTEED UNDER CANADAS CONSTITUTION,AS WELL AS CANADAS REFUSAL TO HONOR THE

...3

PAGE THREE YTGR3844 RESTR

BANDS RIGHT TO BENEFIT FROM THE WEALTH AND NATURAL RESOURCES OF ITS TRADITIONAL LANDS HAS RESULTED IN THE ECONOMIC AND SOCIAL DECIMATION OF THE LUBICON LAKE BAND. AFTER COUNTLESS GENERATIONS OF SELF-SUFFICIENCY, 95 PERCENT OF THE BANDS MEMBERS HAVE BEEN FORCED TO APPLY FOR WELFARE ASSISTANCE FOR LACK OF MEANS TO SUPPORT THEMSELVES. THE DESTRUCTION OF THEIR SUBSISTENCE WAY OF LIFE HAS CRIPPLED THE CULTURAL FABRIC OF THE COMMUNITY, BREAKING TRADITIONAL FAMILY TIES AND ENGENDERING ALCOHOL ABUSE AND SUICIDE.

IN REQUESTING THE COMMITTEES CONSIDERATION UNDER ARTICLE 1 OF THE COVENANT, THE BAND HAS CONSISTENTLY MAINTAINED A POSITION OF COMPROMISE, SEEKING A COOPERATIVE SOLUTION TO THE COMPETING DEMANDS ON ITS TRADITIONAL TERRITORY AND STRIVING FOR A RESOLUTION THAT WILL PERMIT THE VARIOUS INTERESTS TO COEXIST PEACEFULLY AND TO THE MUTUAL ADVANTAGE OF ALL. AS THE FULTON DISCUSSION PAPER MAKES CLEAR, THE BAND HAS NOT/NOT ASKED THAT THE OIL AND GAS DEVELOPMENT IN THE REGION CEASE. RATHER, THE BAND IS SEEKING A WAY TO MAINTAIN ITS OWN STATUS AS AN INDIGENOUS, SELF-IDENTIFIED, SELF-SUPPORTING SOCIO-CULTURAL AND ECONOMIC GROUP, A STATUS THAT WOULD NOT/NOT NOW BE PROBLEMATIC HAD CANADA SET ASIDE A RESERVE FOR THE LUBICON LAKE BAND AS PROMISED ALMOST 50 YEARS AGO. THE PEOPLE OF LUBICON LAKE HAVE ONLY ASKED THAT THEY BE PERMITTED TO CONTINUE LIVING AS A PEOPLE WITHIN THEIR TRADITIONAL HOMELAND, SHARING IN ITS WEALTH AND NATURAL RESOURCES SO THAT THEY MAY MAINTAIN THEIR CULTURAL HERITAGE, BRIDGING TRADITIONAL VALUES AND FUTURE OPPORTUNITIES, IN PEACEFUL COEXISTENCE AND MUTUAL RESPECT WITH OTHER CITIZENS OF CANADA.

...4

PAGE FOUR YTGR3844 RESTR

FINALLY, IN ITS APPEAL TO THE COMMITTEE, THE LUBICON LAKE BAND IS NOT/NOT REQUESTING A TERRITORIAL RIGHTS DECISION. RATHER, THE BAND REQUESTS ONLY THAT THE HUMAN RIGHTS COMMITTEE ASSIST IT IN ATTEMPTING TO CONVINCE THE GOVERNMENT OF CANADA THAT:

(1) THE BANDS EXISTENCE IS SERIOUSLY THREATENED BY THE OIL AND GAS DEVELOPMENT WHICH HAS BEEN ALLOWED TO PROCEED UNCHECKED ON THEIR TRADITIONAL HUNTING GROUNDS AND IN COMPLETE DISREGARD FOR THE HUMAN COMMUNITY INHABITING THE AREA; AND 2) THAT CANADA IS RESPONSIBLE FOR THE CURRENT STATE OF AFFAIRS AND FOR COOPERATING IN THEIR RESOLUTION IN ACCORDANCE WITH ARTICLE 1 OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

SINCERELY,

JESSICA S. LEFEVRE UNQUOTE TEXT ENDS.

CCC/032 231244Z YTGR3844

**ACTION  
SUITE A DONNER**

**RECEIVED - REÇU**

JUN 23 1987

Legal Operations Division (JLO)  
Direction des Opérations juridiques

*Collection - is there anything new in this submission?*  
*MM*  
*NO*

R E S T R I C T E D

FM GENEV YTGR3844 23JUN87

TO EXTOTT JLO DELIVER BY 230900

INFO BH JUSTOTT/LOW/FREEMAN DE OTT FPROOTT/OACA/CARON DE OPM

SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI

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---HUMAN RIGHTS CTTEE:COMPLAINTS AGAINST CANADA---UNDER OPTIONAL

PROTOCOL TO ICCPR(LUBICON AND SATIACUM)

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...2

*Bico*

506881	DOSSIER
45-CDA-13-1-3-LUBICON	LAKE
45-CDA-13-1-3-SATIACUM	BAND

PAGE TWO YTGR3844 RESTR

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CONSIDERATION OF THE BANDS APPEAL.

AS THE BAND HAS STATED IN ITS SUBMISSIONS TO THE COMMITTEE,THE  
BANDS COMPLAINT HAS MET THE CRITERIA FOR ADMISSIBILITY UNDER THE  
RULES OF THE COMMITTEE.THE DOMESTIC REMEDIES FOR THE RESOLUTION OF  
THE BANDS CLAIM HAVE BEEN EXHAUSTED WITH RESPECT OT THE DESTRUCTION  
OF THE BANDS WAY OF LIFE,LIVELIHOOD AND MEANS OF SUBSISTENCE.THE  
DECIMATION OF THE BANDS TRADITIONAL TERRITORY,UPON WHICH IT  
DEPENDS FOR ITS SUBSISTENCE,HAS BEEN DOCUMENTED IN EACH AND  
EVERY COMMUNICATION SUBMITTED TO THE COMMITTEE.UNFORTUNATELY,THE  
GOVERNMENT OF CANADA CONTINUES TO IGNORE THE HUMAN TRAGEDY OF THIS  
DESTRUCTION.

AS THE COMMITTEE IS AWARE,CANADAS REFUSAL TO RECOGNIZE THE BANDS  
RIGHT TO ITS EXISTENCE AS AN ABORIGINAL PEOPLE,A RIGHT GUARANTEED  
UNDER CANADAS CONSTITUTION,AS WELL AS CANADAS REFUSAL TO HONOR THE

...3

PAGE THREE YTGR3844 RESTR

BANDS RIGHT TO BENEFIT FROM THE WEALTH AND NATURAL RESOURCES OF ITS TRADITIONAL LANDS HAS RESULTED IN THE ECONOMIC AND SOCIAL DECIMATION OF THE LUBICON LAKE BAND. AFTER COUNTLESS GENERATIONS OF SELF-SUFFICIENCY, 95 PERCENT OF THE BANDS MEMBERS HAVE BEEN FORCED TO APPLY FOR WELFARE ASSISTANCE FOR LACK OF MEANS TO SUPPORT THEMSELVES. THE DESTRUCTION OF THEIR SUBSISTENCE WAY OF LIFE HAS CRIPPLED THE CULTURAL FABRIC OF THE COMMUNITY, BREAKING TRADITIONAL FAMILY TIES AND ENGENDERING ALCOHOL ABUSE AND SUICIDE.

IN REQUESTING THE COMMITTEES CONSIDERATION UNDER ARTICLE 1 OF THE COVENANT, THE BAND HAS CONSISTENTLY MAINTAINED A POSITION OF COMPROMISE, SEEKING A COOPERATIVE SOLUTION TO THE COMPETING DEMANDS ON ITS TRADITIONAL TERRITORY AND STRIVING FOR A RESOLUTION THAT WILL PERMIT THE VARIOUS INTERESTS TO COEXIST PEACEFULLY AND TO THE MUTUAL ADVANTAGE OF ALL. AS THE FULTON DISCUSSION PAPER MAKES CLEAR, THE BAND HAS NOT/NOT ASKED THAT THE OIL AND GAS DEVELOPMENT IN THE REGION CEASE. RATHER, THE BAND IS SEEKING A WAY TO MAINTAIN ITS OWN STATUS AS AN INDIGENOUS, SELF-IDENTIFIED, SELF-SUPPORTING SOCIO-CULTURAL AND ECONOMIC GROUP, A STATUS THAT WOULD NOT/NOT NOW BE PROBLEMATIC HAD CANADA SET ASIDE A RESERVE FOR THE LUBICON LAKE BAND AS PROMISED ALMOST 50 YEARS AGO. THE PEOPLE OF LUBICON LAKE HAVE ONLY ASKED THAT THEY BE PERMITTED TO CONTINUE LIVING AS A PEOPLE WITHIN THEIR TRADITIONAL HOMELAND, SHARING IN ITS WEALTH AND NATURAL RESOURCES SO THAT THEY MAY MAINTAIN THEIR CULTURAL HERITAGE, BRIDGING TRADITIONAL VALUES AND FUTURE OPPORTUNITIES, IN PEACEFUL COEXISTENCE AND MUTUAL RESPECT WITH OTHER CITIZENS OF CANADA.

...4

PAGE FOUR YTGR3844 RESTR

FINALLY, IN ITS APPEAL TO THE COMMITTEE, THE LUBICON LAKE BAND IS NOT/NOT REQUESTING A TERRITORIAL RIGHTS DECISION. RATHER, THE BAND REQUESTS ONLY THAT THE HUMAN RIGHTS COMMITTEE ASSIST IT IN ATTEMPTING TO CONVINCE THE GOVERNMENT OF CANADA THAT:

(1) THE BANDS EXISTENCE IS SERIOUSLY THREATENED BY THE OIL AND GAS DEVELOPMENT WHICH HAS BEEN ALLOWED TO PROCEED UNCHECKED ON THEIR TRADITIONAL HUNTING GROUNDS AND IN COMPLETE DISREGARD FOR THE HUMAN COMMUNITY INHABITING THE AREA; AND 2) THAT CANADA IS RESPONSIBLE FOR THE CURRENT STATE OF AFFAIRS AND FOR COOPERATING IN THEIR RESOLUTION IN ACCORDANCE WITH ARTICLE 1 OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

SINCERELY,

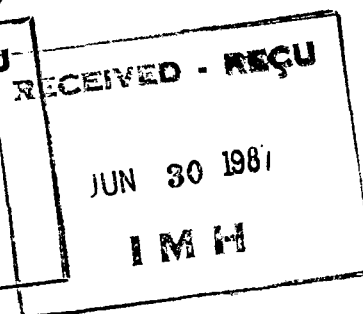
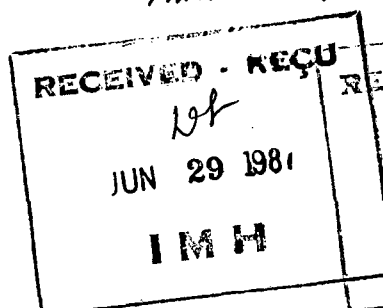
JESSICA S. LEFEVRE UNQUOTE TEXT ENDS.

CCC/032 231244Z YTGR3844

Answered by *60*  
IMH 0922/ 2/July/87

*0922*

**ACTION  
SUITE A DONNER**



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

FM OSLO WGGR2675 29JUN87

TO EXTOTT (IMH)

INFO STKEM COPEN HSNKI GENEV BONN LDN BERN PARIS

BH INAHUIL/COULTER DE OCI

LISTR MINA IMD BKC BKA RSE RWDN

---LUBICON BAND-GLENBOW EXHIBIT

LUBICON BAND HAS SENT TEL TO NORWGN ETHNOGRAPHIC MUSEUM TO BE FOLLOWED BY LET REQUESTING THAT MUSEUM WITHDRAW FROM GLENBOW EXHIBIT. CUR CONTACT AT MUSEUM CHIEF CURATOR TOM SVENSSON HAS APPROACHED US FOR CLARIFICATION ON EXTENT TO NATIVE BACKING TO LUBICON CALL FOR GLENBOW BOYCOTT, PARTICULARLY WHETHER OR NOT/NOT IT HAD RECEIVED BACKING OF MAJOR NATIVE GROUPS IN CDA OR OF WCIP. SVENSSONS CONCERN IS QUOTE ETHICAL UNQUOTE. ACCORDING TO SVENSSON ONE OF THEMES GLENBOW HAS BEEN USING TO PROMOTE EXHIBIT TO CONTRIBUTORS IS THAT OF GIVING NATIVE PEOPLES CHANCE TO SEE THEIR ORIGINAL CULTURE HERITAGE THROUGH ARTIFACTS PRODUCED BEFORE OUTSIDE INFLUENCES TOOK THEIR TOLL. CLEARLY IF MAJOR NATIVE GROUPS PARTICULARLY WCIP SUPPORTS BOYCOTT THIS AIM WILL BE COMPROMISED.

2. GOING THROUGH FILES WE CAN FIND NO/NO PRECISE INDICATION OF EXTENT TO WHICH OTHER NATIVE GROUPS SUPPORT BOYCOTT ALTHOUGH WE NOTE FROM BKC3133 19NOV86 QUOTE THAT OTHER BANDS PUBLICLY SUPPORT LUBICONS RIGHT FOR SETTLEMENT TO THEIR LAND CLAIMS UNQUOTE BUT (ACCORDING TO BKC3118 13NOV86) ALTA BANDS AT GRASS ROOTS LEVELS ARE AMBIVALENT ABOUT

...2

ACC	Ref	DATE
FILE	45-COA-13-1-3- <i>Cubico</i>	
		<i>CALE</i>

*CALE*

*BAND*

*SS-16-SPIRIT SINGS*

PAGE TWO WGGR2675 CONF

LINKAGE WITH CALGY OLYMPICS. SOME BELIEVE IT IS OPPORTUNITY TO  
SHOWCASE TALENTS BUT QUOTE POLITICIZED UNQUOTE INDIAN ORGANIZATIONS  
ARE MOBILIZED IN LUBICON SUPPORT.

3. SVENSSON IS EXPERT IN NATIVE LAND QUESTIONS AND IS QUITE OPEN  
MINDED ON RELATIVE MERITS OF GOVT AND LUBICON POSITIONS HOWEVER,  
HE DOES HAVE EXTENSIVE CONTACTS IN CDA AND WE BELIEVE THAT IT WOULD  
BE COUNTER-PRODUCTIVE NOT/NOT TO BE AS FRANK AND FORTHCOMING WITH  
HIM AS POSSIBLE. QUESTION OF EXTENT OF NATIVE SUPPORT FOR BOYCOTT IS  
THEREFORE CRUCIAL AND WE WOULD THEREFORE BE GRATEFUL FOR UPDATE ON  
POSITION OF MAJOR NATIVE GROUPS PARTICULARLY WCIP AND ICC ON LUBICON  
BOYCOTT CAMPAIGN.

CCC/204 290810Z WGGR2675

MESSAGE

FILE DOSSIER

JUN 29 1987

PACT. 1107 H

CONFIDENTIAL

FM: SEATL-UAAF 1357 26 JUN 87

CX22/26

TO: EXTOTT IMH

DISTR: MINA PKC PRA URR BEN PSR BWP

REF: YRTEL IMH0795 03JUN87/IMH0826 - 05JUN87

SUBJ: --LOAN OF BURKE MUSEUM ARTIFACT TO GLENBOW SPIRIT SINGS.

STATUS POST DISCUSSIONS WITH BURKE TO DATE

POST WAS CONTACTED BY DUNCAN CAMERON/GLENBOW MUSEUM IN EARLY JUNE, CONCERNING HIS LATEST CONVERSATION WITH PATRICK KIRCH, DIRECTOR - THOMAS BURKE MEMORIAL WASHINGTON STATE MUSEUM, SEATTLE. KIRCH HAS REQUESTED OUT OF THE AGREEMENT TO LEND ONE/ONE BURKE ARTIFACT TO THE SPIRIT EXHIBITION, ON GROUNDS THEIR MUSEUM'S NATIVE ADVISORY COUNCIL HAD SO REQUESTED FOLLOWING CONTACT BY AND SENSITIVITY TO THE LUBICON ISSUE. TO COMPLY WILL REQUIRE BREAKING A CONTRACT AND INVOLVE OBTAINING PERMISSION FROM THE STATE ATTORNEY GENERAL TO DO SO. KIRCH WAS PREPARED TO DO <sup>THIS</sup> AT THE TIME OF TELECON WITH CAMERON. POST WAS REQUESTED TO CONTACT KIRCH AND ATTEMPT TO PERSUADE A CHANGE IN THIS DECISION.

2. CONSUL/PA FIRST MET WITH DR. JAMES NASON AT UNIVERSITY OF WASHINGTON TO DISCUSS ISSUE AND SEEK ADVICE RE CONTACT WITH KIRCH. NASON IS PROFESSOR OF ANTHROPOLOGY AND THE KEY BURKE CONTACT AT TIME DISCUSSIONS AND REQUEST FOR LOAN WAS FIRST RAISED BY GLENDOW. (KIRCH WAS APPOINTED DIRECTOR WITHIN THE PAST YEAR AND ASSUMED ARRANGEMENTS BEGUN BEFORE HIS TIME) NASON ACKNOWLEDGED MUSEUM'S POSITION BUT ALSO IDENTIFIED OTHER CONCERNS RELATED TO MUSEOLOGY AND GLENBOW'S ABILITY TO MOUNT SUCH AN EXHIBITION, BASED AS HE PUT IT ON QUOTE PRIOR EXPERIENCE UNQUOTE. HE QUERIED THE INVOLVEMENT OF NATIVE ADVISORS OR OTHERS IN PREPARATIONS

SKIP YOUNG

PUBLIC AFFAIRS

(206)443 1777

SKIP YOUNG

001207

PAGE 2 OF 3

CONFIDENTIAL SEATL-UAAF 1357 26JUN87

FOR THE EXHIBITION AND SECURITY DURING TERM OF THE LOAN. FOLLOWING A SECOND DISCUSSION WITH CAMERON ON THESE QUESTIONS, WE PRESENTED INFORMATION AND DOCUMENTS AT A SECOND EXTENSIVE AND PRODUCTIVE MEETING WITH NASON. HE SUBSEQUENTLY ADVISED KIRCH THE PREVIOUS CONCERNS HAD NO MERIT AND HE SHOULD REQUEST THE NATIVE ADVISORY COMMITTEE TO REVIEW THE MATTER AND APPROVE THE LOAN TO GLENBOW. WE HAVE MET WITH KIRCH TO FOLLOW UP AND SUBSTANTIATE NASON'S INFORMATION. KIRCH IS IN FULL AGREEMENT AND HAS NOW WRITTEN THE COMMITTEE ACCORDINGLY. (THE FIVE MEMBERS LIVE IN DIFFERENT DISTANT PLACES IN THE STATE OF WASHINGTON). NASON HAS ALSO BEEN CONTACTED BY MICHAEL AIMES, DIRECTOR - UBC MUSEUM OF ANTHROPOLOGY - SUPPORTING THE GLENBOW POSITION.

3. THE BURKE MUSEUM IS PART OF AND IS SITUATED ON THE CAMPUS OF THE UNIVERSITY OF WASHINGTON. IT HAS AN EXTENSIVE COLLECTION OF NORTHWEST NATIVE ARTIFACTS AND ENJOYS HIGH RESPECT AND REGARD AMONG THE PNW NATIVE COMMUNITY. THUS, TO PROCEED WITH LOAN WITHOUT AGREEMENT OF THE COMMITTEE IS SOMETHING KIRCH CLEARLY DOES NOT WISH TO DO. HE IS CONVINCED THEY SHOULD NOW AGREE NOTWITHSTANDING THE LUBICON FACTOR. WE HAVE OFFERED TO SPEAK WITH THE NATIVE ADVISORY COMMITTEE IF HE FEELS THIS WILL HELP MATTERS. HOWEVER, WE ALSO FEEL KIRCH HAS MADE A STRONG APPEAL TO THEM, WHICH IF DENIED, SHOULD BE LEFT ALONE. A RESPONSE IS EXPECTED THE WEEK OF JUNE 29 AND WE ARE OPTIMISTIC REGARDING THE REPLY.

SIDENOTE: DR. NASON IS NOW ASSOCIATE DEAN OF ARTS AND SCIENCES AT U. OF W. HE IS A KEY PERSON IN OUR SIGNIFICANT CANADIAN STUDIES ACTIVITY AT THAT CAMPUS WHICH POINT HAS BEEN MENTIONED TO THE COMMITTEE. HE IS OF COMANCHE HERITAGE

PAGE 3 OF 3

CONFIDENTIAL

SEATL-UAAF

1357

26JUN87

14

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WHICH HAS HELPED US IN UNDERSTANDING THE ISSUE AT BURKE. IT WAS ESPECIALLY  
CRITICAL HE HAVE CLEAR ANSWERS AND CONFIDENCE OVER THE GLENBOW QUESTIONS. HE  
HAS AND IS NOW A STRONG ALLY IN THE ISSUE.

4. OUR CASUAL REFERENCES TO THE LUBICON ACTIVITIES IS NOT TO IMPLY INSIGNIFICANCE.  
BURKE AND THE COMMITTEE ARE FULLY AWARE OF THE PROTEST ELEMENTS. THE  
COMMITTEE'S VIEW IS PARTIALLY ONE OF SOLIDARITY AMONG BROTHERS. THE MORE  
RECENT ISSUES OF SECURITY AND SEIZURE THREATS ARE NOT/NOT SEEN AS CONCERNS BY  
KTRCH OR NASON.



Distribution: MIN/A-10 (original + 10 copies)  
MINP/A-10 (1)  
USS/A-8 (1)  
FPR/C-5 (1)  
SCS/C-2 (1)

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

Section

Subject/Highlights    Sujet/Points saillants

Release of Materials on the Lubicon Lake Indian Band in accordance with provisions of the Freedom of Information Legislation.

ACC                      REF                      DATE

FILE 45-CDA-13-1-3-24 LUBICON

Source

Departmental

cc 1-11-1 MD-2 LAKE BAND

Assessment    Évaluation

Classification

CONFIDENTIAL

We and other Departments and Agencies have been asked to release materials under the Freedom of Information Act. The Lubicon Lake Indian Band has an outstanding land grievance against the Governments of Canada and Alberta, and their attempted boycott against the Calgary Olympics and the Glendow Museum has attracted a modest amount of media attention here and in Europe.

While we have released a substantial quantity of material on the Band and the boycott, we will be accused of holding back some materials. We can also expect that some material released will be interpreted adversely. Although we have coordinated our response with that of other agencies approached through the Freedom of Information coordinators, we are already aware that some material which should not have been released has already been made available to the media (apparently by the Olympic Committee in Calgary).

Suggested Reply    Réponse suggérée

The Department has released materials relating to the Lubicon Lake Indian Band and its attempted boycott of the Calgary Winter Games and the Glenbow Museum.

We have not released materials which are privileged under the terms of the Freedom of Information Act, namely, material which touches on private correspondence, which belongs to other parties which have not given their consent, or which relates to Canada's relations with other Governments.

The materials indicate clearly that the objective of Departmental action has been the presentation of the Canadian case to audiences abroad. There has been no attempt to detract from the Lubicon Lake Band case, or to deny their grievances; we have, however, endeavoured to correct inaccuracies of fact and interpretation, and ensure that the issues of the Band grievance and the 1988 sporting/cultural activities do not become linked, to the detriment of Calgary's longstanding interests.

We reject accusations by the Band that Canadian diplomatic staff abroad are applying undue or inappropriate pressures in support of the Canadian position.

Prepared by    Préparé par

Division    Direction

Date

Tel. no.    N° de tél.

D. L. Vermeire

IMH

22 June 1987

995-6960

001210

External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence  
D060/5/23 509065  
File/Dossier  
45-COA-13-1-3-LUBICON

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SECURITY SÉCURITÉ	C O N F I D E N T I A L
FM/DE	FM EXT OTT IMH 0898 22 JUN 87
TO/À	TO BERN BONN BRU CNBRA COPEN CNGNY DUBL GENEV HAGUE VTCAV MLBRN
INFO	HLSKI LISSEN LDN MDRID OSLO PARIS ROME SEATL STRHM VIENN WLGSTN
DISTR	INFO INA/HULL/COULTER/FLEMMING, SECSTATE/HULL/DADSON, DEOC/
REF	SARTCA OTT DE OTT
SUBJ/SUJ	SPORTSCAN/GRAVELINE PCOTT/CARON JUSTOTT/FREEMAN DE OTT
	DISTR BCB BFD BFE BKC BKD BKA JLO RCM RCR MINA MINP PRS
	---INTERDEPT MTG ON GLENBOW MUSEUM EXHIBIT
	AN INTERDEPT MTG WAS HELD ON MAY15 WITH GLENBOW MUSEUM
	DIRECTOR DUNCAN CAMERON FOR PURPOSES OF REVIEWING DEVELOPMENTS
	PERTAINING TO GLENBOW EXHIBIT AND TO ENSURE GREATER COORDINATION
	AND EXCHANGE OF DOCUMENTATION IN VIEW OF PUBLIC INFORMATION
	CAMPAIGN BY LUBICON LAKE BAND.
	2. WITH RESPECT TO POTENTIAL PROBLEM OF SEIZURE OF
	ARTEFACTS, CAMERON INDICATED THAT ORDERS IN COUNCIL BY THE GOVT OF
	ALBERTA WILL BE FORTHCOMING IN MATTER OF DAYS, AND COPIES OR OTHER
	PROOF OF DOCUMENTATION WILL THEN BE AVAILABLE TO THOSE LENDING
	INSTITUTIONS REQUIRING ABSOLUTE ASSURANCE ON THIS POINT. OTHER
	ORDERS IN COUNCIL FOR REST OF TOUR WILL BE HANDLED BY DEPT OF
	COMMUNICATIONS. WITH RESPECT TO SECURITY ARRANGEMENTS, CAMERON TOLD
	US THAT HE HAD CLOSE AND EFFECTIVE ARRANGEMENTS IN PLACE WITH
	CALGARY POLICE AND RCMP. THIS WAS CONFIRMED BY RCMP IN ATTENDANCE
	AT MTG, WHO CHARACTERIZED THREAT LEVEL FOR SERIOUS DIFFICULTIES AS
	.../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
J. SIMPSON SIG	IMH	992-6664	J.D. LIVERMORE SIG



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PAGE TWO IMH 0898 C O N F I D E N T I A L  
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12

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LOW.WHILE EVERYONE EXPECTED SOME TYPE OF PUBLIC  
DEMONSTRATIONS,EITHER AT GLENBOW OR THROUGHOUT OLYMPIC  
GAMES,PROJECTION AT PRESENT TIME WAS THAT THESE PROTESTS WOULD BE  
PEACEFUL.IF POSTS WISH TO ASSURE OTHER GOVTS OR LENDING  
INSTITUTIONS ON THIS POINT,AND ARE HAVING ANY DIFFICULTIES IN SO  
DOING,IT WAS SUGGESTED THAT BEST CHANNEL MIGHT BE TO ASK  
AUTHORITIES TO GO THROUGH THEIR OWN POLICE LIAISON CHANNELS,AND  
THEIR LOCAL POLICE WILL IN TURN CONTACT RCMP THROUGH INTERPOL FOR  
RELEVANT INFORMATION AND EVALUATION.

3.SIX MONTHS NOW REMAIN UNTIL OPENING OF EXHIBIT,AND GLENBOW IS AT  
PRESENT RECEIVING ARTEFACTS WHICH WILL BE PART OF OPENING ON  
14JAN 1988.BETWEEN NOW AND FORMAL OPENING,IT IS FULLY EXPECTED  
THAT LUBICON LAKE BAND AND THEIR ADVISERS(WHICH INCLUDE SOME  
PROMINENT MUSEUM FIGURES SUCH AS DR.JAMES SMITH OF MUSEUM OF THE  
AMERICAN INDIAN)WILL ENDEAVOUR TO INCREASE PRESSURES ON POTENTIAL  
DONOR INSTITUTIONS.TO DATE,GLENBOW HAS NOT PUBLISHED DEFINITIVE  
LIST OF DONOR MUSEUMS,AND HAS NO INTENTION OF SO DOING,BUT SUCH A  
LIST IS NOT OVERLY DIFFICULT TO VISUALIZE.MAIN TASK,ACCORDING TO  
CAMERON,IS TO INSIST THAT MUSEUMS WHICH HAVE ALREADY COME ON BOARD  
ADHERE TO THEIR COMMITMENTS.IF THIS IS DONE,EXHIBITION IS IN NO  
DIFFICULTY OF FAILING,DUE TO 12 MUSEUMS WHICH HAVE TO DATE BACKED  
OUT FOR VARIETY OF REASONS.

.../3



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PAGE THREE IMH 0898 C O N F I D E N T I A L

12|

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4. POSTS ARE REQUESTED TO CONTINUE TO MONITOR SITUATION AND ADVISE  
US OF ANY MEDIA INTEREST OR POTENTIAL PROBLEMS. IN CONJUNCTION WITH  
OTHER CONCERNED DIVISIONS AND GLENBOW, INDIVIDUAL PROBLEMS WILL BE  
HANDLED ON CASE-BY-CASE BASIS.

OFFICE DES NATIONS UNIES A GENÈVE



UNITED NATIONS OFFICE AT GENEVA

CENTRE POUR LES DROITS DE L'HOMME

CENTRE FOR HUMAN RIGHTS

Télégrammes : UNATIONS, GENÈVE

Télex : 28 96 96

Téléphone : 34 60 11 31 02 11

RÉF. N° : G/SO 215/1 CANA (38)

(à rappeler dans la réponse) 167/1984

Palais des Nations  
CH - 1211 GENÈVE 10



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

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 transmit herewith, for information and to complete the files of the State party, copies of the author's further letter, dated 12 June 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.

19 June 1987

*[Handwritten signature]*

*Send to*

*Bicw*

*attached letter was  
sent by air courier  
by courier fee & hence  
no need to put it to  
post at all*

VAN NESS, FELDMAN, SUTCLIFFE & CURTIS

A PROFESSIONAL CORPORATION

1050 THOMAS JEFFERSON STREET, N.W.

SEVENTH FLOOR

WASHINGTON, D.C. 20007

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ANTHONY A. TARGAN  
JOANNE P. CROUCH  
OF COUNSEL  
HOWARD ELIOT SHAPIRO  
ARTHUR JOHN ARMSTRONG  
JACOB J. LEW  
\*NOT ADMITTED IN DISTRICT OF COLUMBIA

June 12, 1987

Mr. Jakob Th. Moller  
Chief, Communications Unit  
Center for Human Rights  
Palais des Nations  
CH-1211  
Geneve 10

Dear Mr. Moller:

Thank you for transmitting to us Canada's comments on the Lubicon Lake Band's most recent submission to the United Nations Committee on Human Rights. On behalf of Chief Bernard Ominayak and the Lubicon Lake Band, I also would like to take this opportunity to express my most sincere appreciation to the Committee for its kind consideration of the Band's appeal.

As the Band has stated in its submissions to the Committee, the Band's complaint has met the criteria for admissibility under the rules of the Committee. The domestic remedies for the resolution of the Band's claim have been exhausted with respect to the destruction of the Band's way of life, livelihood and means of subsistence. The decimation of the Band's traditional territory, upon which it depends for its subsistence, has been documented in each and every communication submitted to the Committee. Unfortunately, the government of Canada continues to ignore the human tragedy of this destruction.

As the Committee is aware, Canada's refusal to recognize the Band's right to its existence as an aboriginal people, a right guaranteed under Canada's Constitution, as well as Canada's refusal to honor the Band's right to benefit from the wealth and natural resources of its traditional lands has resulted in the economic and social decimation of the Lubicon Lake Band. After countless generations of self-sufficiency, 95% of the Band's members have been forced to apply for welfare assistance for lack of means to support themselves. The

VAN NESS, FELDMAN, SUTCLIFFE & CURTIS

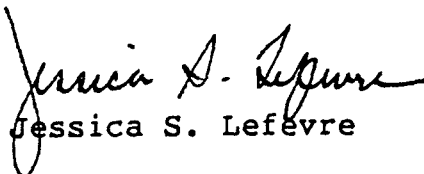
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destruction of their subsistence way of life has crippled the cultural fabric of the community, breaking traditional family ties and engendering alcohol abuse and suicide.

In requesting the Committee's consideration under Article 1 of the Covenant, the Band has consistently maintained a position of compromise, seeking a cooperative solution to the competing demands on its traditional territory and striving for a resolution that will permit the various interests to coexist peacefully and to the mutual advantage of all. As the Fulton Discussion Paper makes clear, the Band has not asked that the oil and gas development in the region cease. Rather, the Band is seeking a way to maintain its own status as an indigenous, self-identified, self-supporting socio-cultural and economic group, a status that would not now be problematic had Canada set aside a reserve for the Lubicon Lake Band as promised almost 50 years ago. The people of Lubicon Lake have only asked that they be permitted to continue living as a people within their traditional homeland, sharing in its wealth and natural resources so that they may maintain their cultural heritage, bridging traditional values and future opportunities, in peaceful coexistence and mutual respect with other citizens of Canada.

Finally, in its appeal to the Committee, the Lubicon Lake Band is not requesting a territorial rights decision. Rather, the Band requests only that the Human Rights Committee assist it in attempting to convince the government of Canada that: 1) the Band's existence is seriously threatened by the oil and gas development which has been allowed to proceed unchecked on their traditional hunting grounds and in complete disregard for the human community inhabiting the area; and 2) that Canada is responsible for the current state of affairs and for cooperating in their resolution in accordance with Article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights.

Sincerely,

  
Jessica S. Lefevre

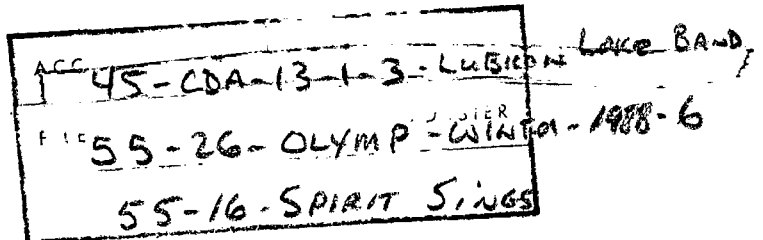
Office of the  
Solicitor General  
of Canada



Cabinet du  
Solliciteur général  
du Canada

JUN 17 1987

The Right Honourable Joe Clark, P.C., M.P.  
Secretary of State for External Affairs  
Room 165-EB  
House of Commons  
Ottawa, Ontario  
K1A 0A6



Dear Mr. Clark:

On behalf of the Solicitor General of Canada, the Honourable James Kelleher, I would like to acknowledge and thank you for your letter dated June 15, 1987, concerning security for the 1988 Calgary Winter Olympic Games and the Glenbow Museum Exhibition.

Please be assured that your letter will be brought promptly to the Minister's attention.

Yours sincerely,

Darryl Harker  
Special Assistant



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence

45-00A-13-1-3- LUBICON LAKE BAND

File/Dossier

508880

13 JUN 87 20 56

SECURITY / SÉCURITÉ C O N F I D E N T I A L 12 10

FM/DE FM EXTOTT IMH-0852 16JUN87

TO/À TO HAGUE

INFO INFO INAHULL/FYFE/RAWSON/COULTER/WHITAKER JUSTICEOTT/FREEMAN

DISTR PC00TT/CARON

REF

SUBJ/SUJ DIST MINA BKC BFE IMD BKA RWDN RWP RSR **IDD IDR**

---LUBICON LAKE BAND: LETTER TO PM

THERE HAVE BEEN LOCAL MEDIA REPORTS IN RECENT DAYS WHICH SEEM TO REFLECT SOME ACTIVITY ON PART OF NATIVE SUPPORT GRPS IN NETH. FOR EXAMPLE, PRESS LAST WEEK CARRIED REPORT OF COURT CASE IN WHICH OVER-FLIGHTS OF LABRADOR AND INNU CLAIMS AGAINST FED GOVT WERE HIGHLIGHTED. OF MORE IMMED CONCERN IS LET WHICH WE HAVE JUST RECVD, ADDRESSED TO PM MULRONEY, BY EXEC OF QUOTE PARTIJ VAN DE ARBEID UNQUOTE, OR DUTCH LABOUR PARTY, SIGNED BY JAN MARINUS WIERSMA, INT'L SECTRY. LET EXPRESSES QUOTE DEEPEST CONCERN ABOUT THE SITU OF THE LUBICON LAKE INDIANS IN ALTA UNQUOTE, AND GOES ON TO CITE SOME SPECIFICS OF LUBICON LAKE BAND CASE, ALMOST AS IF WRITTEN BY ONE OF LAWYERS OF BAND ITSELF: QUOTE THEREFORE WE SUPPORT THE CLAIMS OF THE LUBICON LAKE BAND TO A RESERVE, BASES (SIC) ON PRESENT BAND MEMBERSHIP, OF 91.2 SQUARE MILES, TO EXCLUSIVE HUNTING AND TRAPPING RIGHTS AS WELL AS MINERAL RIGHTS, IN THAT AREA, AND TO COMPENSATION FOR PAST LOSSES TO THEIR TRADITIONAL ECONOMY UNQUOTE.

2.THIS TYPE OF CORRESPONDENCE NATURALLY CAUSES US SOME CONCERN, AND WE WLD BE GRATEFUL FOR YR EVALUATION AS TO HOW WE MIGHT BEST DEAL

...2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

D. LIVERMORE/YLM

IMH

5-6060

D. LIVERMORE/A DIRECTOR

SIG

001218



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PAGE TWO IMH-0852 CONFIDENTIAL

12|

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WITH IT. WHILE MIN OF INDIAN AFFAIRS WLD NORMALLY REPLY AND CAN DO  
SO AS MIN WITH SUBSTANTIVE RESPONSIBILITIES IN THIS AREA, ANOTHER  
LET BY SSEA MIGHT BE WARRANTED IF LABOUR PARTY IS SUFFICIENTLY  
PRESTIGIOUS TO WARRANT SOME SPECIAL EFFORTS TO CORRECT WHAT WE  
BELIEVE ARE FUNDAMENTAL ERRORS IN THEIR IMPRESSIONS. MOREOVER, IF  
INT'L SECTRY IS PERSON WHO IS CONSIDERED APPROACHABLE BY EMBASSY,  
THIS IS TYPE OF QUESTION WHICH MIGHT MERIT FOLLOW-UP AT YR END.  
WHILE MISCONCEPTIONS OF LETTER ARE NOT IN THEMSELVES SOURCE OF GREAT  
CONCERN, WHAT WE ARE NOW ENDEAVOURING TO COMBAT IS IDEA THAT THESE  
TYPES OF ERRONEOUS VIEWS CAN BE EXPRESSED WITHOUT SOME RESPONSE ON  
OUR PART. NOT ONLY SHLD WE ENDEAVOUR TO RESPOND, BUT OUR RESPONSE  
SHLD BE AS FIRM AND PERHAPS AS CATEGORICAL AS LANGUAGE USED IN  
ORIGINAL INCOMING CORRESPONDENCE.

3.WE WILL SEND LABOUR PARTY LETTER TO YOU BY BAG, BUT WLD APPRECIATE  
YR INITIAL GUIDANCE ON WHETHER WE SHLD DRAFT POSSIBLE REPLY BY SSEA.

001220



External Affairs  
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Canada

MESSAGE

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Accession/Référence

File/Dossier

45-00A-13-1-3-*Lubian*  
*Safe*  
*Bund*

JUN 87 17 51

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SECURITY  
SÉCURITÉ

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

FM/DE

FM EXTOTT IMH/0840 10JUNE87

TO/A

TO CNBRA

INFO

INFO BAG MLBRN DE CBA

DISTR

REF

DIST MINA PGP PSR BKC BKA

SUBJ/SUJ

REF YRTEL YAFB-0071 10JUN87

---LOAN OF INDIAN ARTEFACT TO GLENBOW MUSEUM

MANY THANKS FOR RAPID ACTION. WILL PASS A MESSAGE TO DUCAN CAMERON,  
*INTER-DEPTAL*  
WHO WILL BE BRIEFING ~~VIDEO-DIGITAL~~ COMMUNITY IN OTTAWA 15 JUNE.  
*OUR*  
PLS PASS ~~AN~~ APPRECIATION TO CONGEN.

DRAFTER/RÉDACTEUR

*[Signature]*  
D. LIVERMORE/YLM

DIVISION/DIRECTION

IMH

TELEPHONE

5-6960

APPROVED/APPROUVÉ

*[Signature]*  
FD PILLARELLA

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001221



J.D.SIMPSON/IMH/992-6664/1p

FILE CIRC DIV RED W.F.

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FROM/DE • IMH

REFERENCE •  
RÉFÉRENCE

SUBJECT • BRIEFING SESSION ON GLENBOW MUSEUM  
SUJET EXHIBITION - THE SPIRIT SINGS

Security/Sécurité	UNCLASSIFIED
Accession/Référence	
File/Dossier	45-CD A-13-1-3- LUBRICK BAND. -
Date	June 10, 1987
Number/Numéro	IMH-0832

ENCLOSURES  
ANNEXES

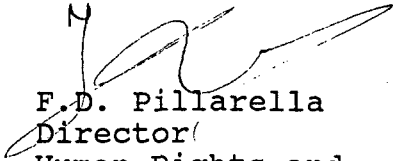
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DISTRIBUTION

The purpose of this memorandum is to inform you that a briefing session will be held at the Department of External Affairs, on June 15, with Glenbow Museum Curator, Mr. Duncan Cameron. The meeting will be held in the Conference Room, tower A, 10th floor, Pearson Building.

2. The objective of the meeting is to provide a current overview of developments relating to the Exhibit, including the boycott campaign. We should also consider arrangements for greater information exchange and coordination between the various departments which have major roles to play in the planning of activities related to the Olympics.

3. We look forward to meeting with you next week, and would be grateful if you could confirm your attendance with Dan Livermore at 995-6960.

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

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Accession/Référence

File/Dossier

45-CDA-13-1-3-LUBICON

LAKE BAND

FACSIMILE

MESSAGE

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SECURITY  
SÉCURITÉ

UNCLASSIFIED

FM/DE

FM EXTOTT IMH 0842 10JUN87

TO/À

TO CHCGO

INFO

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DIST URR MINA BKC BFE

REF

---LUBICON LAKE BAND AND CDN INDIAN POLICY

SUBJ/SUJ

WE UNDERSTAND THAT HAROLD WITT OF CHICAGO TRIBUNE IS PREPARING STORY  
ON CDN INDIAN POLICIES, WITH FOCUS ON LUBICON LAKE BAND. IF AND  
WHEN STORY APPEARS, GRATEFUL YOU FAX IT TO US, COPIED TO DIST LINE  
ABOVE, PLUS INAHULL/RAWSON/FLEMMING/DOERR/WHITAKER, PCOTT/OACA/  
CARON JUSTICEOTT/FREEMAN.

DRAFTER/RÉDACTEUR

D. LIVERMORE/YLM

DIVISION/DIRECTION

IMH

TELEPHONE

5-6960

APPROVED/APPROUVÉ

FD PILLARELLA

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MESSAGE

Accession/Référence <b>45-CDA-13-1-3</b>
File/Dossier

LUBICON  
LAKE  
BAND.

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SECURITY SÉCURITÉ	UNCLASSIFIED	5 JUN 87 22 12 00	10
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INFO	INFO CNBRA <sup>M</sup> BLBRN STKHM HSNKI COPEN WLGTN VIENN LDN SEATL		
DISTR	<del>SH</del> <sup>OTT</sup> FPRO/CARON <del>DE-OPM</del> INAHULL/COULTER/WHITAKER		
REF	DISTR MINA PGP PSR BKC BKA RCR		
SUBJ/SUJ	REF OURTELSIMH0767 02JUN, 0694 15MAY		
	---LUBICON LAKE BAND EUROPEAN CAMPAIGN		
	VIENNA CONFERENCE OF NGO'S IN SUPPORT OF NORTH AMERICAN INDIANS, HELD LAST MAY, APPROVED A LETTER-WRITING CAMPAIGN TO VATCN CONCERNING LUBICON LAKE BAND BOYCOTT OF 1988 OLYMPIC WINTER GAMES AND GLENBOW MUSEUM EXHIBIT QUOTE THE SPIRIT SINGS UNQUOTE OF INDIAN ARTEFACTS.		
	2.AS OUTLINED IN OUR REF TELS, LUBICON BAND HAS BEEN INCREASING PRESSURE TO DISSUADE MUSEUMS FROM LOANING INDIAN ARTEFACTS FOR GLENBOW EXHIBIT. IT IS OUR VIEW THAT VIENNA CONF RESOLUTION TO ENGAGE IN LETTER CAMPAIGN IN SUPPORT OF LUBICON WILL GAIN MOMENTUM OVER SUMMER AND FALL MONTHS, AS TIMING OF GLENBOW EXHIBIT DRAWS NEARER. POST MAY THEREFORE <sup>Activity</sup> EXPECT POSSIBLE ENQUIRIES BY HOLY SEE ON SUBSTANCE OF LUBICON LAKE BAND LAND CLAIM GRIEVANCES.		
	3.GRATEFUL POST MONITOR <del>DEVELOPMENTS</del> RELATED TO LUBICON LAKE BAND BOYCOTT AND REPORT BACK ON ANY INTEREST OR DEVELOPMENTS ON VATCN SIDE.		

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
J. SIMPSON lp <i>J. Simpson</i>	IMH <i>[Signature]</i>	2-6664	F.D. PELLARELLA <i>[Signature]</i>
SIG			SIG

001227

Secretary of State for External Affairs



Canada

Secrétaire d'Etat aux Affaires extérieures

Ottawa, Ontario

1 April 1987 K1A 0G2

June 5, 1987

ACC	Ref	DATE
FILE 45-CDA-13-1-3 - Lubicon Lake Band 55-26-OLYMP-WINTER 1988-6		

Dear Bishop O'Byrne,

Thank you for your letter of March 4 in which you expressed your continuing interest in the question of the Lubicon Lake Band and its call for a boycott of the 1988 Calgary Winter Olympic Games. I apologize for the delay in responding to you.

As you may know, the Lubicon Lake Band has recently written to my colleague, The Honourable Bill McKnight, Minister of Indian and Northern Affairs, indicating an interest in returning to the negotiating table to renew discussions towards settlement of their land claim.

It is my hope that the negotiating process can begin again. This negotiating system has resulted in equitable settlement of difficult land claims in other cases and must be respected by both sides. At this point, third party mediators would not necessarily make this process function any more effectively than the face-to-face negotiations between the principals.

I share your regret that the actions of the Lubicon leadership may cast some shadow on the arrangements for the Calgary Winter Games, which are a source of pride to all Canadians.

Thank you again for your very kind offer of assistance in this very difficult matter.

Yours sincerely,

The Most Reverend Paul J. O'Byrne,  
 Diocese of Calgary,  
 Room 205, Catholic Pastoral Centre,  
 1916-2nd Street South West,  
 Calgary, Alberta.  
 T2X 1S3

cc: The Honourable Bill McKnight, P.C., M.P.

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CMGR

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Secretary of State for External Affairs



Canada

Secrétaire d'Etat aux Affaires extérieures

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OTTAWA, ONTARIO  
K1A 0G2

June 4, 87

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

Dear Jim:

As you are aware, 1988 will see the culmination of two 1988-6 significant events, the Calgary Winter Olympic Games and the Glenbow Museum Exhibition, "The Spirit Sings", the latter a part of the Olympic Arts Festival. The Glenbow exhibition will also be shown in Ottawa at the National Gallery, opening in July, 1988.

In recent months, I have become concerned at efforts directed by certain Canadian and international groups to secure a boycott of these two events. The Lubicon Lake Band of northern Alberta, which has an outstanding land claim against the Governments of Canada and Alberta, has been especially active in trying to attract international support for a boycott campaign. In recent weeks, we have detected an escalation of international activities, particularly in relation to the Glenbow, to the point where lending institutions have received what might be considered veiled threats against their artefacts. These threats have come in the form of suggestions that museum security might prove inadequate for the protection of artefacts in the event of difficulties.

I believe that any veiled threats or suggestions of violent activity must be taken into account if the Glenbow exhibition is to succeed to our full expectations. For this

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The Honourable James Kelleher, P.C., Q.C., M.P.  
Solicitor General of Canada  
House of Commons  
Room 416, West Block  
Ottawa, Ontario  
K1A 0A6

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- 2 -

CONFIDENTIAL

reason, I am writing to apprise you of my concern and to solicit your full assistance. It will be important that all concerned Departments and agencies are confident of the security arrangements for those two events and that we are in a position to re-assure to the fullest extent possible all international donor institutions to the Glenbow exhibition. Over the coming weeks, my officials will be arranging meetings of the main interested parties, including the Olympic Organizing Committee and the Glenbow Museum, and I therefore ask that we can count on the full participation and support of the Royal Canadian Mounted Police.

I thank you for your cooperation.

Yours sincerely,



c.c. The Honourable Bill McKnight, P.C. M.P.  
Minister of Indian Affairs and  
Northern Development  
The Honourable Flora MacDonald, P.C., M.P.  
Minister of Communications  
The Honourable Otto Jelinek, P.C., M.P.  
Minister of State (Fitness and Amateur Sport)

External Affairs Affaires extérieures  
Canada Canada

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55-16- SPIRIT SINGS

TO/À

TO CNBRA ~~HEAD OF MISSION~~ ONLY

45-COA-13-1-3-Lubricin  
Lube  
Band

INFO

DISTR

DISTR MINA PGP PSR BKC BKA

REF

REF OURTEL IMH0796 03JUN

SUBJ/SUJ

---LOAN OF INDIAN ARTEFACT TO GLENBOW MUSEUM

WE ARE SOMEWHAT CONCERNED AT RECENT EXCHANGES OF TELEXES WITH MLBRN RE ISSUE OF LOAN OF INDIAN ARTEFACTS TO GLENBOW MUSEUM. WE THEREFORE BELIEVE IT IMPORTANT TO EMPHASIZE TO YOU, AND THROUGH YOU TO CONGEN MLBRN, IMPORTANCE WHICH MINISTERIAL LEVEL ATTACHES TO SUCCESSFUL OUTCOME OF GLENBOW EXHIBITION AND NEED FOR DEPT TO BE FULLY SUPPORTIVE IN THESE EFFORTS. EVEN THOUGH QUANTITY OF MATERIALS LOANED BY AUSTRALIAN INSTITUTIONS MAY BE SMALL COMPARED TO OVERALL REQUIREMENTS OF EXHIBITION, THERE IS POSSIBILITY OF SNOW-BALLING EFFECT, SHOULD ONE INSTITUTION DECIDE TO JOIN BOYCOTT (WHETHER ONE CALLS IT THAT OR NOT), AND SHOULD THAT DECISION BECOME PUBLIC AND HAVE INFLUENCE ON OTHER INSTITUTIONS.

2.OUR CONCERN IN THIS CASE RELATES TO REASONS ADDUCED BY STATE MUSEUM OF VICTORIA TO CANCEL DECISION TO LOAN ARTEFACTS. IN TELEX TRAFFIC TO DATE, REASONS SEEM TO BE UNCLEAR, RELATING AT ONE TIME TO POSSIBLE DOMESTIC PRESSURES OR TO INTEREST IN CDN LAND CLAIMS POLICIES, AND AT ANOTHER TIME TO ABSENCE OF ORDER IN COUNCIL GUARANTEEING RETURN OF ARTEFACTS. ALTHOUGH WE HAD SUGGESTED NEED

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DRAFTER/RÉDACTEUR

D. LIVERMORE lp

DIVISION/DIRECTION

IMH

TELEPHONE

5-6960

APPROVED/APPROUVÉ

F.D. PILLARELLA

SIG

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PAGE TWO IMH0822 C O N F I D E N T I A L

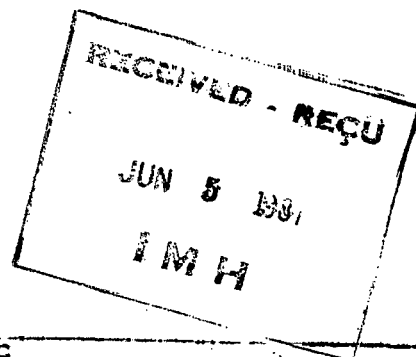
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FOR SOME CLARIFICATION OF THIS ISSUE, REPLY FROM MLBRN SEEMS TO US TO OFFER NO FURTHER ASSURANCES ON THIS POINT. IT WOULD BE HIGHLY EMBARRASSING AND DIFFICULT FOR US IF, FOR EXAMPLE, GLENBOW WERE TO SECURE NECESSARY ORDER IN COUNCIL RAPIDLY, FORWARD IT TO VICTORIA MUSEUM, AND THEN FIND OUT THAT MUSEUM WILL NOT REVERSE NON-PARTICIPATION DECISION FOR OTHER, HITHERTO UNCLEAR REASONS. IT IS PRECISELY TO AVOID THIS TYPE OF EVENTUALITY THAT WE ASKED CONSULATE TO CLARIFY NATURE OF MUSEUM OBJECTIONS.

3. HAVING SPOKEN TO MUSEUM ON THIS SUBJECT SO OFTEN, IT MIGHT BE COUNTERPRODUCTIVE FOR CONGEN MLBRN TO GO BACK AGAIN, ESPECIALLY BEFORE ORDER IN COUNCIL HAS BEEN PREPARED. NEVERTHELESS, WE WOULD BE GRATEFUL IF YOU COULD CONTACT CONGEN, APPRISE HIM OF SENSITIVITY OF THIS SITUATION AND LIKELY REPERCUSSIONS SHOULD MUSEUM NOT COME THROUGH AS ANTICIPATED, AND ASSURE HIM THAT OFFICIALS HAVE ASKED CAMERON OF GLENBOW MUSEUM TO ENSURE THAT NECESSARY ORDER IN COUNCIL IS PREPARED AS RAPIDLY AS POSSIBLE, IN ORDER TO MEET WHAT WOULD APPEAR TO BE ONLY REAL CONCERNS ON PART OF VICTORIA MUSEUM.

**ACTION**  
**SUITE A DONNER**



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

FM DUBLN YPFC0060 04JUN87

TO EXTOTT IMH

REF YOURTEL IMH0767 02JUN

---UPDATE OF LUBICON LAKE BAND BOYCOTT

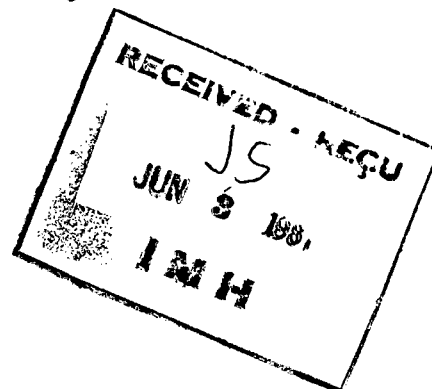
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LOC	

45-CA-13-1-3-Lubicon  
Lake Band

WE HAVE HAD NO/NO INDICATION OF ACTIVITIY IN IRELAND.TO OUR  
KNOWLEDGE THERE HAS BEEN NOTHEING IN IRISH PRESS OR MEDIA.

CCC/273 041212Z YPFC0060

**ACTION  
SUITE A DONNER**



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INFO CNBRA SYDNY WLGTN

DISTR MINA PGP PSR BKC BKA

REF YOURTEL 0721 27MAY, OURTEL 3292 22MAY

---LOAN OF INDIAN ARTIFACTS TO GLENBOW MUSEUM

AS DETAILED PARA 2 OF OUR TEL UNDER REF, STATE MUSEUM OF VICTORIA

WILL NOT/NOT REVERSE DECISION UNTIL PROOF OF DOCUMENTATION

RE: NCN-SEIZURE IS FORWARDED. BECAUSE OF CULTURAL AND HISTORICAL

VALUE OF ARTIFACTS IN QUESTION, BELIEVE THEIR POSITION IS REASONABLE.

2. DEPUTY DIRECTOR REEVES HAS INDICATED THAT HE IS OPTIMISTIC THAT

MATTER WILL BE RESOLVED UPON RECEIPT OF QUOTE PROOF OF

DOCUMENTATION UNQUOTE. WLD THEREFORE URGE YOU TO FORWARD SAME ASAP.

3. GIVEN MUSEUMS POSITION, WE MUST ADVISE THAT ANY ATTEMPT TO PUSH

THEM AT THIS JUNCTURE CLD BE COUNTERPRODUCTIVE. POST HAS GOOD

RAPPORT WITH VIC STATE MUSEUM AND THEY HAVE BEEN MOST APPRECIATIVE

OF OUR OVERTURES RE: IMPORTANCE OF SPIRIT SINGS EXHIBIT AND CDN

POSITION RE: LAND CLAIM ISSUE.

4. FYI, CONSUL GENERAL HAS WRITTN TO DIRECTOR OF STATE MUSEUM. LETTER

CONTAINS ASSURANCES THAT APPROPRIATE ORDERS IN COUNCIL WILL BE

PROVIDED SHORTLY AND EXPLAINED GOVT POSITION ON LUBICON BAND LAND

CLAIMS ISSUES. WILL KEEP YOU ADVISED.

UUU/001 030650Z XUFC3325

ACC	
45. CX-13-1-3-Lubicon	
LUC	Lake Band
cc	

External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence 45-CDA-13-1-3- <i>Yubieri</i>
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TO/À	TO CNBRA	
INFO	INFO BAG MLBRN SYDNY <sup>DE CBA</sup> WLGTN LDN <sup>SPAT</sup> SEATL <sup>DE OT</sup>	
DISTR	DISTR MINA PGP PSR BKC BKA	
REF	REF YOURTEL XUFC3325 03JUN, 3292 22MAY, OURTEL 0721 27MAY	
SUBJ/SUJ	<p>---LOAN OF INDIAN ARTEFACT TO GLENBOW MUSEUM</p> <p>SPOKE WITH CURATOR OF GLENBOW MUSEUM, DUNCAN CAMERON, ON REQUEST FOR PROOF OF DOCUMENTATION RE NON-SEIZURE. HE INDICATED THAT ORDER IN COUNCIL WILL BE FORWARDED MID JUNE DIRECTLY TO VIC MUSEUM AUTHORITIES. RECENT UPDATES FROM POSTS INDICATE THAT PRESSURE TACTICS OF LUBICON BAND ARE HAVING SOME IMPACT ON MUSEUM AUTHORITIES IN LDN AND SEATL.</p> <p>WE SUGGEST THAT POST CAPITALIZE ON GOOD RAPPORT WITH VIC MUSEUM AUTHORITIES AND STRONGLY CONVEY VIEW AND CONCERNS OF CDN GOVT THAT A POSSIBLE WITHDRAWAL ON THEIR PART FROM GLENBOW EXHIBIT IS NOT DECISION THAT WILL BE TAKEN WITH GOOD GRACE IN CDA, GIVEN LENGTHY PREPARATIONS MADE TO ENSURE SUCCESS OF EXHIBIT.</p>	

DRAFTER/RÉDACTEUR J. SIMPSON <i>J Simpson</i>	DIVISION/DIRECTION IMH	TELEPHONE 2-6664	APPROVED/APPROUVÉ F. D. PILLARELLA <i>[Signature]</i>
SIG			SIG



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Affaires extérieures  
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MESSAGE

Accession/Référence <b>509046</b>
File/Dossier <b>45-CDA-13-1-3-LAKE</b>

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4 JUN 87 12 11 14 10 BAND

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FM EXTOTT IMH0795 03JUN87

TO SEATL

INFO CNBRA MLBRN LDN

DISTR MINA BKC BKA URR BFE PSR RWP

---LOAN OF INDIAN ARTEFACTS TO GLENBOW MUSEUM

CURATOR OF GLENBOW MUSEUM, DUNCAN CAMERON, HAS INFORMED US THAT REPS OF THOMAS BURKE MEMORIAL UNIVERSITY OF UNIVERSITY OF WASHINGTON, SEATTLE, WERE RECENTLY IN CONTACT WITH HIM AND EXPRESSED THEIR WISH TO GET OUT OF AGREEMENT TO LOAN INDIAN ARTEFACTS TO GLENBOW EXHIBITION TO COINCIDE WITH CALGARY GAMES. EVIDENTLY, REASON IS THAT MUSEUM IS UNDER IMPRESSION THAT EXHIBIT IS SOMEHOW INVOLVED WITH DISPUTE WITH LUBICON LAKE INDIAN BAND OF NORTHERN ALBERTA; UNDER CIRCUMSTANCES, THEY WANT NO INVOLVEMENT OF THEIR OWN, ON EITHER SIDE.

2. IN VIEW OF ATTEMPTS OF MUSEUMS IN UK AND AUSTRALIA TO BACK OUT OF SIMILAR AGREEMENTS, POSSIBLY AS A RESULT OF LUBICON LAKE BAND PRESSURE, WE DEEM IT IMPORTANT THAT WE TAKE UP THIS ISSUE IMMEDIATELY. WE DO NOT WANT SOME TYPE OF STEAMROLLER EFFECT, WHICH WOULD ONLY ENCOURAGE LUBICON LAKE BAND TO EXERT PRESSURE UPON REMAINING DONOR INSTITUTIONS, POSSIBLY TO DAMAGE OF EXHIBITION. WHILE UNIVERSITY IN QUESTION IS THEREFORE ONLY MINOR CONTRIBUTOR TO

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DRAFTER/RÉDACTEUR <b>D. LIVERMORE lp</b> SIG	DIVISION/DIRECTION <b>IMH</b>	TELEPHONE <b>5-6960</b>	APPROVED/APPROUVÉ <b>F. D. PILLARELLA</b> SIG
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OVERALL GLENBOW EXHIBIT, PRINCIPLE INVOLVED IS IMPORTANT, AND WE  
REQUEST YOUR INTERVENTION WITH DIRECTOR, MR. PATRICK V. KIRCH, WHO  
IS PROBABLY ALREADY KNOWN TO YOU. WHILE YOU MAY WISH TO CALL  
DUNCAN CAMERON TO GET FULL BACKGROUND, AT (403) 264-8300, IN  
CALGARY, MAIN POINTS WHICH NEED TO BE CONVEYED ARE FOLLOWING.  
GLENBOW EXHIBITION HAS NOTHING TO DO WITH LUBICON LAKE BAND CLAIM,  
NOW SUBJECT OF DISCUSSION AND DISPUTE. BAND HAS SETTLED ON BOYCOTT  
OF CALGARY GAMES AND GLENBOW EXHIBITION SOLELY IN ATTEMPT TO EXERT  
PRESSURE ON FEDERAL GOVT, AND BOTH ARE EXTRANEIOUS TO MAIN CASE.  
GLENBOW EXHIBIT <sup>H</sup>AS BEEN LONG TIME IN PREPARATION, AND EXHIBITS NOW  
SUBJECT OF AGREEMENT NEED TO BE FORTHCOMING IN ORDER TO SECURE  
COMPREHENSIVENESS OF DISPLAYS. THERE NEED BE NO WORRIES AS TO  
SAFETY AND SECURITY OF ARTEFACTS. (WE WILL <sup>MAIL</sup>~~PER~~ FOR YOUR INFO OTHER  
TELEXES ON SAME SUBJECT TO OTHER POSTS FOR YOUR ADDITIONAL  
BACKGROUND.)  
3. GRATEFUL REPORT ASAP ON SITUATION, AS WE NEED TO CONSIDER THIS  
PROBLEM IN LIGHT OF OTHER INCIDENTS OF SIMILAR NATURE.

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

TO A The Consulate General of Canada - SEATTLE

CONFIDENTIAL

WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)

NO. IMH-0794

DATE 03JUN87

QUANTITY  
QUANTITÉ

DESCRIPTION - DESCRIPTION

REFERENCE - RÉFÉRENCE

1

TEL IMH-0767 02JUN87  
---UPDATE OF LUBICON LAKE BAND BOYCOTT

OURTEL IMH-0795 03JUN87

RETURN TO RENOYER À	FOR FILING POUR - ÊTRE MISE AU DOSSIER
ACC	
FILE	45-COA-1-3-LUBICON LAKE BAND

1987 JUN 22 AM 8:55

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

June 22/87  
DATEB. L. L. MORE (IMH)  
SIGNATURE

D. L. L. MORE (IMH)

file/diary/circ/div  
JLO/C. Swords/996-5407/s1

JLO-0757

Department of External Affairs



Canada

Ministère des Affaires extérieures

ACC	REF	DATE
FILE	DOSSIER	
45-CDA-131-3-LUBICON LAKE BAND		

OTTAWA, Ontario

K1A 0G2

June 3, 1987

Dear Martin,

Re: Human Rights Committee: Communication  
No. 167/1984: Lubicon Lake Band

Attached please find a copy of further material filed by counsel to the Lubicon Lake Band before the Human Rights Committee. As this material amounts to a minor correction it would not appear to require a reply.

Yours sincerely,

Philippe Kirsch  
Director  
Legal Operations Division

Mr. Martin Low  
Senior General Counsel  
Human Rights Law Section  
Department of Justice  
6th floor, Room 601  
239 Wellington Street  
Ottawa, Ontario

c.c. With Attachments  
IMH  
DIAND/Whitaker  
SECSTATE/Dadson  
FPRO/OACA/Caron  
JUSTOTT/Freeman



External Affairs Canada  
Affaires extérieures Canada

MESSAGE

Accession/Référence <b>509027</b>
File/Dossier <b>45-CD-13-1-3-Lubicon Lake Band</b>

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SECURITY / SÉCURITÉ **C O N F I D E N T I A L** 3 JUN 87 17 02 10

FM/DE FM EXT OTT IMH0767,02JUN87

TO/À TO BREEC GENEV VIENN ATHENS BERN BONN BRU COPEN DUBLN HSNKI LSBON

INFO LDN MDRID OSLO PARIS ROME STKHM HAGUE WSHDC VATICAN CNBRA

DISTR INFO <sup>S FAX</sup> CNGNY PESCO PRMNY WDOAS WLGTNJUSTOTT/FREEMAN FPRO/CARON

REF INA <sup>SPORT CANADA OTT</sup> HULL/COULTER SECSTATE HULL/DADSON <sup>SPORT CANADA OTT</sup> GRAVELINE

SUBJ/SUJ DISTR BKA BCB BFD BFE BKC BKD JLO PSR RCM RCR MINA MINP

REF OUR TELS IMH 0766 02 JUNE,0721 27 MAY,0693 15 MAY

---UPDATE OF LUBICON LAKE BAND BOYCOTT

LUBICON LAKE BAND IS CONTINUING BOYCOTT EFFORTS,IN ATTEMPT TO SETTLE OUTSTANDING LAND CLAIMS.BAND HAS MET WITH SUPPORT GROUPS IN WESTERN EUROPE(LATE MAY),AND LAWYERS AND LEADERS OF BAND ARE CONTINUING TO FOCUS EFFORTS TO SECURE BOYCOTT OF ATHLETES TO 1988 WINTER OLYMPICS AND TO GLENBOW MUSEUM EXHIBIT TO BE MOUNTED IN CONJUNCTION WITH GAMES.

2.WHILE SUCCESSES OF BAND TO DATE HAVE BEEN LIMITED,WE SHOULD CAUTION THAT RECENT CORRESPONDENCE ON NUMBER OF FRONTS SEEMS TO INDICATE SHIFT IN TACTICS TO MORE HARD-LINE,THREATENING POSTURES,ESPECIALLY IN RELATION TO GLENBOW,WHERE LEVERAGE IS GREATER.IN INITIAL PHASE OF BOYCOTT ACTIVITY,BAND LARGELY APPEALED TO MORAL SENSE OF INTERNATIONAL MUSEUM COMMUNITY,AND ESPECIALLY TO LATENT EUROPEAN BELIEF THAT NORTH AMERICAN INDIANS HAD TRADITIONALLY BEEN WRONGED AND DESERVED REDRESS OF OUTSTANDING

.../2

DRAFTER/RÉDACTEUR J. SIMPSON J.D. LIVERMORE SIG	DIVISION/DIRECTION IMH	TELEPHONE 992-6664	APPROVED/APPROUVÉ F.D. PILLARELLA SIG
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PAGE TWO IMH0767 CONFIDENTIAL

12

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GRIEVANCES.WHERE ARGUMENTS FROM MORAL PLANE HAVE FAILED,SOME OF  
BAND REPS HAVE BEGUN TO SUGGEST TWO TYPES OF MORE INTIMIDATING  
THREATS:FIRST,THAT ARTEFACTS COULD BE SEIZED BY BAND IN COURT  
ACTION AS MATERIALS WRONGLY TAKEN FROM CDN INDIANS IN FIRST  
PLACE,OR,SECOND,THAT SECURITY ARRANGEMENTS AT GLENBOW ARE  
INADEQUATE TO PROTECT ARTEFACTS FROM DAMAGE,SHOULD THERE BE  
DEMONSTRATIONS OR SIMILAR ACTIONS.WHILE FIRST OF ARGUMENTS AT  
LEAST SUGGESTS PEACEFUL EVOLUTION OF BOYCOTT CAMPAIGN,WE ARE  
DISTURBED AT IMPLICATIONS OF SECOND LINE OF ARGUMENT,WHICH HINTS  
THAT PEACEFUL CAMPAIGN MIGHT EVENTUALLY BE SUPERCEDED BY MORE  
HOSTILE ACTS DIRECTED AGAINST EXHIBITS GATHERED FOR GLENBOW  
PURPOSES.

3.WHERE LUBICON REPS OR SUPPORT GROUPS HAVE MADE EITHER OR BOTH OF  
ABOVE THREATS,WE BELIEVE IT IMPORTANT THAT CDN REPS ACT RAPIDLY TO  
COUNTERACT ANY IMPACT WHICH SUCH INTIMATIONS MIGHT HAVE.WITH  
RESPECT TO SEIZURE,GLENBOW ORGANIZERS HAVE ALREADY INITIATED  
PROCESS OF SECURING NECESSARY ORDERS IN COUNCIL TO ENSURE THAT  
ARTEFACTS LOANED TO GLENBOW EXHIBIT CANNOT BE SEIZED IN CANADIAN  
COURTS.IRRESPECTIVE OF ORIGINS OF ARTEFACTS,THERE CAN BE NO LEGAL  
DOUBT AS TO THEIR EVENTUAL RETURN TO DONOR  
INSTITUTIONS.SECOND,WITH RESPECT TO DAMAGE TO ARTEFACTS ARISING  
FROM POSSIBLE PROTESTS,THIS CAN BE ANSWERED ON SEVERAL

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PAGE THREE IMH0767 CONFIDENTIAL

PLANES.GLENBOW SECURITY WILL MEET OR EXCEED GENERALLY ACCEPTED  
INTERNATIONAL STANDARDS,AND EXHIBIT WILL BE SUBJECT TO INTENSIVE  
PROTECTION AT ALL TIMES.MOREOVER,WE DO NOT HAVE ANY INFORMATION  
WHICH WOULD INDICATE INTENTION OF BAND OR ANY SUPPORT GROUP TO  
CARRY OUT DESTRUCTIVE OR VIOLENT PROTEST ACTIVITY AT TIME OF  
EXHIBIT ITSELF.IN ESSENCE,THIS THREAT DOES INJUSTICE TO BAND  
ITSELF,WHICH HAS CARRIED OUT ITS ACTIVITIES IN CONFORMITY WITH CDN  
LAW.ON ALL OF ABOVE GROUNDS,MUSEUM COMMUNITIES SHOULD HAVE NO  
DOUBTS ABOUT SECURITY OF THEIR ARTEFACTS AT GLENBOW.

4.AS TO SUBSTANCE OF LUBICON LAKE BAND CLAIM,THERE HAVE BEEN  
RECENT INDICATIONS OF MOVEMENT ON PART OF BAND IN RESPONSE TO  
RECENT LETTER FROM MIN OF INDIAN AFFAIRS.WE SHOULD KNOW WITHIN  
WEEKS WHETHER NEGOTIATIONS WILL BE RESUMED,AND,IF SO,WHAT  
PROSPECTS ARE LIKELY TO BE.WE WOULD ANTICIPATE,HOWEVER,THAT  
BOYCOTT ACTIVITIES WILL CONTINUE,IF ONLY TO KEEP PRESSURE UPON  
FEDERAL SIDE AS CALGARY GAMES COME CLOSER.SHOULD THERE BE  
ENQUIRIES ON SUBSTANCE OF BAND GRIEVANCES,HOWEVER,EARLIER  
INFORMATION SUPPLIED ON LUBICON CLAIM REMAINS VALID,AND INFO  
SHEETS SHOULD BE SUPPLEMENTED WITH COMMENTS TO EFFECT THAT SIDES  
ARE EVIDENTLY COMING CLOSER TOWARDS AGREEMENT TO RESUME  
CONSTRUCTIVE NEGOTIATIONS,WHICH WE WOULD EXPECT MIGHT LEAD TO  
EVENTUAL AGREEMENT.

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PAGE FOUR IMH0767 CONFIDENTIAL

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5.BECAUSE OF PROFILE WHICH THIS ISSUE IS NOW BEGINNING TO  
RECEIVE,WE WOULD BE GRATEFUL IF CONTENTS OF THIS TEL COULD BE  
BROUGHT TO ATTENTION OF BOTH CULTURAL AFFAIRS AND POLITICAL  
SECTIONS WHICH MIGHT BE DEALING WITH ISSUE OF LUBICON LAKE BAND  
BOYCOTT.AS NOTED IN OUR EARLIER TELS ON THIS SUBJECT,WE WOULD  
WELCOME ANY INFO COMING TO ATTENTION <sup>F</sup>ON POSTS RE ACTIVITIES OF  
LUBICON LAKE BAND LEADERSHIP OR THEIR SUPPORT GROUPS.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

UNCLASSIFIED  
NON CLASSIFIÉ

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Accession/Référence
509042
File/Dossier
55-16-SPIRIT SINGS.
45-CDA-13-1-3 LUBICON LAKE BAND

SECURITY  
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FM/DE  
TO/À  
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FM EXTOTT IMH0768 02JUN87

TO LDN

REF OURTEL IMH0766 02JUN87

---LUBICON LAKE BAND: GLENBOW MUSEUM

ATTACHED IS RECENT UPDATE ON SECURITY <sup>ity</sup> ARRANGEMENTS RECEIVED FROM GLENBOW MUSEUM  
DIRECTOR, DUNCAN CAMERON, WHICH YOU MAY REFER TO IN <sup>your</sup> DISCUSSIONS  
WITH BRITISH MUSEUM REPRESENTATIVES OR PERHAPS PASS ON <sup>To Them</sup> AS YOU DEEM  
APPROPRIATE. (COMCENTRE, PLS, FAX ATTACHED DOCUMENT).

RECEIVED - REÇU

JUN 4 1987

IMH

DRAFTER/RÉDACTEUR

J. SIMPSON *JS*

SIG

DIVISION/DIRECTION

IMH *IMH*

TELEPHONE

2-6664

APPROVED/APPROUVÉ

F. D. PILLARELLA *FDP*

SIG

001244

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FM GIENMUS CGY

21 JUNE 1987

16:42 ERS

MS. JOANNE SIMPSON

IMH IMMEL

HUMAN RIGHTS AND SOCIAL AFFAIRS DIVISION

EXTERNAL AFFAIRS

125 SUSSEX DRIVE, TOWER A, THIRD FLOOR

OTTAWA, ONTARIO

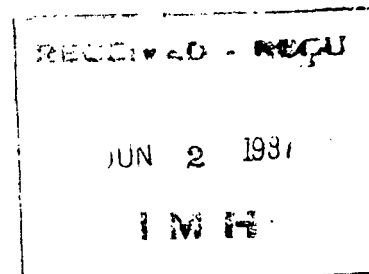
DRAFT OF REPLY TO HIGH COMMISSIONER IN LONDON RE SECURITY AT GLENBOW MUSEUM DURING 1988 OLYMPICS. PLEASE COPY THIS TO SUSAN NORQUAY

IMMEDIATELY:

IN RESPONSE TO YOUR INQUIRY RE SECURITY AT GLENBOW MUSEUM, CALGARY, ALBERTA, CANADA, FOR THE EXHIBITION "THE SPIRIT SINGS", JANUARY TO MAY, 1988 AND OTTAWA, CANADA, JULY TO NOVEMBER 1988, BE ADVISED AS FOLLOWS:

1. GLENBOW MUSEUM IS A MODERN MUSEUM BUILDING WITH HIGHLY SOPHISTICATED ELECTRONIC SECURITY AND WELL-TRAINED SECURITY STAFF. THE GLENBOW MUSEUM ALWAYS WORKS IN CLOSE COOPERATION WITH THE CALGARY POLICE SERVICE AND R.C.M.P. BECAUSE THE OLYMPICS ENVIRONMENT RAISES EXTRAORDINARY CONSIDERATIONS, GLENBOW WORKS IN COOPERATION WITH CALGARY POLICE SERVICE, R.C.M.P. AND THE CANADIAN SECURITY INTELLIGENCE SERVICE. DETAILED AND SECURE PLANS FOR THE PROTECTION OF THE MUSEUM, ITS COLLECTIONS AND EXHIBITIONS, AND ESPECIALLY BORROWED ART AND ARTIFACTS FOR PRESENTATION DURING THE OLYMPIC PERIOD HAVE BEEN IN PLACE FOR MORE THAN TWO YEARS.

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PAGE TWO TLX0207 UNCLAS

2. THE EXHIBITION PRESENTATION IN OTTAWA WILL BE IN THE LORNE BUILDING, CURRENTLY OCCUPIED BY THE NATIONAL GALLERY OF CANADA, UNDER JURISDICTION OF THE CANADIAN MUSEUM OF CIVILIZATION. THE NATIONAL MUSEUMS ALSO WORK IN CLOSE COLLABORATION WITH CANADA'S INTELLIGENCE AND SECURITY AGENCIES AND THE LORNE BUILDING HAS WELL-TRAINED SECURITY STAFF AND ELECTRONIC SECURITY SYSTEMS OF THE HIGHEST STANDARDS.

3. GLENBOW HAS BEEN ADVISED TODAY BY THE INTELLIGENCE SECTION OF THE R.C.M.P., THE CANADIAN SECURITY INTELLIGENCE SERVICE AND THE CALGARY POLICE SERVICE, THAT THERE IS NO EVIDENCE OF ANY RISK AT THE GLENBOW MUSEUM OR IN OTTAWA OF TERRORISM OR CIVIL DISOBEDIENCE IN RELATION TO THE EXHIBITION. BECAUSE OF THE OLYMPIC GAMES ENVIRONMENT AND THE POLITICAL CONTROVERSY SURROUNDING THE OLYMPIC GAMES AND INDIAN LAND CLAIMS, ALL APPROPRIATE SECURITY MEASURES ARE IN PLACE. INTELLIGENCE AGENCIES HAVE ADVISED GLENBOW THAT CURRENT RISK, IF ANY, DOES NOT APPEAR TO EXCEED LEGAL, POLITICAL PROTESTS WHICH MAY BE RELATED TO ANY NUMBER OF ISSUES AND WHICH ARE NOT UNPRECEDENTED IN AN OLYMPIC GAMES ENVIRONMENT.

4. WE ARE AWARE THAT THE LUBICON LAKE BAND OF CREE IN NORTHERN ALBERTA, WHICH IS INVOLVED IN A LONGSTANDING LAND CLAIM DISPUTE WITH CANADIAN GOVERNMENTS, THEIR NON-NATIVE ADVISOR FRED LENNARSON AND HIS CORPORATION, MIMIR, INC., OF EDMONTON, ALBERTA, AND OTHER LUBICON

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PAGE THREE TLX0807 UNCLAS

SUPPORTERS INCLUDING A ROBERT DUMONT, HAVE BEEN ENGAGED IN A PUBLICITY CAMPAIGN TO ENCOURAGE A BOYCOTT OF THE 1988 OLYMPIC WINTER GAMES SINCE APRIL 1986. AS THE GIENBOW MUSEUM EXHIBITION IS AN OFFICIAL PART OF THE OLYMPIC ARTS FESTIVAL, IT HAS ALSO BEEN SUBJECT TO THE CAMPAIGN FOR A BOYCOTT. SOME LUBICON SUPPORTERS APPEAR TO HAVE GONE BEYOND THE CALL FOR A BOYCOTT AND ARE NOW SUGGESTING THE RISK OF TERRORISM OR VIOLENCE IN RELATION TO THE MUSEUM EXHIBITION. GIENBOW HAS BEEN ADVISED BY INTELLIGENCE AGENCIES TO INTERPRET SUCH COMMUNICATIONS AS CLEARLY A PART OF THE BOYCOTT PUBLICITY CAMPAIGN AND WITHOUT FOUNDATION. FURTHER INFORMATION OR CLARIFICATION SHOULD BE REQUESTED FROM THE DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

-END-

JOANNE/SUSAN: THE ABOVE FOLLOWS FROM TODAY'S DISCUSSION WITH R.C.M.P., C.S.I.S. AND C.P.S. PLEASE EDIT TO YOUR STYLE AND CALL ME IF FURTHER INFORMATION IS NEEDED AT 403-264-8300 (OFFICE) OR 403-243-1760 (HOME). I TRUST YOU WILL BE ABLE TO HAVE THE HIGH COMMISSIONER DEAL WITH THIS PERSONALLY IN LONDON.

IUNCAN CAMERON

DIRECTOR

GIENBOW MUSEUM

TELEX NO. 03825571

GIENMUS CGY

UUU/242 0123307 TLX0807

External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence

45-COA-13-1-3-*Lubicon*  
File/Dossier

55-16-SPIRIT SINGS

55-26 OLYMP - WINTER - 1988-6

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REF YOURTEL XNFC 0258 29MAY87, OURTELS IMH0388 17MAY, ~~AMF 0721~~

27MAY, 0767 02 JUN

---LUBICON LAKE: GLENBOW MUSEUM

HAVE SPOKEN WITH GLENBOW MUSEUM DIRECTOR, DUNCAN CAMERON, WHO INDICATED THAT BRITISH MUSEUMS WERE ALREADY PROVIDED WITH RELEVANT INFO ON SECURITY ARRANGEMENTS IN PLACE FOR EXHIBITION AND THAT ENQUIRIES CARRIED OUT BY CALGARY OLYMPICS SECURITY COMMITTEE PROVIDED REASONABLE ASSURANCES THAT THERE ARE NO GROUNDS TO ANTICIPATE A POSSIBLE DISRUPTION OF EXHIBITION. PRESENT ALLEGATIONS, THEREFORE, SEEM TO BE AIMED AT CREATING DOUBT, IN ORDER TO INFLUENCE BRITISH MUSEUMS TO RECONSIDER LOAN AGREEMENT. IN RESPONSE TO MUSEUM AUTHORITIES, GRATEFUL YOU CONVEY MESSAGE THAT THEY HAVE FULL ASSURANCES OF CDN GOVT THAT BRITISH MUSEUMS CAN PROCEED WITH LOAN, AS PLANNED, AND THAT WE HIGHLY REGARD THEIR PARTICIPATION IN GLENBOW EXHIBIT. GRATEFUL REPORT ASAP ON MTG WITH BRITISH MUSEUM REPRESENTATIVES, IN ORDER TO DETERMINE, AS IN PRESENT SITUATION RAISED BY VICTORIA MUSEUM OF AUSTRALIA, WHETHER OTHER STEPS WILL BE REQUIRED IN COMING WEEKS.

...2

DRAFTER/RÉDACTEUR

J. SIMPSON *lp*

SIG

DIVISION/DIRECTION

IMH

TELEPHONE

2-6664

APPROVED/APPROUVÉ

F. D. PILLARÉLLA

SIG

001248

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▼ PAGE TWO IMH0766 C O N F I D E N T I A L

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2. SEE OURTEL IMH0767 FOR GENERAL INFO ON LUBICON LAKE BAND  
GRIEVANCES. ADDITIONAL DOCUMENTATION ON SECURITY ARRANGEMENTS FROM  
GLENBOW MUSEUM DIRECTOR, DUNCAN CAMERON, WILL FOLLOW SHORTLY (BY  
FAX).

ACC

R.

AFF

FILE

45-CDA-13.1-3-LUBICON

LUBICON ACTIVITIES RELATED TO THE OLYMPICS

June 1, 87

April 14, 1986, the Lubicon attended a conference of North American Indian support groups in Luxembourg. There were representatives from Austria, Belgium, France, West Germany, Holland, Italy, Luxembourg, Sweden and Switzerland.

The Lubicon are asking for museums to boycott the Glenbow Museum exhibition "The Spirit Sings". They are also asking four countries to boycott the athletic events in support of the Lubicon land claim.

September 25, 1986, the Lubicon wrote to Prince Charles requesting his support of the museum boycott.

Buckingham Palace corresponded with the Agent-general at Alberta House in London, England regarding the Lubicon Boycott. Provincial authorities responded to the request.

October, 1986 the Calgary Harold and Edmonton Journal reported that the New York City Museum and a Berlin museum were boycotting the Glenbow Museum Olympic exhibit to support the Lubicon request to boycott the Olympics.

November 1986, the Lubicon went to Austria, West Germany, France, England and the Netherlands to request countries not to send their athletes to the 1988 Olympics.

West Germany's Green Party and Holland's Grail in Rainbow Group endorsed the Lubicon boycott. Eva Nowotny, foreign policy advisor to the Austrian Chancellor Franz Vranitzky, supported the need to raise the issue within the Austrian government.

January 20, the West Berlin Museum, American Indian Museum in New York and the Harvard University Museum have indicated that they will not be sending exhibits to Calgary during the Olympics.

April, 1987, Calgary Roman Catholic Bishop Paul O'Byrne agrees that the Lubicons have been victimized but publicly indicates that it was wrong for the Lubicon to link their issue to the Olympics. This statement received wide, high profile media coverage throughout the province.

Greg Smith, president of the I.A.A. wrote to the Vatican requesting they withhold the artifacts they are sending to the Glenbow exhibition. to date the Vatican has indicated they will send their artifacts.

May 7-12, Lubicon attended an Endangered Peoples conference in Austria. Peter Schwarzbauer of the Association for Endangered Peoples Austria (AEPA).

A part of the strategy to obtain support for the Lubicon was announced. This includes:

- . one day protest at Canadian Embassies throughout Europe on Thanksgiving Day (October 12).
- . Letter writing campaign to the Vatican.
- . Contact the 210 museums which the Glenbow have contacted for artifacts and ask them to join the boycott.

F.L.E.

45-CDA-13-1-3-LUBICON<sup>R</sup> LAKE  
BAND

SUMMARY

June 1, 87

ISSUE

The Lubicon Lake Band of Alberta are conducting an extensive campaign in many European countries for an international boycott of the 1988 Winter Olympics, and of the Olympic Exhibition of aboriginal artifacts at the Glenbow Museum in Calgary.

No government or national Olympic Association has endorsed the boycott of their athletes. A number of 'environmental' political organizations, aboriginal support groups, church groups and museums have expressed some support for the campaign. Only one European organization, the Association of Endangered Peoples has publicly announced an 'active campaign'. However, the Lubicon Lake Band is a familiar name in the European media and their coverage focuses on what are often described as deplorable Indian conditions and an unresponsive Canadian public.

Assuming that the Government of Canada needs a 'communications strategy' to respond to the campaign, the issue is to determine the nature of that strategy and how it ought to be managed.

BACKGROUND

The campaign revolves around a land claim. The Lubicon Band is located 60 miles east of Peace River, Alberta with a band membership of about 200. Although band members were originally paid treaty money as members of other bands the federal government granted separate band status in 1940. An area of 25.4 square miles was agreed to be transferred but the reserve was never established. Canada recognizes the claim as valid and outstanding and recently proposed a settlement package.

The offer provides for the negotiation of an amount of land to be set aside for a reserve, surface and subsurface mineral rights on these lands, reserve planning, wildlife management, economic development and employment training, and other benefits. The band claim includes 25,000 square miles (approximately one tenth of Alberta) and \$1 billion.

The first round of negotiations were not successful. The federal government has indicated a willingness to resume discussions. The band has not returned to the negotiations. Rather, it has chosen to use the occasion of the Winter Olympics in Calgary to focus international attention on Canada with the expectation of gathering leverage in negotiations when and if they resume.

CURRENT STATUS

A number of federal departments or agencies are aware of this issue but none have taken any steps to develop a federal "communications strategy" or other steps in response. The Calgary Olympic Winter Games Organizing Committee and the Province of Alberta have expressed concern. Both regard the federal government as the responsible jurisdiction. The Organizing Committee has received \$45,000,000 from Canada for the non-competitive events (ceremonies, exhibitions, etc.) associated with the games. Of that amount \$250,000 has been designated for Indian participation.

#### OTHER FACTORS

In May 1987, Lubicon attended a meeting of the Association of Endangered Peoples Conference in Austria. Subsequently, Peter Schwarzbauer of the Association, announced a strategy endorsed by that organization in support of the band. This includes:

- one day of protest at Canadian Embassies throughout Europe on Thanksgiving Day (October 12)
- a letter write-in campaign to the Vatican
- a campaign to approach each of the 20 museums which the Glenbow has contacted for artifacts to encourage them to join that boycott

On July 25, 1987 the Duke and Duchess of York will attend the opening ceremonies of the Head Smashed in Buffalo Jump site near Calgary. Lobbying for the Lubicon may occur near the site and provide some concrete evidence of the level of support, at least domestically.

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SUITE A DONNER

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J.S.  
JUN 1 1987  
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C O N F I D E N T I A L

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TC EXTCTT IMB

DISTR MINA RWP BKA PKC BKD BFE

REF YCURTEL IMB0388 17MAY

---IUBICON LAKE:GLENBCW MUSEUM

HAVE RECEIVED ENQUIRY FROM MUSEUMS AND GALLERIES COMMISSION LONDON

CONCERNING SECURITY AT GLENBOW DURING THE SPIRIT SINGS EXHIBITION.

HAVE FAXED BY SEPARATE TEL. WISH TO RECEIVE YOUR ADVICE ON

SECURITY SITUATION AND NATURE OF OUR RESPONSE TO THE ENQUIRY BEFORE

WE REPLY AS SUGGESTED IN YOUR TELEX REFERRED TO ABOVE. AN EARLY

REPLY WOULD BE APPRECIATED. THANK YOU.

CCC/274 291427Z XNFC0258

ACC	
FILE	CLASSIER
45-CDX-13-123-	Lukcan
LOC	Lake Band
CYU	

External Affairs Canada Affaires extérieures Canada

MESSAGE

Accession/Référence

508931

File/Dossier

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

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TO CNBRA

INFO

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DISTR

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FPRO<sup>911</sup> OACA/CARON DE OPM INAHULL/COULTER/WHITAKER DE OCL

SUBJ/SUJ

DISTR MINA PGP PSR BKC BKA

REF YOUR TEL XUFC3292 22MAY, 3285 20MAY, OUR TEL 0693 15MAY

---LOAN OF INDIAN ART<sup>E</sup>FACTS TO GLENBOW MUSEUM

WE ARE<sup>still very</sup> CONCERNED AT PROSPECT THAT MUSEUM WILL REFUSE TO LOAN ITEMS

FOR GLENBOW EXHIBIT. ALTHOUGH MLBRN TEL XUFC3292 POINTS TO

SATISFACTORY RESLN OF SITUATION, WE BELIEVE ~~THIS~~ THIS IS MATTER

~~WE~~ MUST BE RESOLVED <sup>rapidly</sup> ~~SHORLY~~, OR WE WILL HAVE TO ELEVATE TONE OF

DISCUSSIONS TO HIGHER AUTHORITIES. GLENBOW EXHIBITION HAS REACHED

CRUCIAL STAGE, AND WE CANNOT RISK DEFECTIONS AT THIS

TIME, ESPECIALLY FROM INSTITUTIONS WHICH SHOULD BE FAR MORE

UNDERSTANDING OF CDN POSITION. DISCUSSIONS HERE HAVE PRODUCED

FOLLOWING GENERAL APPROACH.

2. FOR YOUR INFO, LAWYER FOR LUBICON LAKE BAND HAS BASICALLY PURSUED

FOUR DIFFERENT TACTICS IN GETTING MUSEUMS TO BACK AWAY FROM

COOPERATION WITH GLENBOW. ISSUE OF MORAL PRINCIPLE INVOLVED HAS

SWAYED SOME PEOPLE, AND WHERE THIS HAS FAILED, IT HAS BEEN FOLLOWED

BY VEILED THREATS OF VANDALISM (DOUBTS WHETHER GLENBOW SECURITY IS

ADEQUATE). OTHER ELEMENTS ARE LEGAL THREATS OF SEIZURE (AS IS THE

.../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J.D. Simpson  
SIG

IMH

092-6664

SIG

F.D. Pillarella

001254

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PAGE TWO IMH0721 CONF

12

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CASE HERE), AND MOBILIZATION OF DOMESTIC PRESSURE GROUPS. IT WOULD BE IMPORTANT IN THIS CASE TO KNOW PRECISELY WHAT UNDERLIES MUSEUM DECISION, IE, WHETHER DOCUMENTATION RE NON-SEIZURE IS ONLY ISSUE, IN WHICH CASE THERE IS NO REAL PROBLEM, OR WHETHER THIS IS ONLY SUPERFICIAL EXCUSE WHICH CLOAKS OTHER REASONS WHICH WILL BECOME APPARENT ONLY LATER. IN MLBRN TALKS WITH MUSEUM AUTHORITIES, WHICH WE BELIEVE SHOULD BE CARRIED OUT ASAP, ATTEMPT SHOULD BE MADE TO IDENTIFY PRECISELY WHAT UNDERLYING REASONS FOR RELUCTANCE TO LOAN ARE AT THIS STAGE.

3. AS FAR AS ISSUE *of seizure is concerned* ~~ARE CONCERNED~~ ORDER IN COUNCIL WILL BE FORTHCOMING IN EARLY JULY, AND WE REMAIN SURPRISED THAT OUR WORD IS NOT ENOUGH. BUT IF THIS IS ONLY CONCERN, PROOF OF DOCUMENTATION, WHICH WILL BE AVAILABLE SHORTLY WILL SETTLE ISSUE, AND MUSEUM WILL THEN BE IN A POSITION TO COMPLY WITH LOAN AGREEMENT. ON SECURITY ISSUE, SHOULD THIS ARISE, FULL ASSURANCES MAY BE GIVEN ON MUSEUM SECURITY ARRANGEMENTS. NOT ONLY IS MUSEUM SECURITY OF WORLD-CLASS QUALITY, BUT WE HAVE NO INFORMATION FROM POLICE OR SECURITY AUTHORITIES WHICH WOULD INDICATE THAT THERE IS ANY SERIOUS THOUGHT OF DISRUPTION OF EXHIBITION. IN SHORT, MOST THAT COULD HAPPEN IS PEACEFUL PROTEST. SHOULD INTEREST IN CDN ABORIGINAL ISSUES BE UNDERLYING REASONS, WE WILL BE SENDING SHORTLY KIT OF INFO (BY BAG) ON PRESENT CLAIMS POLICY. YOU SHOULD MAKE IT CLEAR THAT CDA IS

.../3

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▼ PAGE THREE IMH0721 CONF D

12

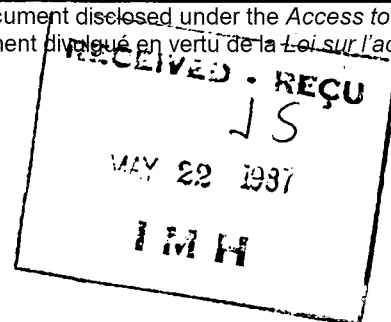
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FULLY PREPARED TO PROVIDE ACCURATE AND TIMELY DOCUMENTATION ON ANY  
ABORIGINAL QUESTION, AS WE BELIEVE IT IMPORTANT TO COUNTERACT WHAT  
IS BEST DESCRIBED AS DISINFORMATION CAMPAIGN CONDUCTED BY SOME CDN  
ABORIGINAL GROUPS. WE WOULD, HOWEVER, TAKE VERY SERIOUSLY ANY  
JUDGMENT ON PART OF MUSEUM WHICH IS ESSENTIALLY POLITICAL, IE, THAT  
REFUSAL TO COOPERATE IS IN SYMPATHY WITH CDN INDIANS OR RESULT OF  
PRESSURE WITHIN AUSTRALIA AGAINST CDA. THIS POINT IS IMPORTANT FOR  
LONGER-TERM RELATIONS BOTH BETWEEN MUSEUMS AND ALSO IN OTHER  
FIELDS.

4. WE WOULD HOPE, THEREFORE, THAT CONGEN WILL CALL SHORTLY ON MUSEUM  
DIRECTOR AND MAKE HIM AWARE OF OUR CONCERNS. IF REPLY IS ANYTHING  
SHORT OF REASSURING, WE SHOULD MAKE IT CLEAR THAT THIS IS NOT  
QUESTION WHICH WILL BE ABANDONED QUICKLY, SHOULD MUSEUM DECIDE  
AGAINST PARTICIPATION IN EXHIBITION. WE ARE FULLY PREPARED TO  
DISCUSS AT HIGHER AND DIFFERENT LEVEL, IF THIS SHOULD PROVE  
NECESSARY. GRATEFUL REPORT ASAP, WHICH WILL ENABLE US TO DETERMINE  
WHETHER OTHER STEPS ARE ESSENTIAL IN COMING WEEKS.

**ACTION  
SITE A DONNER**

**CORRECTED COPY  
EXEMPLAIRE CORRIGE**



UNCLASSIFIED

///CORRECTED COPY///

FM MLBRN XUFC3292 22MAY87

TO EXTOTT **L**IMHS DELIVER BY 220900///

INFO CABRA STKHM HSNKI COPEN WLGTN VIENN LON

EH FFRG/OACA/CARON DE OPM INAHULL/WHITAKER/COULTER

DISTR MINA PGP PSR BKC BKA

REF YOURTEL 0693 15MAY,OURTEL 3285 20MAY

---LCAN OF INDIAN ARTIFACTS TO GLENBOW MUSEUM

SPOKE WITH MUSEUM DEPUTY DIRECTOR,ANDREW REEVES,RE SUBJECT UNDER  
REFERENCE.PASSED ON GENERAL SENTIMENTS CONTAINED IN YOUR REFTEL  
AND EMPHASIZED THAT:

A)GOVTS OF ONTARIO AND ALBERTA HAVE AGREED TO PROVIDE APPROPRIATE  
ORDERS-IN-COUNCIL

B)CDN GOVT REMAINS OPEN TO NEGOTIATIONS WITH REPS OF LUBICON LAKE  
PAND RE LAND CLAIMS ISSUES.

REEVES WAS MOST RECEPTIVE AND IN GENERAL VERY CONCILIATORY.

2.REEVES ADVISED DECISION WILL NOT BE REVERSED UNTIL MUSEUM  
RECEIVES PROOF OF APPROPRIATE DOCUMENTATION REGARDING NON-  
SEIZURE ORDERS.FYI,ARTIFACTS IN QUESTION WERE FIRST BROUGHT INTO  
AUSTRALIA BY CDN IN MID 1800S WHO SUBSEQUENTLY BECAME A PIVOTAL  
FIGURE IN THE QUOTE EUREKA STOCKADE UNQUOTE,ONE OF THE HIGHLIGHTS  
OF VICIORIAS HISTORY.ACCORDING TO REEVES,ARTIFACTS THEREFORE  
POSSESS SIGNIFICANT HISTORICAL AND CULTURAL IMPORTANCE TO THIS  
STATE AND WILL NOT/NOT BE LOANED TO ANY INSTITUTION WITHOUT  
ABSOLUTE GUARANTEE OF THEIR RETURN.

ACC	
FILE	55-16-Spirit Rings
LOC	45-CA-13-1-3. Lubicon Lake Band
C/-	

PAGE TWO XUFC3292 UNCLAS

3. AS REGARDS TO LAND CLAIMS ISSUE, REEVES EXPLAINED THAT MUSEUM PLACES GREAT IMPORTANCE IN MAINTAINING GOOD RELATIONSHIP WITH LOCAL ABORIGINAL GROUPS AS ABORIGINAL ARTIFACTS REPRESENT SIGNIFICANT PORTION OF THEIR ANTHROPOLOGICAL COLLECTION (MANY ITEMS OF WHICH ARE ON LOAN). IN ADDITION HE EXPLAINED THAT NEW LAND CLAIMS LEGISLATION IS CURRENTLY UNDER REVIEW AT FEDERAL LEVEL, AS POLITICAL CLIMATE REGARDING SAME IS HIGHLY SENSITIVE MUSEUMS POSITION IS SUCH THAT THEY DO NOT/NOT WISH TO BE PERCEIVED BY LOCAL ABORIGINAL GROUPS AS QUOTE TAKING THE OPPOSITE SIDE AGAINST NATIVE LAND CLAIMS UNQUOTE. IT WLD THEREFORE APPEAR THAT MUSEUMS RELUCTANCE TO LOAN ARTIFACTS IN LIGHT OF THE LUBICON BOYCOTT IS AN EXPRESSION OF SOLIDARITY WITH THE RIGHTS NATIVE PEOPLES OF AUSTRALIA AND BY EXTENSION WITH THE RIGHTS OF CDN NATIVE PEOPLES.

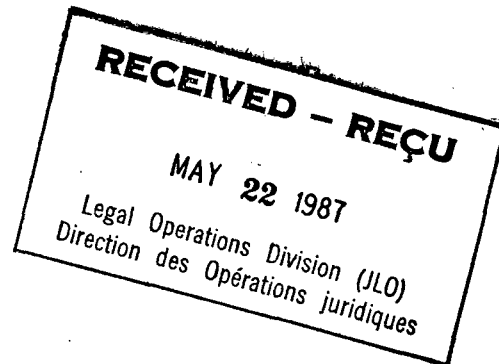
4. MUSEUM IS MOST ANXIOUS TO RECEIVE ANY BACKGROUND INFO RE: THE BOYCOTT, LUBICON BAND AND PARTICULAR AN OVERVIEW OF CDN GOVT POSITION ON LAND CLAIMS ISSUES. UPON RECEIPT OF SAME REEVES STATED THEY WILL RECONSIDER WHAT IS A QUOTE MUSEUM COUNCIL DECISION UNQUOTE TO RENEGE ON THEIR EARLIER DECISION TO LOAN ARTIFACTS. FINALLY REEVES HAS AGREED TO A MEETING WITH CG AND VICE CONSUL/ PACI AFTER EDWARDS' RETURN AND RECEIPT OF ALL BACKGROUND INFO.

5. FYI, STRONGLY BELIEVE MUSEUM DOES PLACE GREAT IMPORTANCE ON CONTINUANCE OF INTRA-MUSEUM LOANS OF COLLECTIONS, PARTICULARLY WITH CDN INSTITUTIONS AND OF NATIVE PEOPLES COLLECTIONS IN PARTICULAR. WE ARE HOPEFUL OF A SUCCESSFUL OUTCOME BUT MUST UNDERSCORE THAT THERE ARE NO GUARANTEES AT THIS JUNCTURE. REGARDS.

UUU/801 220650Z XUFC3292

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

ACTION  
SUITE A DONNER



R E S T R I C T E D

FM GINEV YTGR3177 21MAY87

TO EXTOTT (JLO)

INFO BH JUSTOTT/LOW/FREEMAN DE OTT FPROOTT/OACA/CARON DE OPM  
INAHULI/WHITAKER SECSTATEHULL/DADSON/PAGE DE OCI

---ICCFR:COMPLAINTS AGAINST CDA UNDER OPTIONAL PROTOCOL:

COMMUNICATION 167/1984(LUBIKON)

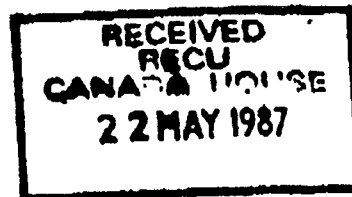
CENTRE NOTE ACKNOWLEDGING RECEIPT OF OUR 13MAR COMMENTS(RE  
SUPPLEMENTS 5 AND 6 OF COMMUNICATION)AND CONVEYING LATEST LUBIKON  
SUBMISSION(A BRIEF CORRECTION TO SUPPLEMENT 5)IS BEING FORWARDED  
TO JLO BY CLASSIFIED BAG DEPARTING 27MAY.EFFECT OF CORRECTION IS  
TO TONE DOWN SIGNIFICANTLY THE ALLEGED CRITICISM OF CDN GOVT BY  
WORLD COUNCIL OF CHURCHES.

CCC/198 211440Z YTGR3177

UNCLASSIFIED/NONCLASSIFIÉ



UNCLAS

MUSEUMS & GALLERIES  
COMMISSION

7 St. James's Square London SW1Y 4JU 01-839 9341

From the National Museums Security Adviser

20 May 1987

The Canadian High Commission  
Macdonald House  
1 Grosvenor Square  
London W1

ACC
FILE
55-16 - Spirit Songs
LOC
C-1

Dear Sir

I refer to the exhibition The Spirit Songs: Artistic Traditions of Canada's First Peoples which is to be held at the Glenbow Museum, 130-9th Avenue S.e, Calgary, Alberta, T26 OP3, between January and May 1988, and at The Canadian Museum of Civilisation, Parc Laurier, Hull, Quebec, between June and November 1988.

Negotiations are proceeding between the authorities of the above two museums and various Museum Director's here in the United Kingdom for the loan of artefacts of considerable value to be included in the exhibition. It is understood the loans have been agreed in principle but matters of detail are still being negotiated.

I am required to advise the Trustees of the National Museums and Galleries in this country of the security conditions to be imposed by them in respect of artefacts being loaned to other institutions in order to ensure, as far as possible, the safety of the items. Whilst my enquiries so far lead me to believe that the security arrangements proposed for this exhibition by the authorities of the two Canadian institutions will be of an acceptable standard in respect of normal foreseeable risks, there is the additional circumstance in this situation of protests against the exhibition being mounted by the "Lubicon Lake Band" of Cree Indians.

UNCLAS

MOTC/DIARY/CIRC/FILE  
MGTC/JOURNAL/CIRC/DOSSIER

Accession/Référence

File/Dossier

External Affairs  
CanadaAffaires extérieures  
Canada**UNCLASSIFIED/NONCLASSIFIÉ**

MESSAGE

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SÉCURITÉ

UNCLASSIFIED

**ACTION  
SUITE A DONNER**

12

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M/DE

FM LDN XNFC0259 29MAY87

O/A

TO EXTOTT IMH

INFO

ISTR

DISTR MINA RWP BKA BKD BKD BFE

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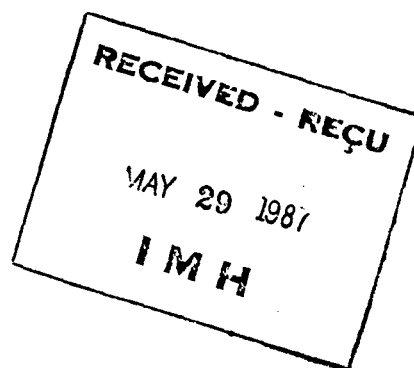
REF OURTEL XNFC0258 29MAY87

UBJ/SUJ

---LUBICON LAKE: GLENBOW MUSEUM

(COMCENTRE PLEASE FAX ATTACHED DOCUMENT)

LDN 05/29



DRA/II/II/ÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVE

C BARLOW/mb  
SIG

CULTURAL

244

SIG

001261

UNCLASSIFIED/NONCLASSIFIE  
*unclas*

3/5

No doubt you are already aware of a campaign which has been initiated to persuade museum authorities in this country to boycott the exhibition by refusing to loan any artefacts to the Canadian Museums.

The campaign has been led by the Lubicon Lake Band of 3536-106th Street, Edmonton, Alberta, and by the Mimir Corporation operating from the same address but other organisations and individuals have written in support.

Whilst there have not been any overt threats of violence or suggestions that the exhibition displays will be damaged in the letters so far received, the museum authorities here in the United Kingdom are concerned at the possibility of acts of civil disobedience taking place which may pose a threat to the loaned material. Indeed, you will see in the enclosed photocopy of a letter purporting to originate in Canada, that very question has been addressed to the Director of the British Museum.

Being so far removed from the scene of the campaign I am not able to properly evaluate the situation and provide informed comment for the trustees of our national institutions. I am therefore writing to ask whether you are prepared to provide any background information and comment upon the possibility of the groups concerned in this campaign taking part in protest actions whether or not such actions amount to civil disobedience. It will be most helpful if an indication is given of the existence and scope of any contingency plans which have been drawn up to deal with such circumstances.

*unclas*


UNCLASSIFIED/NONCLASSIFIÉ

4/5

*unclas*

I am sure you will agree that it is important to reassure the trustees of our national institutions that all possible steps have been taken to safeguard the collections and that they will have properly discharged their duties in agreeing to the loans.

Yours faithfully



Bryan Dovey QPM

National Security Adviser (MGC)

*unclas*

Received 23.12.86

G. ROBERT DUMONT  
RR5, SITE 16, BOX 37  
PRINCE ALBERT, SASK.  
CANADA S6V 5R3

5/5

re. 8/86

British Museum  
Great Russell St.  
London, England WC1

UNCLASSIFIED/NONCLASSIFIED

Dear Director,

I am writing about the Lubicon  
Band's boycott of the 1988 Calgary  
Winter Olympics.

Is it true that the Sea Shepherd  
Society plans to commit guerrilla actions  
at the Glenbow Museum's Olympic Arts  
Festival? I've heard it said that they  
feel people are just as important as  
hales.

Can you confirm or deny those rumours?

Truly,

G. Robert Dumont

unclas

OFFICE DES NATIONS UNIES A GENÈVE



UNITED NATIONS OFFICE AT GENEVA

CENTRE POUR LES DROITS DE L'HOMME

CENTRE FOR HUMAN RIGHTS

Télégrammes : UNATIONS, GENÈVE

Télex : 28 96 96

Téléphone : 34 60 11 31 02 11

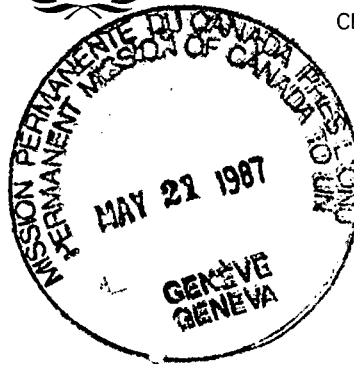
RÉF. N°: G/SO 215/51 CANA (38)

(à rappeler dans la réponse)

167/1984

Palais des Nations

CH - 1211 GENÈVE 10



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 the Permanent Mission's note No. 26, dated 13 March 1987, containing comments from the Government of Canada in respect of supplements 5 and 6 to communication No. 167/1984 (B. Ominayak and the Lubicon Lake Band v. Canada), which is before the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

For information and to complete the files of the State party, the ..... Secretariat also has the honour to enclose herewith copies of a further letter from legal counsel in the case, dated 19 March 1987, containing a correction to the earlier transmitted supplement 5. *see file*

19 May 1987 *[Signature]*

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

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


TO  
À

XTOTT / JLO

RESTRICTED
WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)
RESTRICTED

NO. 3178

DATE 21MAY87

QUANTITY QUANTITÉ	DESCRIPTION - DESCRIPTION	REFERENCE - RÉFÉRENCE
	Attached is Note referred to in our reftel	Our telegram YTGR3177 of May 21, 1987
	Subject : ICCPR : Complaints against Canada under optional protocol : Communication 167/1984 (Lubikon)	
		
		<div data-bbox="933 795 1404 1104"><b>RECEIVED - REÇU</b>  JUN 2 1987  Legal Operations Division (JLO) Direction des Opérations juridiques</div>
RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION	RETURN TO / RETOURNER À	
	The Permanent Mission of Canada Geneva	
DATE	SIGNATURE	

RECEIVED - REÇU

J.S.

MAY 20 198

IMH

UNCLASSIFIED

FM MLBRN XUFC3285 20MAY87

TO EXTOTT IMHS DELIVER BY 200900

INFO CNBRA STKHM HSNKI COPEN WLGTH VIENN LDN BH FPRO/OACA/CARON

DE OPM INAHULL/WHITAKER/COULTER

DISTR MINA PGP PSR PKC BKA

REF YOUR TEL 0693 15MAY

---LOAN OF INDIAN ARTIFACTS TO GLENBOW MUSEUM

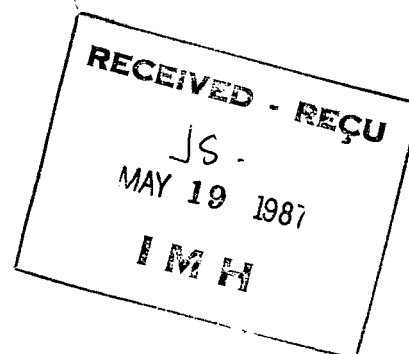
YOUR REFTEL HAS BEEN FORWARDED TO US FOR REPLY AS CONGEN MLBRN IS  
RESP MISSION.FLWG IS SIT REPORT ONLY.

2.EDWARDS CURRENTLY INTERSTATE AND WILL NOT/NOT BE AVAIL UNTIL TUE  
OF NEXT WEEK.WE ARE ATTEMPTING TO CONTACT DEPTY DIRECTOR OF HUMAN  
STUDIES,ANDREW REEVES,AS HE IS INDIVIDUAL RESP FOR ARTIFACTS IN  
QUESTION.WILL KEEP YOU ADVISED.REGDS.

UUU/801 200640Z XUFC3285

ACC	AL	DATE
FILE	DOSSIER	
45-00A-13-1-3- Lubin		
Lk Baw		

**ACTION**  
**SUITE A DONNER**



UNCLASSIFIED

FM VIENN ULFC5553 19MAY87

TO EXTOTT IMH

INFO BONN BERN PARIS BRU STKHM INAHULL/COULTER

DISTR BKC BKA BFO BFE JLO RCR MINP RSR MINA RGB

REF YOURTEL 0694 15MAY OURTEL 5551 13MAY

ACC
FILE
H5-CA-13-1-2
LCB
CIA
LUBICON LAKE BAND

---VIENNA CONF - MAY 87 - LUBICON LAKE BAND

IN ADDITION TO ARTICLE IN QUOTE KURIER UNQUOTE OF MAY8 MENTIONED  
IN REFTTEL, TWO MORE REFERENCES TO VIENNA CONFERENCE HAVE APPEARED IN  
AUSTRIAN PRESS, NAMELY IN QUOTE ARBEITERZEITUNG UNQUOTE (SOCIALIST  
UNION PAPER) AND QUOTE PROFIL UNQUOTE (CULTURAL-POLITICAL WEEKLY).  
BOTH BRING PHOTOGRAPH OF CHIEF OMINAYAK AND DESCRIBE THE LUBICON  
CASE ACCORDING TO PRESENTATION BY OMINAYAK.

2. SO FAR WE HAVE NOT/NOT NOTICED ANY BOYCOTT/POSTERS, BUT WILL BE  
KEEPING WATCH ON FURTHER DEVELOPMENTS, IE DEMONSTRATIONS, PUBLIC INFO  
CAMPAIGN, ETC. IF NECESSARY, WILL EXPLAIN GOVTS POSITION ON OUTSTANDING  
LAND CLAIMS.

3. WERE UNABLE TO OBTAIN ANY PAMPHLET/MATERIAL ABOUT CONFERENCE FROM  
ORGANISERS (SEE OURTEL TO BKC, OF MAY18, COPIED TO YOU), EXCEPT FOR  
READER TO THIRD EUROPEAN MEETING OF NORTH AMERICAN INDIAN SUPPORT  
GROUPS. THIS IS BEING FORWARDED TO YOU SEPARATELY BY BAG.

UUU/121 190916Z ULFC5553

External Affairs Canada  
Affaires extérieures Canada

MESSAGE

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Accession/Référence
File/Dossier 45-00A-13-1-3- Lubicon Lake Band

SECURITY SÉCURITÉ	CONFIDENTIAL	15 MAY 87 21 15 10
FM/DE	FM EXTOTT IMHS 0693 15MAY87	
TO/À	TO CNBRA	
INFO		
DISTR	INFO BAG MLBRN DE CBA STKHM HSNKI COPEN WLGTN VIENNA LDN	
REF	DISTR MINA PGP PSR BKC BKA FPRO/OACA/CARON INA/HULL/WHITAKER, counter	
SUBJ/SUJ	REF TEL BKC 0396 13MAY, <sup>youn tel</sup> XWFC 3268 12 MAY, 3280 15 MAY	
<p>---LOAN OF INDIAN ARTIFACTS TO GLENBOW MUSEUM</p> <p>HAVE SPOKEN WITH DUNCAN CAMERON, CURATOR OF GLENBOW MUSEUM WHO INFORMED US THAT GOVT'S OF ALTA AND ONT RESPECTIVELY HAVE AGREED TO PROVIDE APPROPRIATE ORDERS IN COUNCIL <sup>NE</sup> FOR MUSEUM LOAN OF ARTEFACTS. HE WILL BE FORWARDING SHRTLY RELEVANT DOCUMENTATION CONCERNING FOREIGN CULTURAL PROPERTY IMMUNITY ACT, AND APPROVED ORDERS IN COUNCIL.</p> <p>2. WITH REGARD TO SCOPE OF LUBICON BOYCOTT, THERE ARE 450 MEMBERS IN CREE BAND OF NORTHERN ALBERTA. PUBLICITY CAMPAIGN IN EUROPE WAS UNDERTAKEN BY BAND, IN ORDER TO BRING ATTENTION <sup>to</sup> THEIR OUTSTANDING LAND CLAIM WITH MAIN STRATEGY OF LAUNCHING BOYCOTT AGAINST 1988 WINTER OLYMPICS GAMES. AT PRESENT, NO COUNTRIES OR ATHLETES HAVE GIVEN ATTENTION OR ENDORSED LUBICON BOYCOTT, THEREFORE ENERGIES ARE FOCUSING ON SOLE EVENT OF GLENBOW MUSEUM EXHIBITION. WILL BE FORWARDING (BY BAG) BACKGROUND DOCUMENTATION ON LUBICON LAKE BAND LAND CLAIM WHICH PROVIDES COMPREHENSIVE OVERVIEW OF GOVT POSITION.</p>		

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG J. Simpson/amm	IMHS	992-6664	SIG F.D. Pillarella



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PAGE TWO IMHS0693      15MAY    CONFD

3. RECENT UPDATE FROM CAMERON INDICATES THAT ARTEFACTS ARE EXPECTED FROM 93 LENDING INSTITUTIONS IN 20 COUNTRIES. SO FAR, A MINIMAL NUMBER OF 11 INSTITUTIONS HAVE DECLINED IN WHOLE OR IN PART TO LOAN INDIAN ARTEFACTS.

4. IN LIGHT OF STRONG CONCERN RELATING TO POSSIBLE WITHHOLD OF ARTEFACTS, BY AUSTRALIAN STATE MUSEUM IN MELBOURNE, YOU ARE REQUESTED TO MAKE IMMEDIATE INTERVENTION WITH DIRECTOR OF STATE MUSEUM, MR. ROBERT EDWARDS, IN ORDER TO EXPLAIN SITUATION AND CORRECT FACTS WITH REGARD TO PROVINCIAL LEGISLATION IN ALBERTA AND ONTARIO AGAINST SEIZURE OF ARTEFACTS. THIS ISSUE COULD BE POLITICALLY EMBARRASSING SHOULD MEMBER COUNTRY OF COMMONWEALTH DECIDE TO NOT PARTICIPATE IN CDN INTERNATIONAL EXHIBIT OF INDIGENOUS ARTEFACTS. FOR MUSEUM TO REVERSE ITS DECISION AFTER AGREEMENT IN WRITING TO PARTICIPATE (LETTER FROM EDWARDS TO CAMERON DATED JUL 7, 86) WOULD UNDOUBTEDLY BE INTERPRETED IN FAVOUR OF LUBICON BAND BOYCOTT OF GLENBOW MUSEUM EXHIBITION.

5. IN PRESENTING CASE TO EDWARDS YOU SHOULD EMPHASIZE FACT THAT CDN GOVT REMAINS OPEN TO NEGOTIATIONS WITH REPRESENTATIVES OF LUBICON LAKE BAND AND HAS INVITED BAND TO RETURN TO NEGOTIATING TABLE. SHOULD YOUR EFFORTS TO PERSUADE EDWARDS TO RECONSIDER HIS DECISION FAIL, WE WOULD ASK HC IN CNBRA TO MAKE DEMARCHE AT OFFICIAL LEVEL.

6. GRATEFUL YOU REPORT ASAP ON RESULTS OF YOUR DEMARCHE.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence
File/Dossier
45COA-13-13- Lubicon LK Band

SECURITY SÉCURITÉ	UNCLASSIFIED	15 MAY 87 22 07Z	10
FM/DE	FM EXTOTT IMHS <sup>A</sup> 0694 15MAY87		
TO/À	TO VIENN STKHM		
INFO	INFO HSNKI OSLO COPEN WLGTN CNBRA GENEV ATHNS BERN BONN BRU PARIS		
DISTR	ROME HAGUE VATCN BREEC CNGNY PRMNY INAHULL/COULTER PESCO WDOAS		
REF	DISTR BKC BKA BFO BFE JLO RCM RCR MINP PSR MINA PGP		
SUBJ/SUJ	REF YRTELSULFC5551 13MAY ULGR5545;OURTEL IMH0641 01MAY ---VIENNA CONF - MAY87 - LUBICON LAKE BAND WITH REFERENCE TO RESULTS OF VIENN CONFERENCE IN SUPPORT OF ABORIGINAL ISSUES, ALTHOUGH IT APPEARS TO HAVE PRODUCED LITTLE IN THE WAY OF SUBSTANTIAL OPPOSITION, <sup>WE have now been</sup> <del>WERE</del> INFORMED THAT NGOS ARE UNDERTAKING PUBLIC INFORMATION CAMPAIGN. 2. ARTICLE PUBLISHED IN CALGARY HERALD, ON MAY9, RE: VIENN TRIP BY LUBICON LAKE BAND AND OTHER CANADIAN ABORIGINAL REPRESENTATIVES MENTIONS USE OF BOYCOTT POSTERS IN AUSTRIA AND SWEDEN, AND STATES FURTHER THAT STORIES ABOUT <del>THE</del> LUBICON PLIGHT <sup>WERE Published</sup> <del>HAVE APPEARED</del> IN AT LEAST SIX EUROPEAN MAGAZINES. <sup>IT</sup> <del>APPEARS</del> THAT A CONCERNED WEST GERMAN GROUP HAS PRODUCED A 45 MINUTE SLIDE SHOW ON <del>THE</del> BOYCOTT. <del>UNQUOTE.</del> 3. CANADIAN PRESS REPORTS, <sup>ON MAY 13,</sup> <del>THAT</del> OTHER INITIATIVES ARE PLANNED BY NGO GROUPS <sup>such</sup> <del>AS</del> QUOTE CANADIAN EMBASSIES THROUGHOUT EUROPE WILL BE HIT BY DEMONSTRATIONS ON THANKSGIVING DAY, IN SUPPORT OF THE LUBICON LAKE INDIAN BAND BOYCOTT OF THE 1988 WINTER OLYMPICS UNQUOTE. <sup>IT</sup> 4. APPEARS THAT ONE-DAY PROTEST IS PART OF SEVERAL ACTIONS APPROVED		
	.../2		

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG <sup>J. Simpson</sup> J. Simpson	IMHS	992-6664	SIG <sup>F.D. Pilleralla</sup> F.D. Pilleralla



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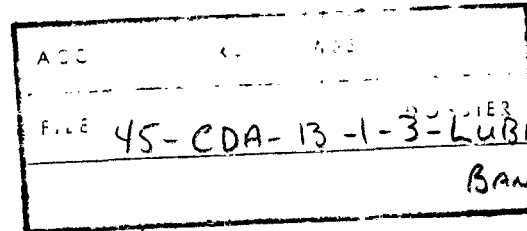
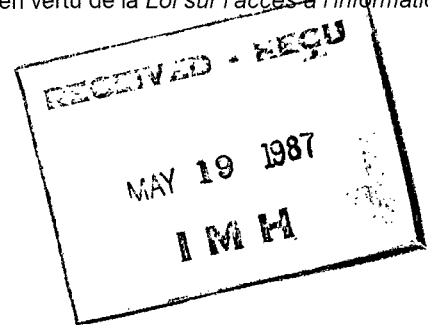
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DURING WEEK-END CONFERENCE IN VIENN.CONFERENCE ORGANIZER,  
PETER SCHWARZBAUER,IS QUOTED SAYING NGO GROUPS PLAN TO HOLD  
DEMONSTRATIONS ON COLUMBUS DAY,ALL OVER EUROPE,ON  
OCT.12,1987.MEETING OF NGO'S IN SUPPORT OF NORTH AMERICAN INDIANS  
ALSO APPROVED LETTER-WRITING CAMPAIGN TO VATCN CONCERNING LUBICON  
ISSUE.

5.POSTS SHOULD HAVE RECEIVED RELEVANT DOCUMENTATION FORWARDED ON  
LUBICON LAKE BAND AND EXPLANATIONS ON GOVERNMENT POSITION OF  
OUTSTANDING LAND CLAIM.SHOULD ADDITIONAL INFORMATION BE REQUIRED  
ON SUBJECT PLSE NOTIFY.

6.GRATEFUL IF YOU COULD OBTAIN SAMPLE OF MATERIALS PRODUCED OR  
VIEW THEM AND REPORT BACK ON DEVELOPMENTS WITH REGARD TO  
INFORMATION CAMPAIGN.



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

FM VIENN ULGR0091 18MAY87

TO EXTOTT BKC

INFO GENEV OSLO COPEN STKHM HSNKI BONN LDN BERN PARIS

BH INAHULL/COULTER DE OCI

DISTR MINA IMH RKA RSR RWP IMD RCR

REF YOURTEL 0410 13MAY

---CALGARY OLYMPICS:LUBICON BOYCOTT

WE TRIED VERY DIPLOMATICALLY TO OBTAIN INFO FROM ORGANISER OF  
CONFERENCE,PETER SCHWARZBAUER,WHO WAS UNDERSTANDABLY RELUCTANT TO  
DIVULGE ANY INFO ON CONFERENCE TO REPRESENTATIVE OF CDN GOVT.HE SAID  
THAT ACCORDING TO RULES LAID DOWN BY ALL PARTICIPANTS BEFORE  
CONFERENCE,HE COULD NOT/NOT SEND US ANY WRITTEN PAMPHLETS/MATERIAL  
ABOUT THE CONFERENCE,NOR COULD HE INFORM US IN WRITING ABOUT  
PROTOCOL/PROCEEDINGS.NEVERTHELESS WE MANAGED TO GET FOLLOWING INFO  
ON TELEPHONE:

1)THERE WERE A GREAT NUMBER OF PAMPHLETS DISTRIBUTED DURING CONF BY  
ALL GROUPS,BUT SCHWARZBAUER COULD NOT/NOT REMEMBER THAT LUBICON  
GROUP OR LUBICON CHIEF DISTRIBUTED ANY PARTICULAR PAMPHLET.PAMPHLET  
IN QUESTIONS,WHICH WAS DISTRIBUTED AT CONFERENCE,COULD BE A BROCHURE  
PUBLISHED BY QUOTE COMMITTEE AGAINST RACISM,ABORIGINAL ACTION SUPPORT  
GROUP,CALGARY,UNQUOTE,WHICH CONTAINED PRESENTATION OF LUBICON CLAIMS  
SINCE 1889 TO CALL FOR BOYCOTT OF CALGARY OLYMPICS AND OLYMPIC  
EXHIBITION.

...2

PAGE TWO ULGR0091 CONFD

THIS PAMPHLET COULD BE OBTAINED DIRECTLY FROM:

COMMITTEE AGAINST RACISM, ABORIGINAL ACTION SUPPORT GROUP, CALGARY,  
PO BOX 3058, STATION B, CALGARY, T2M 0J0.

2) FURTHER INFO OBTAINED WAS THAT LUBICON REPRESENTATIVES PRESENTED  
A 1984 CBC VIDEO FILM ABOUT THE LUBICONS AND A SLIDE SHOW PRODUCED  
BY AUSTRIAN FILMMAKER REINHARD MANDL.

3) IT SEEMS A REPORTER FROM QUOTE EQUINOX UNQUOTE COVERED CONFERENCE  
AND SENT REPORTS TO CDN NEWSPAPERS.

4) WE MANAGED TO OBTAIN READER FOR THIRD EUROPEAN MEETING OF NORTH  
AMERICAN INDIAN SUPPORT GROUPS FROM PETER SCHWARZBAUER BEFORE START  
OF CONFERENCE. THIS IS BEING FORWARDED SEPARATELY BY BAG.

CCC/145 181320Z ULGR0091

P R O T E C T E D

FM GENEV YTGR7527 09MAY87

TO EXTOTT JLO

INFO PCOOTT/CARON

BH JUSTOTT/LOW/FREEMAN DE OTT INAHULL/DOERR DE OCI

DISTR IMH

---HUMAN RIGHTS CTTEE:COMMUNICATION 167/84:LUBICON

WE ARE FORWARDING BY CLASSIFIED BAG DEPARTING TODAY TO JLO COPY OF  
NOTE FROM CENTRE ACKNOWLEDGING RECEIPT OF CDN GOVT REQUEST FOR  
REVIEW OF ADMISSIBILITY DECISION ON THIS COMMUNICATION.NOTE  
INDICATES THAT OUR REQUEST WILL BE QUOTE BROUGHT TO CTTEES  
ATTENTION UNQUOTE AT NEXT SESSION IN NEW YORK(BEGINNING 14MARCH).  
OUR SUBMISSION WAS IN FACT BROUGHT TO CTTEES ATTENTION AT LAST  
SESSION IN NOV,BUT NOT/NOT ADDRESSED IN CTTEES DELIBERATIONS  
BECAUSE OF OTHER DEMANDS AND DELAY IN TRANSLATION,ETC.CENTRE  
CONTACTS ADVISE THAT THIS MATTER WILL DEFINITELY BE ON CTTEES WORK  
PROGRAM FOR MARCH(ALONG WITH MIC MAQ SELF-DETERMINATION  
COMMUNICATION).

2.NOTE FROM CENTRE INCLUDES COPY OF LATEST SUBMISSION BY LUBICON  
COUNSEL,DECLARING THAT CDN GOVT HAS DONE NOTHING IN RESPONSE TO  
CTTEES REQUEST FOR QUOTE INTERIM MEASURES UNQUOTE AND INSISTING ON  
PARTICIPATION OF DAVIE FULTON IN PUBLIC NEGOTIATIONS AS MEDIATOR  
RESPONSIBLE TO PARLIAMENTARY STANDING CTTEE.

CCC/032 091718Z YTGR7527

45

ACC	RE	DATE
45-Cda-13-1-3-Lubicon		
DOSSIER		



External Affairs  
Canada

Affaires extérieures  
Canada

Accession/Référence

File/Dossier

45-CDA-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 MAY 87 22 01Z	10
FM/DE	FM EXTOTT JLO 0615 07MAY87				
TO/À	TO GENEV				
INFO	INFO FPROTT/OACA/CARON DE OPM JUSTOTT/LOW/FREEMAN DE OTT				
DISTR	SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI				
REF					
SUBJ/SUJ	DISTR IMH				
	REF YOURTEL YTGR2675 01MAY				
	---HUMAN RIGHTS CTTEE:COMPLAINTS AGAINST CDA UNDER OPTIONAL				
	PROTOCOL:29TH SESSION MAR-APRIL 1987				
	WITH RESPECT TO PARA 3 REFTTEL,WE WOULD AGREE THAT REPEATED DEPOSIT				
	OF ESSENTIALLY REDUNDANT SUBMISSIONS WITH SECRETARIAT IS PRIMARILY				
	DELAYING TACTIC ON PART OF COMPLAINANT THAT SHOULD BE				
	DISCOURAGED.THIS MUST BE BECOMING OBVIOUS TO CTTEE.LEST IT NOT BE				
	SO,AS YOU KNOW,OUR MOST RECENT RESPONSE TO FURTHER WRITTEN				
	SUBMISSIONS FROM LUBICON LAKE BAND WAS QUITE SHORT AND SAID CDN				
	GOVT CONSIDERS THAT CTTEE HAS ENOUGH MATERIAL TO MAKE DECISION AND				
	SAW NOTHING NEW OF SUBSTANCE IN FURTHER SUBMISSIONS FROM THE				
	BAND.THUS,WE CONSIDER IT UNNECESSARY TO MAKE POINT ON ANY FORMAL				
	BASIS WITH MOLLER.SHOULD OPPORTUNITY PRESENT ITSELF INFORMALLY IN				
	COURSE OF DISCUSSIONS ON OTHER MATTERS YOU MIGHT REITERATE THIS				
	POINT IN LOW KEY FASHION.				

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG C.SWORDS/sl	JLO	996-5407	SIG P.MCRAE

RECEIVED - RECU		
MAY 7 1987		
I M H		
ACG	REL	DATE
FILE	DOSSIER	
45-CDN-1313-Lubicon		
LIC Bond		

R I S T R I C T E D

FM STKHM UDFC0829 06MAY87

TO EXTOTT BKC DELIVER BY 070900

INFO OSLO COPEN HSNKI BONN LDN

DISTR MINA (IMH) PCM BFE RWP RSR

---WINTER OLYMPIC GAMES CALGARY 88 - LUBICON BOYCOTT

CHIEF OMINAYAK OF THE LUBICON TRIBE ARRIVED IN SWEDEN MAY 5  
TO ELICIT SUPPORT FOR A BOYCOTT OF THE CALGARY OLYMPICS. APPEARING  
AT A NEWSCONFERENCE AND ON SWEDISH RADIO, CHIEF OMINAYAK PRESENTED  
THE NOW FAMILIAR DESCRIPTION OF A PEOPLE WITH NO OTHER RECOURSE  
THAN TO APPEAL TO THE WORLD FOR HELP TO HIGHLIGHT THEIR CASE.

2. IN A MORNING RADIO NEWS ANALYSIS PROGRAMME, MORNING ECHO,  
CHIEF OMINAYAK CALLED ON THE SWEDISH OLYMPIC COMMITTEE TO  
BOYCOTT THE CALGARY GAMES. HE DESCRIBED HOW THE LUBICONS HAD  
BEEN GIVEN SHORT SHRIFT IN NEGOTIATIONS WITH THE PROVINCIAL  
AND FEDERAL GOVTS AND CLAIMED THAT AN ALLIANCE OF GOVT, OIL  
COMPANIES AND THE LEGAL PROFESSION (INCLUDING THE BENCH) HAD  
WORKED TOGETHER TO FRUSTRATE AN EQUITABLE SETTLEMENT OF THEIR  
LAND CLAIM.

3. IN A NEWSPAPER INTERVIEW CHIEF OMINAYAK AND HIS ADVISER FRED  
LENNARSON CLAIMED THAT ALL AVENUES OF APPEAL HAD BEEN BLOCKED;  
NEGOTIATIONS AND RECOURSE TO THE COURTS HAD FAILED, AND IN AN  
EFFORT TO RETAIN THEIR TRADITIONAL WAY OF LIFE THE TRIBE WAS

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PAGE TWO UDFC0829 RESTR

ASKING THE WORLDS OLYMPIC CTTEES TO BOYCOTT THE GAMES. HE POINTED OUT THAT THREE SWEDISH MUSEUMS HAD ALREADY SUPPORTED THEIR CAUSE BY REFUSING TO SEND NATIVE INDIAN OBJECTS TO THE GLENBOW MUSEUM EXHIBITION.

4. CHIEF OMINAYAK WAS EXPECTED TO PRESENT HIS BOYCOTT APPEAL TO THE SWEDISH OLYMPIC CTTEE 06MAY BUT IN SPEAKING TO STAFF AT OLYMPIC CTTEE OFFICES WE WERE INFORMED THAT ALL CTTEE MEMBERS ARE OUT OF TOWN THIS WEEK AND THAT IT WAS UNLIKELY THAT OMINAYAK WOULD BE RECEIVED. AS A BOYCOTT REQUEST FROM THE SWEDISH-INDIAN FEDERATION TO THE SWEDISH SPORTS FEDERATION (SEE OURTEL UDFC0288 28JAN87) WAS POLITELY TURNED DOWN, IT IS EXPECTED THAT A SIMILAR RESPONSE WOULD BE GIVEN BY THE OLYMPIC CTTEE.

CCC/027 071130Z UDFC0829



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence

497 106

File/Dossier

45-13-3-6

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SECURITY  
SÉCURITÉ

~~UNCLASSIFIED~~ CONFIDENTIAL

1 MAY 87

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LANCE  
BAND.

FM/DE

FM EXTOTT IMH0641 01MAY87

TO/À

TO VIENN

INFO

DISTR

INFO INAHULL/COULTER VCSCE FPRO/OACA/CARON

REF

DISTR MINA IMD RSR BKC RBR RBD

SUBJ/SUJ

REF YOURTEL ULGR5545 22APR87

---VIENNA CONFERENCE ON INDIGENOUS ISSUES - MAY 7-10

PREVALENT SITUATION SUGGESTS YOU TAKE LOW KEY APPROACH AND ONLY  
RESPOND TO QUERIES IF NECESSARY.

2. PREVIOUS EXPERIENCE WITH GLENBOW MUSEUM EXHIBITION HAS  
DEMONSTRATED THAT NATIVE GROUPS ARE CLOSELY MONITORING ACTIVITY OF  
CANADIAN FOREIGN OFFICIALS IN EUROPE. IN THIS PARTICULAR INSTANCE,  
IT MIGHT BE COUNTER PRODUCTIVE FOR YOU TO ATTEND CONFERENCE, AS  
PRESENCE OF GOVERNMENT REPRESENTATIVE WOULD ONLY INCREASE PROFILE OF  
MEETING AND ALLOW FOR GREATER FOCUS ON OUTSTANDING CLAIM OF LUBICON  
LAKE BAND.

3. SHOULD AGENDA ITEM OF LUBICON CLAIM ATTRACT SIGNIFICANT INTEREST  
IN MEDIA, RECOMMEND YOU MAKE AVAILABLE DOCUMENTATION FORWARDED ON  
ISSUE QUOTE FACT SHEET ON LUBICON LAKE BAND LAND CLAIM UNQUOTE.  
PRESS LINE, PROVIDED PREVIOUSLY, REMAINS ACCURATE AND RELEVANT FOR  
PUBLIC INFORMATION PURPOSES ON PRESENT NEGOTIATIONS BETWEEN FEDERAL  
GOVERNMENT AND LUBICON LAKE BAND.

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DRAFTER/RÉDACTEUR

J. SIMPSON lp  
SIG

DIVISION/DIRECTION

IMH

TELEPHONE

2-4446

APPROVED/APPROUVÉ

F.D. PILLARELLA

SIG

001279



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▼ PAGE TWO IMH0641 UNCLASSIFIED

12

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4. DEP OF INDIAN AND NORTHERN AFFAIRS (DINA) HAS INFORMED US THAT MINISTER MCNIGHT HAD RECENTLY OFFERED TO MEET WITH BAND REPRESENTATIVES. INVITATION, HOWEVER, WAS DECLINED BY LUBICON LAKE BAND. IN SUBSEQUENT MOVE OF GOOD FAITH, DINA MINISTER HAS WRITTEN TO LUBICON REPRESENTATIVE, CHIEF BERNARD OMINAYAK URGING HIM TO REASSES/ THEIR POSITION AND RETURN TO NEGOTIATING TABLE TO WORK OUT A LAND CLAIM AGREEMENT IN THE BEST INTEREST OF ALL CANADIANS.

5. AS OUTLINED IN DOCUMENTATION, FEDERAL GOVERNMENT POSITION ON ISSUE IS THAT LUBICON LAND CLAIM SETTLEMENT IS ESSENTIALLY A DOMESTIC MATTER NOT CALLING FOR INTERNATIONAL ACTION, ESPECIALLY ACTION LINKED TO SUCH NON-BAND ISSUES AS 1988 CALGARY WINTER GAMES AND GLENBOW MUSEUM EXHIBITION.

6. GRATEFUL YOU ASSIST CANADIAN INDIGENOUS GROUPS, IF REQUESTED TO DO SO, MONITOR EVENTS AND PROVIDE SUBSEQUENT REPORT ON CONFERENCE.

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

FM GENEV YTGR2675 01MAY87

TO EXTOTT JLO

INFO FPROOTT/OACA/CARON DE OPM JUSTOTT/LOW/FREEMAN DE OTT

SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI

DISTR IME

REF OURTEL YTGR2290 13APR

---HUMAN RIGHTS CTTEE:COMPLAINTS AGAINST CDA UNDER OPTIONAL

PROTOCOL:29TH SESSION MAR-APRIL 1987

OUR REFTTEL CONFIRMED FAILURE OF CTTEE TO ACT ON CDN CASES INVOLVING  
INDIGENOUS GROUPS/INDIVIDUALS, MOST NOTABLY LUBICON, WHICH HAD BEEN  
ALMOST DISPOSED OF AT LAST SESSION (PUT LACK OF QUORUM). YOU WILL  
HAVE NOTED SLIGHT DISCREPANCY BETWEEN EXPLANATION PROVIDED TO  
MISSION BY MOLLER AND THAT PROVIDED TO HYNES EARLIER BY DE ZAYAS,  
WHO DOES MOST STAFF WORK ON CTTEES COMMUNICATIONS (REPORTING TO  
MOLLER). MOLLERS COMMENTS, THAT LATE RECEIPT OF NEW MATERIAL PRECLUDED  
ACTION, MIGHT BE REGARDED AS SOMEWHAT MORE QUOTE OFFICIAL UNQUOTE  
BUT PERHAPS LESS FRANK EXPLANATION THAN THAT OF DE ZAYAS. LATTER  
LAMENTED GROWING BACKLOG OF LONGSTANDING CASES AND EXPRESSED VIEW  
THAT NEW CTTEE MEMBERSHIP WOULD NEED TO DEDICATE SUBSTANTIAL CHUNK  
OF MTG TIME TO FAMILIARIZING ITSELF WITH AND DRAWING CONCLUSIONS ON  
THE COMPLEX AND POTENTIALLY CONTROVERSIAL SELF-DETERMINATION ISSUE  
RAISED BY LUBICON. SUCH AN AMOUNT OF TIME WAS SIMPLY NOT/NOT  
AVAILABLE AT 29TH SESSION ACCORDING TO DE ZAYAS, PARTICULARLY GIVEN

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

REF	DATE
DOSSIER	

PAGE TWO YTGR2675 CONF

CTTEES UNEXPECTEDLY LENGTHY DELIBERATIONS ON SOME OTHER, EVEN OLDER, COMMUNICATIONS.

2. IN INTERESTS OF MAINTAINING DE ZAYAS CHANNEL OPEN, WE WOULD NOT/NOT PROPOSES TO SEEK ANY FURTHER EXPLANATIONS FROM MOLLER AT THIS STAGE. IT IS OUR IMPRESSION THAT BOTH MOLLER AND DE ZAYAS SHARE OUR OPINION THAT LUBICON COMPLAINT SHOULD ULTIMATELY BE RULED INADMISSIBLE.

(THEY DID, AFTER ALL, PREPARE INITIAL DRAFT DECISION TO THIS EFFECT FOR 28TH SESSION). DOUBTLESS THEY ARE CONCERNED TO ENSURE THAT CURRENT CTTEE MEMBERSHIP BE GIVEN ADEQUATE TIME TO DEVELOP APPRECIATION OF SELF-DETERMINATION ISSUE AND OF POTENTIAL NEGATIVE IMPLICATIONS OF ANY DECISION TO ENTERTAIN SUCH COMPLAINTS. IN THIS CONNECTION, WE WILL HAVE TO RELY ON THEIR JUDGMENT AS TO APPROPRIATE TIMING FOR CTTEE DECISION. WE WILL BEAR THESE CONSIDERATIONS IN MIND IN OUR ONGOING CONTACTS WITH SECRETARIAT BUT WILL AT SAME TIME CONTINUE TO CONVEY CDN GOVTS HOPE THAT THIS CASE CAN BE DEALT WITH BY CTTEE WITHOUT UNDUE/UNDUE FURTHER DELAY.

3. ONE PARTICULAR POINT SHOULD PERHAPS BE MADE, ESPECIALLY WITH MOLLER WHO HAS ACKNOWLEDGED COMPLAINANTS APPARENT DESIRE TO MAXIMIZE PUBLICICTY ASSOCIATED WITH COMPLAINT AND CONSEQUENTLY PERHAPS TO PROLONG PROCEEDINGS AS MUCH AS POSSIBLE: LUBICON BAND SHOULD NOT/ NOT BE PERMITTED TO ACHIEVE THIS END SIMPLY BY CONTINUING TO DEPOSIT NEW, BUT ESSENTIALLY REDUNDANT, WRITTEN SUBMISSIONS WITH SECRETARIAT EVERY FEW MONTHS, CREATING REQUIREMENT FOR FURTHER EXCHANGES WITH

...3

PAGE THREE YTGR2675 CONF

CDN GOVT AND THUS NECESSITATING FURTHER DELAY IN PROCEEDINGS.

4. ANY VIEWS YOU MAY HAVE ON ABOVE WOULD BE APPRECIATED.

5. FINALLY, DURING DISCUSSION WITH HYNES IN OTT, LOW ENQUIRED RE  
POTENTIAL FOR OVERLAP BETWEEN NEXT SESSION OF CTTEE AND WORKING  
GROUP ON INDIGENOUS POPULATIONS (WGIP), AS PRESENCE IN GENEVA OF A  
LARGE NUMBERR OF CDN INDIGENOUS GROUPS MIGHT HAVE SOME IMPACT ON  
PERCEPTIONS OF CTTEE MEMBERS DEALING WITH CDN CASES. CTTEE WILL MEET  
FROM JULY 6 TO 24, WHILE WGIP IS SCHEDULED FOR AUG 3 TO 7. IT MIGHT  
THUS BE HOPEED THAT SUCH A QUOTE SPILLOVER UNQUOTE EFFECT WILL BE  
LARGELY AVOIDED, THOUGH EARLY ARRIVAL OF INTERESTED PARTIES INTENT  
ON LOBBYING CTTEE MEMBERS CANNOT/NOT BE OVER-RULED.

CCC/131 041028Z YTGR2675

J.D.SIMPSON/IMH/992-6664/lp  
FILE CIRC DIV RED W.F.

DATA RSR/MARIA RALETICH-RAJICIC

POM/DE • IMH

REFERENCE •  
REFERENCE

SUBJECT • BRIEFING NOTE ON THE LUBICON LAKE BAND  
JET

Security/Sécurité UNCLASSIFIED
Accession/Référence
File/Dossier 45-CDA-13-1-3-LUBICON BAND
Date APRIL 30, 1987
Number/Numéro IMH-0635

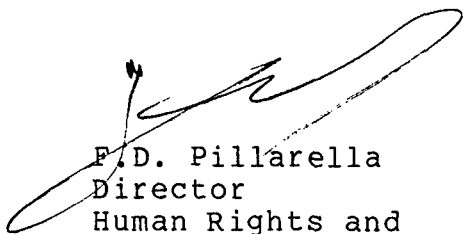
ENCLOSURES  
ANNEXES

3

DISTRIBUTION

Attached is a briefing note and accompanying Fact Sheet on the Lubicon Lake Band Land Claim for inclusion in Mr. Taylor's briefing book.

2. Should you have any questions on this matter you may get in touch with Mr. Dan Livermore or Ms. Joanne Simpson at 992-6664.

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

Joanne Simpson  
External Affairs  
Human Rights and Social  
Affairs Division  
992-6664

Issue: LUBICON LAKE BAND LAND CLAIM

Background:

In 1980 the Lubicon Lake Band filed a statement of claim in the Federal Court of Canada against the governments of Canada and Alberta in relation to a land transfer agreement with the Province of Alberta in 1940. The claim against the Federal Government is currently on hold, pending the outcome of an action launched in the Alberta Court of Queen's Bench in 1982.

In 1985, the Government of Canada appointed the Honourable E. Davie Fulton, 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 the claim.

In June 1986 the Band agreed to participate in negotiations with the Government of Canada through Canada's negotiator, Roger Tassé. They also agreed to use the report prepared by Mr. Fulton as the basis for negotiations. On July 8, 1986, the Band withdrew from the negotiations over the question of land entitlement under treaty 8, signed in 1889. Following this withdrawal, the Lubicon Lake Band engaged in an international campaign in Europe to gain support for their outstanding land claim, in which they were advocating a Boycott of the 1988 Calgary Winter Game and the concurrent Olympic Exhibition of Indian and Inuit artifacts at the Glenbow Museum Exhibition in Calgary.

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- 2 -

It is our understanding that the Band will be travelling once more to Europe, in May 1987 for similar purposes, in addition to attend a meeting of European NGO's, in support of North American Indians. This Conference, to be held in Vienna on May 7-10, 1987, will gather approximately 30 NGO's from 12 different countries. As a result, we anticipate that questions may be raised concerning the present land claim negotiations between the federal government and the Lubicon Lake Band.

Canadian position:

The issue of the land claim settlement is essentially a domestic matter not calling for international action, especially action linked to such non-Band issues as the 1988 Calgary Winter Games and Glenbow Museum Exhibition. Missions were basically informed of the federal government's willingness to go back to the negotiating table. This position, endorsed by the Government, remains unchanged and further emphasizes the importance of upholding the present negotiating framework, in order to resolve the land claim dispute in the best interest of all Canadians.

At present, diplomatic missions have been made aware the Band's intent to pursue their international campaign and were therefore, provided with an update (attached Fact Sheet) of where this matter now stands.

**ACTION  
SUITE A DONNER**

NONCLASSIFIE

DE VIENN ULGR5545 22AVR87

A EXTOTT IMH

INFO INAHULL/COULTER

DISTR IMD RSR BKC

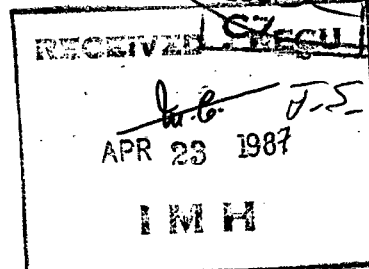
REF VOTRETEL IMH0404 19MAR  
(annulé)

---CONVERENCE SUR AFFAIRES AMERINDIENNES,VIENNE,7-10MAI

AVONS PU OBTENIR CONFIRMATION DE LA PART DE CIT SOCIETE AUTRICHIENNE  
POUR PEUPLES MENACES FINCIT QU UNE CONFERENCE SUR QUESTIONS AMERIN-  
DIENNES SE TIENDRA EFFECTIVEMENT A VIENN AUX DATES INDIQUEES CI-  
DESSUS.IL S AGIRA DU CIT THIRD EUROPEAN MTG OF NORTH AMERICAN INDIAN  
SUPPORT GROUPS FINCIT.CONFERENCE DISCUTERA DE CIT SITUATION ET DROITS  
DES INDIENS NORD-AMERICAINS FINCIT.ELLE EST ORGANISEE PAR CIT  
SOCIETE POUR PEUPLES MENACES FINCIT,UNE ONG AUTRICHIENNE QUI S ETAIT  
OCCUPEE DES ARRANGEMENTS POUR VISITE DES LUBICONS EN AUTRICHE EN  
NOV DERNIER.

2.ORGANISATEURS DISENT ATTENDRE ENVIRON 120 PARTICIPANTS REPRESENTANT  
12 ASSOCIATIONS DE DEFENSE DES DROITS DE L HOMME DE PLUSIEURS PAYS  
EUROPEENS.PARTICIPANTS CDNS SONT AUSSI ATTENDUS.IL S AGIRAIT DE  
REPRESENTANTS DE ASSEMBLEE DES PREMIERES NATIONS ET DE ASSOCIATION  
DES INDIENS DE ALBERTA,AINSI QUE,SUJET A CONFIRMATION,DU GRAND  
CONSEIL DES CRIS DU QUEBEC.ON ATTEND EGALEMENT REPRESENTANTS DE  
GROUPES AMERINDIENS DU DAKOTA-SUD,DE OKLAHOMA,DU NEVADA ET DE ETAT  
DE WSHDC.ORGANISATEURS ONT PROMIS DE NOUS ENVOYER COPIE DU PROGRAMME  
DE CONFERENCE AU COURS DES PROCHAINS JOURS.

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PAGE DEUX ULGR5545 UNCLAS

3. COMME CETTE CONFERENCE RECEVRA SANS DOUTE UNE CERTAINE PUBLICITE DANS MEDIAS AUTRICHIENS ET QU IL EN RESULTERA POSSIELEMENT CERTAINES QUESTIONS A AMBASSADE, NOTAMMENT SUR LUBICONS ET JEUX DE CALGARY, APPRECIERIONS OBTENIR CONFIRMATION QUE CIT LIGNES DE PRESSE FINCIT DEJA RECUES DE VOUS SONT TOUJOURS VALABLES OU, SI TEL N EST PAS/PAS LE CAS, RECEVOIR LIGNE DE PRESSE REVISEE. NOUS VOUS SAURIONS GRE EGALEMENT DE NOUS INDIQUER CIT DEGRE D ENGAGEMENT FINCIT QUE VOUS SOUHAITEZ DE LA PART DE NOTRE AMBASSADE (PAR EXEMPLE, DEVRIIONS-NOUS ADOPTER ATTITUDE CIT LOW KEY FINCIT ET ESSENTIELLEMENT REACTIVE, OU PLUTOT NOUS ENGAGER PLUS ACTIVEMENT POUR FAIRE CONNAITRE ATTITUDE ET POSITIONS DU GOUVT CDN).

UUU/121 221330Z ULGR5545

7/4/87

Distribution. MINA/A-10 (original + 10 copies)

MINP/A-10	(1)
USS/A-8	(1)
FPR/C-5	(1)
SCS/C-2	(1)

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

Section

IMH-0536

Subject/Highlights	Sujet/Points saillants
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LUBICON LAKE BAND LAND CLAIM - INTERNATIONAL CAMPAIGN IN EUROPE

ACC

. A T E

FILE 45-COA-13-1-3-LUBRON  
LACE BAND.

Source CBC/CBOT Transcript (attached) and Calgary Herald CC-111MD-2

Assessment	Évaluation
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### 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.

Suggested Reply	Réponse suggérée
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Suggested Reply      Response suggestee

- 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 position, endorsed by the Government, remains unchanged and has been reiterated recently in a reply to a letter from Mayor Klein from Calgary. In this instance, I indicated to Mayor Klein the importance expressed by the Federal Government in upholding the present negotiating framework in order to resolve the Land Claim dispute in the best interest of all Canadians.

- I fully believe that we will find a just solution if all parties involved are prepared to embrace the negotiation process. I am aware that, in the past, equitable agreements between governments and Indian Bands have emerged from this framework. In keeping with that spirit, I strongly invite the members of the Lubicon Band to return to the negotiating table.

- However, should they choose to pursue their campaign in Europe, as I am informed, they will do in May, in order to pressure Canada and the province of Alberta, such actions on the Band's part will not contribute to changing current negotiating positions.

- 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

J. SIMPSON 1p

Division Direction

IMH

Date \_\_\_\_\_

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PROGRAM: MIDDAY NEWS  
EMISSION:

DATE: NOVEMBER 18, 1988  
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.

- 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.

\*\*\*\*\*

A • See list attached

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

REFERENCE • Our telegrams IMH-1195 of  
REFERENCE • 07 November 1986 and 1229 of  
SUBJECT • 13 November 1986  
ET • 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.

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  
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Canadian Embassy, HELSINKI  
Canadian Embassy, OSLO  
Canadian Embassy, STOCKHOLM  
Holy See, ROME  
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Information

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## 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 hoped 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.







MINP/A-10 (1)  
USS/A-8 (1)  
BCM FPR/C-5 (1)  
BFD ~~SEC~~C-2 (1)

FILE

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

Section

IMH-0449

Subject/Highlights    Sujet/Points saillants

UNITED NATIONS COMPLAINT AGAINST CANADA

ACC

FILE 45-COA-13-1-3-1 DOSSIER Lubicon

LAKE BAND

Source

Globe and Mail, Wednesday, 25 March

Assessment    Évaluation

Classification

CONFIDENTIAL

The chief of the Lubicon Lake Band has filed a complaint against Canada in the United Nations Human Rights Committee (which allows individual complaints pursuant to procedures established under the Optional Protocol to the International Covenant on Civil and Political Rights). The Canadian reply to this complaint contends in part that the Lubicon Lake Band communication is inadmissible because domestic remedies have not yet been exhausted. The Privy Council Office and the Department of Justice also have substantive disagreements with the Lubicon Lake Band communication. These proceedings are confidential, and the information contained in the Globe and Mail could only have come from the Lubicon Lake Band, in an effort to exert pressure on the Government to change its position. Because of the quasi-judicial character of the Human Rights Committee, and because this case has not yet been resolved, our position is that we do not comment on such cases.

Suggested Reply    Réponse suggérée

- The proceedings of the Human Rights Committee on individual communications are confidential, involving only the parties directly concerned.
- Canada respects the confidentiality of the Committee's deliberations and hopes that other parties will do likewise.
- We have no comment on the article in question.

Prepared by    Préparé par

D. LIVERMORE / *[Signature]*

on    Direction

T.M.L.

Date

25 MAR 87

Tel. no.    N° de tél.

995-6960

*fl*

MAR 23 1987

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*2*

**ACTION  
SUITE A DONNER**

C O N F I D E N T I E L  
DE VATCN XAGR0132 23MAR87  
A EXTOTT IMG  
INFO ROME

ACC	REF	DATE
FILE	45-CDA-13-9-3-15R	
LALCE BAND		

LUBICON

DISTR MINA BCB BKD BFD BFE BKC RCM RCR JLO BKA RWM IMD IFB  
REF YOURTEL IMH0388 17MAR  
---LAC LUBICON

APPRENON QUE LE SAINT-SIEGE A COLLABORE A L ORGANISATION DE  
L EXPOSITION QUE LE GLENBOW MUSEUM EST A METTRE SUR PIED.  
BIBLIOTHEQUE VATICANE A FOURNI 3/3 LISEUSES EN CUIR REPOUSSE  
ET DECORE POUR BIBLES, DE FABRICATION INDIENNE, ET UNE SCULPTURE  
DE POIS INTITULEE SONG BOARD PAR MIDE. CES ARTICLES AURAIENT ETE  
EXPEDIES AU MUSEE RECEMMENT.

CCC/013 231000Z XAGR0132

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OF COUNSEL

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NOT ADMITTED IN DISTRICT OF COLUMBIA

March 19, 1987

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

Mr. Jakob Th. Moller  
Chief, Communications Unit  
Center for Human Rights  
Palais des Nations  
CH-1211  
Geneve 10

Re: Communication No. 167/1984

Dear Mr. Moller:

The purpose of this letter is to correct an error that we have noted in Supplement 5 to Communication No. 167/1984, transmitted to the Human Rights Committee on February 25, 1987.

At the bottom of page 9 and the top of page 10 of Supplement 5, we state that "the World Council of Churches warned the Trudeau government that 'genocidal consequences' could result from the energy development in the Lubicon Lake Band's homeland, after representatives of the Council visited the area and witnessed the devastation of the land and the resulting poverty of the people." We had inadvertently misstated the sequence of events and would like to correct the record.

The actual sequence of events is as follows. Representatives of the Band met with members of the World Council of Churches (WCC) from Geneva, Switzerland, who asked for documentation on the situation. Attorneys and other representatives for the Band sent 10,000 pages of materials, including all of

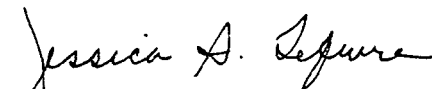
VAN NESS, FELDMAN, SUTCLIFFE & CURTIS

-2-

the court materials, extensive archival documentation, and sworn affidavits of Band members, anthropologists, wildlife biologists and historians. The WCC consulted with church leaders in Canada, as well as Band members over a period of several months concerning the documentation they had received. At the end of this period, the WCC sent its letter to Prime Minister Trudeau. Approximately one year later, a delegation of senior Canadian church leaders, including Canadian representatives of the WCC, such as Edward Scott, visited the area and concluded that the "well documented charges are substantially correct."

While this correction does not result in a substantive change in the Band's submission, we felt it necessary to notify you of this error. As always, we are grateful for your consideration and assistance.

Yours truly,

  
Jessica S. Lefevre



External Affairs  
Canada

Affaires extérieures  
Canada

UNCLASSIFIED  
NON CLASSIFIÉ

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

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

SECURITY SÉCURITÉ	UNCLASSIFIED
FM/DE	FM EXTOTT IMH0404 19MAR87
TO/À	TO VIENN
INFO	INFO IMD RSR BKC
DISTR	DISTR INA/HULL/COULTER
REF	
SUBJ/SUJ	---
	VIENNA CONFERENCE, MAY 1987
	DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS HAS RECENTLY FORWARDED TO US A LETTER WHICH WAS RECEIVED FROM THREE PRIVATE CITIZENS IN VIENNA, CONCERNING LAND CLAIM GRIEVANCES OF LUBICON LAKE BAND FROM NORTHERN ALBERTA. (CO/PT BY FAX).
	2.LETTER REFERS TO POSSIBLE TRIP BY NATIVE GROUP TO ATTEND QUOTE VIENNA CONFERENCE UNQUOTE IN MAY 1987 ALONG WITH OTHER ABORIGINAL ORGANIZATIONS.
	3.GRATEFUL IF YOU COULD INQUIRE ON NATURE OF UPCOMING CONFERENCE AND WHAT ORGANIZATIONS ARE LIKELY TO BE PARTICIPATING IN IT, IN ORDER TO ASSIST <del>IN</del> IN PREPARING FOR POSSIBLE PUBLICITY COVERAGE ON LUBICON LAKE GRIEVANCES AND CALGARY OLYMPICS ENSUING FROM CONFERENCE.
	<u>COMCENTRE, PLS, FAX ATTACHED TEXT.</u>

DRAFTER/RÉDACTEUR J. SIMPSON lp J. Simpson SIG	DIVISION/DIRECTION IMH	TELEPHONE 2-6664	APPROVED/APPROUVÉ F.D. PILLARELLA SIG
---	---------------------------	---------------------	---

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EUROPE - VIENNA FEB. 10, 1987

EUROPE (AUSTRIA)  
VIENNA  
"THREE TOURISTS"  
PAI MANFRED AND REGINA LEDER  
A-1220 WIEN - INN-STR.1/36 - AUSTRIA

TO HON. MINISTER FOR INDIAN AFFAIRS AND NORTHERN  
DEVELOPMENT  
MFMCKNIGHT

Dear Mr McKnight, *SA 100-21-2*

WE LAST VISITED THE LUBICON LAKE /ALBERTA, IN 1986.  
THE LUBICON LAKE PEOPLE VISITED US IN VIENNA IN 1986,  
DELEGATED BY THEIR CHIEF BERNARD OMINAYAK AND SOME  
ELDERS' PEOPLE TOGETHER WITH THEIR ADVISER FRED LENNARSON,  
AND THEY AGREE NOW TO VISIT "THE VIENNA CONFERENCE" ON MAY  
1987 DELEGATED BY MR OMINAYAK TOGETHER WITH THEIR  
ADVISER FRED LENNARSON. SOME OTHER ABDIGINS FROM USA AND  
CANADA AGREE TO PARTICIPATE THE CONFERENCE IN VIENNA ON MAY 1987.

### - INFORMATION -

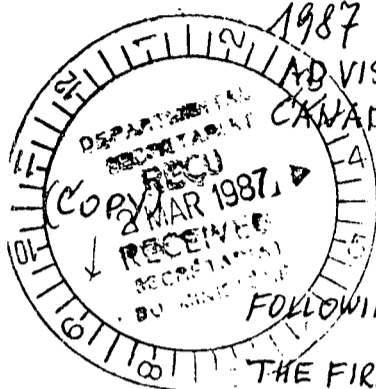
THE LUBICON LAKE CREE BAND HAS ASKED US TO DISTRIBUTE THE  
FOLLOWING DULY INFORMATION;

THE FIRST-MINISTERS - (CONSTITUTIONAL) CONFERENCE, (FMC), IS SCHEDULED ON  
THE END OF MARCH 1987.

THE LUBICON PEOPLE ASK ALL SUPPORTERS TO WRITE LETTERS TO OTTAWA.  
THE LUBICON PEOPLE ARE TOLD BY RELIABLE CONTACTS, THAT PEOPLE  
IN THE PRIME MINISTER'S OFFICE ARE VERY WORRIED ABOUT THEIR  
BEING DISCREDITED AT THE FMC. 'ON ABORIGINAL RIGHTS', SPECIFICALLY  
WITH REGARD TO THE LUBICON- AND THE CREE-NASKAPI- (JAMES BAY)-  
ISSUES FROM SAID OFFICE.

THE LUBICON PEOPLE ASK ALL SUPPORTERS TO SEND LETTERS TO  
MR PRIME MINISTER, MR BRIAN MULRONEY ABOUT WITH THE FOLLOWING  
CONTENTS;

- lat*  
*Sec*  
*Kayn*  
*N*  
*V.I.*
- (1) THAT WE IN EUROPE ARE WELL AWARE OF THE FMC. ON MARCH 1987  
(A SUBJECT THEREBY IS THE SAD FATE OF ABDIGINS LIKE THE LUBICON  
PEOPLE, PRESSED TO A LOW WELFARE STATE OF SURVIVAL CHANCE, -  
- WE ARE VERY SORRY ABOUT)
  - (2) THAT WE DEMAND THE FEDERAL GOVERNMENT TO HONOUR THE  
TERMS OF "THE JAMES BAY AGREEMENT," (BESIDE OTHER POINTS)
  - (3) THAT WE DEMAND THE FEDERAL GOVERNMENT TO HONOUR  
ITS AGREEMENT TO USE CORRECTLY - A TOP IMPORTANT PAPER -  
"THE FULTON DISCUSSION PAPER" - BEING VERY ESSENTIAL  
FOR - AS A BASICLY STARTING POINT FOR SOME SERIOUS  
NEGOTIATIONS WITH THE LUBICON PEOPLE, - AND -
  - (4) THAT, IF THE GOVERNMENT IS NOT DOING SO -  
WE CANNOT TAKE SERIOUS -
  - (i) THE INTENTIONS OF THE GOVERNMENT IN THE FMC,
  - (ii) THOSE PRIME MINISTER'S EXPRESSIONS OF CONCERN FOR THE  
VIOLATION OF HUMAN RIGHTS IN PLACES LIKE SOUTH AFRICA  
AND AFGHANISTAN - OR THAT OF THIS GOVERNMENT'S EFFORT TO  
PLAY A LEADERSHIP ROLE ON THE HUMAN RIGHTS COMMITTEE OF THE U.N.
- A124303*



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the fact is, Lubicon people's life & existence base is threatened by the World Wildlife Fund's prohibition of elk stampede, getting no restitution for. Elk stampede is prohibited by the WORLD'S WILDLIFE FUND TO DECISIONS ON VIOLATION OF "HUMAN RIGHTS" WILL DAMAGE THE STATE'S PRESTIGE AS A TRUE DEMOCRATIC STATE AMONGST THE STATE'S COMMUNITY OF THE WESTERN DEMOCRACIES - WE ARE CONVINCED OF. Especially the <sup>DEPARTMENT</sup> ~~REPORT~~ "INDIAN AFFAIRS" of Government, should much better take care for Aboriginal Rights - for interests of Lubicon people, we mean standing for this. THANK YOU FOR ATTENTION!

3/5

817  
160-71-2  
MAR 2 11 43 AM '87  
REFEREE  
FILE NO.

MINISTER'S OFFICE  
IN CHARGE  
CABINET DE MINISTRE  
A.I.N.C.

Respectfully and Sincerely,

for Paul, Manfred, and Regina Leclerc  
Paul H. St  
(VIENNA/AUSTRIA-EUROPE)

THE EUROPEAN DEMAND IS SERIOUS MEANT - WE DEMAND STRICT CORRECTNESS -

P.S. » WE EMPHASIZE TO TAKE YOUR "FULTON REPORT'S" DISCUSSION PAPER FOR THE REAL BASIC FOUNDATIONS ON LUBICON NEGOTIATIONS TO BE - THAT IS OUR DEMAND! «  
» SUCH A VERY IMPORTANT PAPER DON'T HIDE PLEASE DOWN INTO YOUR DESK-DRAWER - WE EXPRESSLY SAY «

PS  
WWF: WITH RESPECT TO ANIMAL LIFE AND VIRGINAL VEGETATION -  
→ WE DRAW YOUR ATTENTION HAMBURG prohibited to build into nature  
The DUKE OF EDINBURGH IS THE LEADER OF THE WWF.  
The "World's Wildlife Fund" prohibited elk stampede, to be said  
"Hunting Game" as well as "Protected Animals", may not being <sup>made</sup> right  
out of its steady instanding area. All scarce kind of animals included, <sup>made</sup> ~~made~~  
(we are prohibited to build industries or water power plants into ~~virginal lands~~ <sup>virginal</sup> ~~land~~ <sup>land</sup>)

Paula Maria  
f. Regina LEDER  
A-1-20 WIEN  
VIENNA, EUROPE  
AUSTRIA/EUROPE

Second sheet on details

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

Dear Mr. McKnight;

In the name of THE DUKE OF EDINBOROUGH  
and the WORLD'S WILDLIFE FUND WWF WE  
DRAW YOUR ATTENTION UPON THIS EVENTS IN EUROPE  
In 1984/85 in European alps state

Austria, people stand up against the  
building project of a Water power  
plant amidst a lost virginal nature  
area beside the Danube River banks  
'HAINBURG.'

The duke of Edinburgh, leader  
of Wild Life Fund was informed by  
the people. He hold an energizal speech  
against the governments water power project  
amidst the rests of virginal nature (with  
swamps, vegetation from parttime, animal life  
pools or bajon from Danube-river.

He spoke; IT IS A WORLD WIDE AND GENERAL  
PROHIBITION TO EXTINGUISH OR STAMPEDE OF  
WILDLIFE THE WWF IS WATCHING UPON SUCH CASES  
FACTS THROUGHOUT ALL WORLD'S AREAS.

Thank YOU!  
Sincerely f. Regina Leder and Manfred  
Pendl  
(VIENNA-1220 WIEN) P.T.

UNCLASSIFIED  
NON CLASSIFIE

UNCLASSIFIED  
NON CLASSIFIÉ

Gentlemen;

We took note about your diverting, — as  
of your Government's diverting from  $\frac{5}{5}$   
the very ESSENTIAL NEGOTIATION =  
PAPER AS FOR LUBICON PEOPLE, IT IS  
THIS "FULTON DISCUSSION PAPER" — WE ASK  
FOR, PLEASE DON'T HIDE IT OR TEAR THAT  
VERY IMPORTANT PAPER, DON'T IGNORE  
SUCH ONE, IN THE FUTURE, ON  
LUBICON NEGOTIONS, FOR IT CONTENTS  
THE SURVIVAL HUMAN RIGHTS, TOP NECESSARY  
FOR THEM — PLEASE CAN YOU TAKE  
NOTE OF THIS.

THANK YOU!

for Regina Seels and Clifford  
H. Paul sr.



THE CITY OF CALGARY  
OFFICE OF THE MAYOR

RALPH KLEIN  
MAYOR

March 17, 1987

AR. A-02476-87  
~~BKD~~ - Info  
IMH

The Right Honourable C. Joseph Clark  
Secretary of State for External Affairs  
Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2

ACC	FILE	For info, No
FILE	45-COA-13-1.3	DOSSIER
		LUBICON LAKE BAND

Dear Mr. Clark:

As you are well aware, the Lubicon Lake Indian Band has undertaken a well-publicized call for a boycott of the 1988 Olympic Winter Games. It is the position of the Lubicon Lake Band that this boycott is justified because the Federal Government and the Government of the Province of Alberta are partners in the staging of the Olympic Games, at the same time that those Governments are involved in negotiations with the Lubicon over disputed land claims.

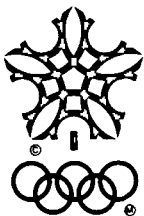
As Host City for the 1988 Olympic Winter Games, the City of Calgary has therefore become involved in this dispute, although publicly I expressed my regret that this had become the case. I also said that if the City of Calgary was to become drawn into this matter, that I would like to meet with the Lubicon Lake Band, as well as discuss the matter with the senior levels of Government, in order to make myself more aware of the issues involved.

In that regard, I have received, through your Office, the Federal Government's position from Indian and Northern Affairs and on March 12, I met with Chief Bernard Ominiyak and members of the Lubicon Lake Band.

The purpose of this letter is to advise you of my discussions with Chief Ominiyak regarding their call for a boycott of the Olympic Games.

Chief Ominiyak advised me that the Lubicon Band intends to continue with the boycott, and indeed, that they intended to escalate their activities in that regard. I expressed my opposition to this strategy, as I felt it had the potential to do great harm to the City of Calgary, although we have no jurisdiction to resolve their outstanding land claims. Chief Ominiyak indicated that while he understood my position, their call for a boycott would remain.

.../2



Host City  
for the 1988  
Olympic Winter Games

The Right Honourable C. Joseph Clark  
March 17, 1987  
Page Two

I clearly indicated to the Chief that while I opposed the boycott, I had neither the sufficient background information nor any legitimate authority to take sides in the dispute over the land claims. I urged him to return to the bargaining table, as I had been advised that the Federal Government stands ready to negotiate in good faith. Chief Ominiyak indicated that the Lubicon Lake Band had placed an offer on the table, but that it was unacceptable to the Federal Government. Again, without benefit of all the facts, I urged him to re-open negotiations with the Federal Government nonetheless.

Chief Ominiyak indicated that while there were certainly areas of wide disagreement, he was prepared to meet with the Federal Government in the future.

In closing, allow me to say that I support the efforts of the Federal Government to meet and negotiate with the Lubicon Lake Indian Band, and as a result of the City of Calgary's unintended involvement in this matter, I am ready to assist if necessary.

Yours truly,



Ralph Klein  
M A Y O R

/gb

cc: Honourable William McKnight  
Minister  
Department of Indian Affairs and  
Northern Development  
Les Terrasses de la Chaudière  
Ottawa, Ontario K1A 0H4

ACTION REQUEST/FICHE DE SERVICE

From/De : RALPH KLEIN  
MAYOR, CITY OF CALGARY

No. : A-02476-87

Subject/ LUBICON INDIAN BAND BOYCOTT OLYMPIC 88  
Objet: CULTURAL, ACADEMIC, ARTS \* CULTURE, ACADEMIQUE, ARTS

Action div./Dir. resp.: ~~BKF~~ IMD - transferred March 30, 1987

Info div(s)/Dir(s) informee(s): MINA Registry notified

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

Date sent to division  
Date d'envoi à la direction

Deadline date  
Echeance

17 MAR 87

27 MAR 87

\*\*10 APR 87\*\*

Comments/Commentaires

ACTION REQUIRED/SUITE A DONNER

FOR DIVISIONAL USE  
RESERVE A LA DIRECTION

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

Date received/Date recue  
31/3/87

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

Action officer/Agent resp.

[ ] Reply by division  
Reponse de la direction

J.S. 31/3/87  
Disposition and/et date

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

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

For MINA use/  
Reserve à MINA  
Original signed by  
Original signé par  
JOE CLARK

APR - 3 1987

ALL TRANSFERS TO BE REPORTED TO MINA RECORDS  
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 été donnée

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



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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

SECURITY SÉCURITÉ	UNCLASSIFIED	17 MAR 87 16 39 Z	12	10
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DISTR	DISTR MINA BKC BFE			
REF				
SUBJ/SUJ	---LUBICON LAKE BAND			
<p>WE HAVE HEARD THROUGH GLENBOW MUSEUM AND MINA THAT FELIX VALK, DIRECTOR OF MUSEUM VUR VOLKENKUNDE OF ROTTERDAM (?) HAS REQUESTED INFO RE LUBICON LAKE BAND GRIEVANCES. GRATEFUL IF YOU COULD MAKE CONTACT AND PASS TO HIM FACT SHEET ON LUBICON. IF HE HAS ANY SPECIAL CONCERNS WHICH WE NEED TO ADDRESS, PLS LET US KNOW.</p>				

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

The Permanent Mission of Canada  
to the United Nations



La Mission Permanente du Canada  
auprès des Nations Unies

ACC 497740	REF	DATE 870313
FILE 45-CDA-13-1-3-LUBICON LAKE BAND	DOSSIER	

NO. 26

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 has the honour to refer to the Secretary-General's Note No. G/SO 215/51 CANA (38) 167/1984, of March 2, 1987, conveying supplements 5 and 6 to Communication No. 167/1984.

The Government of Canada does not wish to unduly prolong these proceedings and considers that the Committee has sufficient information before it to make a decision on admissibility. The supplementary materials filed on behalf of the band consist of further assertions of fact, with which the Government of Canada does not agree. To the extent that these assertions of fact relate to the substance of the Communication, they would fall to be determined only after the Committee has decided on the admissibility of the Communication. Should the Committee decide that the Communication is admissible, the Government of Canada reserves the right to respond in detail to all the issues raised by these further submissions.

.../2

- 2 -

As indicated in its previous submissions and for the reasons set out therein, the Government of Canada respectfully submits that the Communication is inadmissible under the Optional Protocol.

The Permanent Mission of Canada to the United Nations 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, March 13, 1987

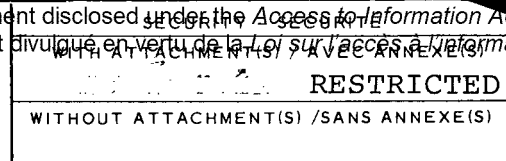
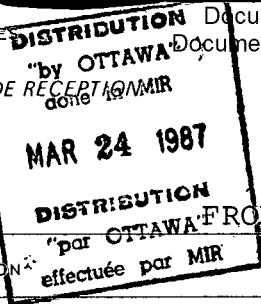


TRANSMITTAL AND RECEIPT NOTE - NOTE D'ENVOI ET DE RÉCEPTION

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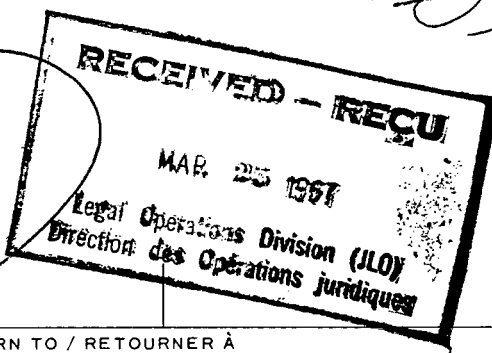
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NO. DATE  
FROM: GENEVA # 1579 March 16/87

QUANTITY QUANTITÉ	DESCRIPTION - DESCRIPTION	REFERENCE - RÉFÉRENCE
	<p>DISTRIBUTION BY OTTAWA: JUSTOTT/LOW/FREEMAN FPROOTT/OACA/CARON SECSTATEHULL/DADSON INAHULL/WHITAKER/COULTER</p> <p>JCD IMH IMD</p> <p>Subject: CTTEE ON HUMAN RIGHTS: COMMUNICATION 167/1984 (LUBICON LAKE)</p> <p>REF: JLO TEL 0372 12MAR87</p> <p>Attached is note transmitted to Centre pursuant to instructions in your tel JLO 0372 12MAR.</p>	<p>OUR FILE: 45-13-2-LUBICON</p>

copy done  
origl to  
45-13-1-3-  
Lubicon  
Lake



*[Handwritten signature]*

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

DATE

SIGNATURE



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence
File/Dossier <b>45-COA-13-1-3-LUBICON LAKE BAND</b>

SECURITY SÉCURITÉ	<b>R E S T R I C T E D</b>	12 MAR 87 21 <sup>12</sup> 237	10
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REF	DISTR JCD IMH IMD		
SUBJ/SUJ	REF YOUR TEL YTGR 1283 05MAR		
---CTTEE ON HUMAN RIGHTS:COMMUNICATION 167/1984(LUBICON LAKE)			
FOLLOWING IS INTERDEPTALLY APPROVED REPLY TO LATEST LUBICON			
SUBMISSIONS: QUOTE WITH REGARD TO THE SUPPLEMENTARY SUBMISSIONS ON			
BEHALF OF THE LUBICON LAKE BANK <sup>D</sup> , TRANSMITTED UNDER COVER OF THE			
SECRETARIATS NOTE G/SO 215/51 CANA(38)167/1984, DATED MARCH			
2,1987, THE GOVERNMENT OF CANADA DOES NOT WISH TO UNDULY PROLONG			
THESE PROCEEDINGS AND CONSIDERS THAT THE COMMITTEE HAS SUFFICIENT			
INFORMATION BEFORE IT TO MAKE A DECISION ON ADMISSIBILITY.			
THE SUPPLEMENTARY MATERIALS FILED ON BEHALF OF THE BAND CONSIST OF			
FURTHER ASSERTIONS OF FACT, WITH WHICH THE GOVERNMENT OF CANADA DOES			
NOT/NOT AGREE. TO THE EXTENT THAT THESE ASSERTIONS OF FACT RELATE TO			
THE SUBSTANCE OF THE COMMUNICATION THEY WOULD <del>FAIL</del> <sup>FALL</sup> TO BE DETERMINED			
ONLY AFTER THE COMMITTEE HAS DECIDED ON THE ADMISSIBILITY OF THE			
COMMUNICATION. SHOULD THE COMMITTEE DECIDE THAT THE COMMUNICATION IS			
ADMISSIBLE, THE GOVERNMENT OF CANADA RESERVES THE RIGHT TO RESPOND			
IN DETAIL TO ALL THE ISSUES RAISED BY THESE FURTHER SUBMISSIONS.			
.../2			

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
C. SWORDS / <i>C. Swords</i> SIG	JLO	996-5407	<i>P. Kirsch</i> SIG



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PAGE TWO JLO 0372 RESTR.

12

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AS  
A INDICATED IN ITS PREVIOUS SUBMISSIONS AND FOR THE REASONS SET OUT  
THEREIN, THE GOVERNMENT OF CANADA RESPECTFULLY SUBMITS THAT THE  
COMMUNICATION IS INADMISSIBLE UNDER THE OPTIONAL PROTOCOL. UNQUOTE.  
2. GRATEFUL YOU ADD COMPLIMENTARY OPENING REFERRING TO CENTRE FOR  
HUMAN RIGHTS NOTE NBR G/SO 215/51 CANA(38) OF 02 MAR 1987 AND  
FWD THIS REPLY TO CENTRE ASAP AS WE UNDERSTAND  
COMMUNICATIONS WORKING GROUP MAY MEET NEXT WEEK.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence
File/Dossier
45-00A-13-1-3-LUBICON LAKE SAND

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REF	SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI			
SUBJ/SUJ	DISTR JCD IMH IMD			
	REF OUR TEL JLO 0334 05MAR			
	---CTTEE ON HUMAN RIGHTS:COMMUNICATION 167/1984 (LUBICON LAKE)			
	PENDING INTERDEPTAL MTG TO CONSIDER MATTER FURTHER, GRATEFUL			
	YOU NOT/NOT PROVIDE CENTRE FOR HUMAN RIGHTS WITH ANY			
	COMMENTS FROM CDN GOVT.			

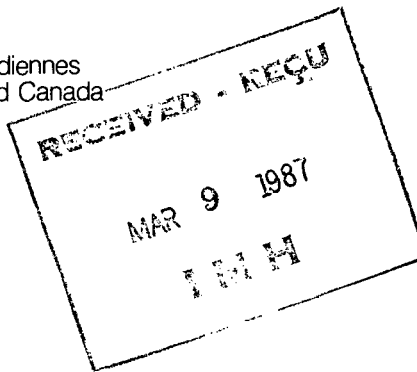
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SIG <i>C. Swords</i> C. SWORDS/sl	JLO	996-5407	SIG <i>P. KIRSCH</i> P. KIRSCH

001318



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada



**CONFIDENTIAL**

**BY COURIER**

March 5, 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**

ACC	FILE	DOSSIER
	45-CA-13-1-3	Lubicon Lake Band
LOC		

Enclosed please find a copy of a letter our Minister received from Vienna regarding the Lubicon Lake Band to which our Departmental Secretariat sent a standard form response.

The letter is of interest in that the authors claim the Band has agreed to participate in "The Vienna Conference" in May, 1987. Since we have had inquiries from the Austrian Embassy in the past, I was wondering if you could have our embassy in Vienna make inquiries concerning the nature of the conference, who will be attending, etc., in order that we might be prepared for any publicity coming out of the conference regarding the Calgary Olympics or otherwise.

Thank you for your cooperation.

Yours truly,

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

Attach.

c.c.    B. Rawson  
         D. McGregor  
         C. Meagher

**Canada**

001319



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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

SECURITY/ SÉCURITÉ	R E S T R I C T E D	0127 01 022 <sup>12</sup>	10
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REF	SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI		
SUBJ/SUJ	DISTR JCD IMH IMD		
	REF YOURTEL YTGR1283 05MAR		
	--CTTEE ON HUMAN RIGHTS:COMMUNICATION 167/1984 (LUBICON LAKE)		
	WE AGREE WITH PROPOSED REPLY.		

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
P. McRae/jk SIG	JLO	992-2002	Peter McRae SIG

001320

47CR1282

2/16

NONCLASSIFIE - UNCLASSIFIED

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).

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

External Affairs  
CanadaAffaires extérieures  
Canada**ACTION  
MESSAGE  
SUITE A DONNER**

Accession/Référence

File/Dossier

45-13-2-LUBICON

PAGE 1 OF 16

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INAHULL/WHITAKER DE OTT

REF

JCD IMH IMD

OURFAX YTGR1231 03MAR

SUBJ/SUJ

---COMMITTEE ON HUMAN RIGHTS:COMMUNICATION 167/1984(LUBICON LAKE)

ATTACHED QUOTE SUBMISSION NO 6 UNQUOTE WAS INADVERTENTLY  
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PAR - GVA

TKO - GVA

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MAR 6 1987

Legal Operations Division (ILO)  
Direction des Opérations juridiques

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SIG

R HYNES

SIG

T C HAMMOND

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-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.

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-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.

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-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.

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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

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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.

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-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.

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NONCLASSIFIE - UNCLASSIFIED

-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.

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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 Communiqué, 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

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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.

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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.

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-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 28, 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.

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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)

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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.

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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

Deliver by 0900

**RECEIVED - REÇU**

MAR 5 1987

Legal Operations Division (JLO)  
Direction des Opérations juridiques

**ACTION  
SUITE A DONNER**

R E S T R I C T E D

FM GENEV YTGR1283 5MAR87

TO EXTOTT JLO IMMED

INFO BH JUSTOTT/LOW/FREEMAN DE OTT FPROCTT/OACA/CARON DE OPM

SECSTATEHULL/DADSON INAHULL/WHITAKER DE OCI

DISTR JCD IMH IMD

REF OUR FAX YTGR1231 3MAR YTGR1282 5MAR

---CTTEE ON HUMAN RIGHTS:COMMUNICATION 167/1984(LUBICON LAKE)

FOLLOWING IS SUGGESTED DRAFT REPLY TO LATEST LUBICON SUBMISSION,

PREPARED BY LOW.QUOTE

WITH REGARD TO THE SUPPLEMENTARY SUBMISSIONS ON BEHALF OF THE LUBICON LAKE BANK, TRANSMITTED UNDER COVER OF THE SECRETARIATS NOTE G/SO 215/51 CANA(38)167/1984, DATED MARCH 2, 1987, THE GOVERNMENT OF CANADA HAS NO/NO FURTHER SUBMISSIONS TO MAKE. THE SUPPLEMENTARY MATERIALS FILED ON BEHALF OF THE BAND CONSTITUTE FURTHER ASSERTIONS OF FACT, WITH WHICH THE GOVERNMENT OF CANADA DOES NOT/NOT AGREE. BUT THE GOVERNMENT OF CANADA CONTENDS THAT THESE FACTUAL MATTERS ARE ISSUES THAT RELATE TO THE SUBSTANCE OF THE COMMUNICATION, AND THEREFORE FALL TO BE DETERMINED ONLY AFTER THE COMMITTEE HAS DECIDED ON THE ADMISSIBILITY OF THE COMMUNICATION.

AS INDICATED IN ITS SUBMISSIONS DATE.....AND FOR THE REASONS SET OUT THEREIN, THE GOVERNMENT OF CANADA RESPECTFULLY SUBMITS THAT THE COMMUNICATION IS INADMISSIBLE UNDER THE OPTIONAL PROTOCOL. UNQUOTE.

2. GRATEFUL YOUR INSTRUCTIONS ASAP.

CCC/198 051706Z YTGR1283

*We agree with proposed reply*

001337



## R.C. Bishop of the Diocese of Calgary

ROOM 205, CATHOLIC PASTORAL CENTRE:  
1916 2nd STREET SOUTH WEST  
CALGARY, ALBERTA T2S 1S3

ACC	Ref	DATE
FILE 15-COA-13-1-3 <i>Lubicon</i> <i>Calgary</i>		

55-26-OLYMP-WINTER-1988-6

PHONE: (403) 228-4501

AR-A-0 1934-87  
BKD

March 4, 1987.

Honourable Joseph Clark,  
Minister of External Affairs,  
House of Commons,  
OTTAWA, Ontario K1A 0A6.

Honourable Don Getty,  
Premier of Alberta,  
Legislature Building,  
EDMONTON, Alberta T5K 2B7.

Dear Honourable Clark and Honourable Getty:

RE: Lubicon Indians.

I address this letter to both of you because time is going by fast and the problem appears to be increasing. Perhaps not so much by the Lubicon Indians as by those who are seeking to do what they consider to be justice for the Lubicons.

As Chairman of the OCO '88 Religion Committee, an ecumenical committee seeking to serve the athletes and tourists who will come to Calgary, I speak to convey the real basic value message of the Olympics for sport, peace, and harmony, and also I speak as Chairman of the Social Action Commission of the Canadian Conference of Catholic Bishops. I am reasonably knowledgeable of the background and discussions pertinent to the Lubicon Indian Band and their requests.

I make this approach to both of you because our Committee wishes this business to be done in a quiet non-media manner. I have been asked, in my capacity as Chairman of the C.C.C.B. Social Action Commission, to back Project North Moves and to speak out. I have refused. I have indicated that I do not wish Project North to be part of any movement flowing out of the Calgary Olympic Committee.

I wish to offer our services if in any way we can at least facilitate negotiations, clear and significant, between the Governments and the Lubicon Indian Band. I have sought advice from knowledgeable Native people and feel this is an issue that could be put on the side-burner and reduce the possibilities of picketing and even other strong forms of action that might surface during the Olympics events.

It appears that the Olympic Torch on its way to Calgary will pass through forty-six Indian Reserves. What Native people will do is something we can only conjecture. In fairness to the Olympic Committee I feel, we who are not responsible in any way for the continuing dispute, that some direct action should occur allowing the Lubicon Band to feel their question is

Honourable Joseph Clark  
Honourable Don Getty

-2-

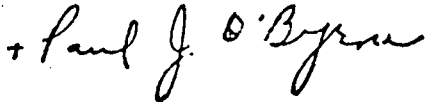
March 4, 1987

being honestly and formally addressed, and that as all know Mr. David Fulton has given recommendations, people wonder why the delay.

Both of you are more knowledgeable of the scene. However, I feel as the OCO people have received sufficient negative publicity that to allow a sore to persist and a wound to be opened at the beck and call of disgruntled people, is not a wise decision.

This letter is being written with the concurrence of our OCO '88 Religion Committee, and with the knowledge of the chief officer, Mr. Frank King. It will not be made public in any way. I would appreciate some form of indicator as to whether or not we might act as a facilitator in this matter or whether the Government wishes us to step aside.

My personal thanks,



+Paul J. O'Byrne,  
Chairman,  
OCO '88 Religion Committee.

PJO:jb

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

ACTION REQUEST/FICHE DE SERVICE

From/De : MOST REV PAUL J. O'BYRNE  
BISHOP OF CALGARY

No. : A-01934-87

Subject/ OLYMPIC 88 AND THE LUBICON INDIANS  
Objet: CULTURAL, ACADEMIC, ARTS \* CULTURE, ACADEMIQUE, ARTS

Action div./Dir. resp.: **BKD** *IMD (for IMH)*  
Info div(s)/Dir(s) informee(s):

Let./Tel. dated Let./Tel. en date du =====	Date sent to division Date d'envoi à la direction =====	Deadline date Echeance =====
04 MAR 87	11 MAR 87	**25 MAR 87**

Comments/Commentaires

ASAP

ACTION REQUIRED/SUITE A DONNER

FOR DIVISIONAL USE  
RESERVE A LA DIRECTION

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Reply for signature of SSEA<br>Reponse pour la signature du SEAE                                | Date received/Date recue                                     |
| <input type="checkbox"/> Reply for the signature of<br>Reponse pour la signature de   | Action officer/Agent resp.                                   |
| <input type="checkbox"/> Reply by division<br>Reponse de la direction   | Disposition and/et date                                      |
| <input type="checkbox"/> CAMPAIGN: Reply for signature of SSEA<br>CAMPAGNE: Reponse pour la signature du SEAE<br>Quantity/Quantite: |  |
| <input type="checkbox"/> For information and any necessary action<br>Pour examen et suite à donner, s'il y a lieu                   | For MINA use/<br>Reserve a MINA<br><i>Signé le 5 juin 87</i> |

ALL TRANSFERS TO BE REPORTED TO MINA RECORDS  
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      Secrétaire de direction      Verte      Au dossier avec la lettre recue



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence

489219

File/Dossier

45-COA-13-1-3-LUBICON

LAKE  
BAND.

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

SECURITY  
SÉCURITÉ

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

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TO/À  
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DISTR  
REF  
SUBJ/SUJ

FM EXTOTT IMH0388 17MAR87

TO GENEV BRE<sup>E</sup> MDRID HAGUE LSBON DUBLN COPEN HSNKI OSLO STKHM PARIS

LDN BONN BERNE VIENN BRU ROME VATCN

INFO PRMNY CNGY WLGTN CNBRA WSHDC WDOAS PESCO SECSTATEHULL/DADSON

JUSTOTT/FREEMAN INA/COULTER SPORTCANADA/GRAVELINE

DISTR MINA BCB BKD BFD BFE BKC RCM RCR JLO BKA RWM IMD IFB

REF OUR TELS 1195 07NOV86, 1229 13NOV96, OUR MEMO 1336 11DEC86

---LUBICON LAKE UPDATE

PURPOSES OF THIS TELEX ARE TO PROVIDE PROGRESS REPORT RE LUBICON

LAKE BAND BOYCOTT CAMPAIGN AND TO REQUEST POSTS TO CONTINUE TO

MONITOR THIS SITUATION CLOSELY. WHILE WE ARE FULLY AWARE OF

CONSTRAINTS ON POSTS WHICH HAVE MYRIAD OF OPERATIONAL

RESPONSIBILITIES, THIS ISSUE IS ONE IN WHICH THERE IS SUBSTANTIAL

PUBLIC INTEREST, AS REFLECTED BY QUANTITY AND VARIETY OF MEDIA

ARTICLES AND LETTERS TO DEPT.

2. DESPITE WIDESPREAD PUBLICITY FOR THEIR CAUSE, LUBICON LAKE BAND

HAS NOT/NOT MOBILIZED ANY WIDESPREAD SUPPORT FOR BOYCOTT OF OLYMPIC

GAMES OR GLENBOW MUSEUM EXHIBIT. AS WE VENTURED TO SUGGEST AT

OUTSET, LINKAGE BETWEEN BAND GRIEVANCES AND CALGARY OLYMPIC GAMES

HAS FALLEN ESPECIALLY FLAT. THERE ARE ESSENTIALLY NO/NO REPORTS OF

ANY COUNTRIES OR NATIONAL OLYMPIC CTTEES WHICH HAVE GONE BEYOND

POLITE ANSWERS TO REQUESTS FOR BOYCOTT ACTION. WITH RESPECT TO

PARALLEL EXHIBIT AT GLENBOW MUSEUM, LUBICON LAKE BAND HAS HAD

DRAFTER/RÉDACTEUR

D. LIVERMORE lp

DIVISION/DIRECTION

IMH

TELEPHONE

5-6960

APPROVED/APPROUVÉ

F.D. PILLARELLA

SIG

001341



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PAGE TWO IMH0388 C O N F I D E N T I A L

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SOMEWHAT MORE SUCCESS. TO DATE, SOME TEN MUSEUMS HAVE INDICATED THAT THEY WILL NOT/NOT PARTICIPATE, MOST INDICATING SYMPATHY WITH LUBICON LAKE BAND GRIEVANCES. HOWEVER, THESE TEN INSTITUTIONS REPRESENT ONLY SMALL FRACTION OF TOTAL MUSEUM COMMUNITY CANVASSED FOR PARTICIPATION, AND THEIR FAILURE TO PARTICIPATE SHOULD HAVE ONLY MARGINAL IMPACT ON DISPLAYS. IN PLANNING EXHIBIT, GLENBOW WILL STILL HAVE LARGE SELECTION FROM WHICH TO CHOOSE, EVEN IF OTHER MUSEUMS DECIDE TO FALL AWAY FROM PARTICIPATION. WE UNDERSTAND THAT LUBICON LAKE BAND IS STILL DETERMINED TO CONTINUE BOYCOTT CAMPAIGN, NOTWITHSTANDING LACK OF TANGIBLE SUCCESS. AS FAR AS SUBSTANCE OF THEIR GRIEVANCES IS CONCERNED, THERE HAS BEEN LITTLE PROGRESS. FEDERAL GOVT (THROUGH DIAND) HAS ANNOUNCED FLEXIBILITY ON NUMBER OF LUBICON LAKE BAND GRIEVANCES, AND REQUESTED BAND TO RETURN TO NEGOTIATING TABLE. FEDERAL OFFER HAS NOT/NOT ONLY PLACED BALL SQUARELY IN LUBICON LAKE BAND COURT, BUT ALSO HELPED TO CHANGE IMPRESSION THAT FEDERAL RIGIDITY WAS IN ANY WAY ISSUE. HOWEVER, PROCESS OF SETTLING ISSUE DEFINITELY IS LIKELY TO BE LONG ONE. 3. IN RECENT DISCUSSIONS WITH ORGANIZER OF GLENBOW EXHIBIT, WE WERE INFORMED THAT CERTAIN INDIVIDUALS ASSOCIATED WITH LUBICON LAKE BAND HAD APPROACHED EUROPEAN MUSEUMS SUGGESTING THAT SECURITY ARRANGEMENTS FOR EXHIBIT WERE INSUFFICIENT AND THAT THERE WAS

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PAGE THREE IMH0388 C O N F I D E N T I A L

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POSSIBILITY OF DAMAGE TO ARTEFACTS AS A RESULT OF VIOLENT DEMONSTRATIONS AGAINST FEDERAL GOVT. WE ARE ESPECIALLY DISTURBED BY IMPLICATIONS OF THIS VEILED THREAT, WHICH WE BELIEVE IS WILDLY OVER-STATED. (NONE OF LUBICON LAKE BAND LEADERS HAS EVER SUGGESTED THAT BOYCOTT ACTIVITIES WOULD INCLUDE VANDALISM OR SIMILARLY VIOLENT UNDERTAKINGS, AND MUSEUM HAS ALREADY TAKEN STANDARD PRECAUTIONS TO PROTECT ARTEFACTS FROM MOST FORMS OF DAMAGE). WE TEND TO ASSESS THIS WARNING AS VIRTUAL ACKNOWLEDGEMENT THAT BOYCOTT BASED ON SYMPATHY WITH BAND GRIEVANCES HAS FAILED, AND THAT OTHER TACTICS ARE ON THEIR WAY.

4. WE WOULD BE GRATEFUL FOR ON-GOING MONITORING OF SITUATION, ESPECIALLY WITH PERSONS ASSOCIATED WITH MUSEUM AND CULTURAL COMMUNITIES. WHILE WE BELIEVE THAT IT WOULD BE UNWISE TO ENQUIRE ABOUT VEILED THREAT CONTAINED IN PARA 3/3, AS THIS WOULD APPEAR TO RAISE AN ISSUE WHERE THERE IS CURRENTLY NO/NO RELIABLE EVIDENCE, YOU SHOULD BE AWARE OF BACKGROUND, AND SOLICIT ADDITIONAL INFO IF IT IS RAISED BY ONE OF YOUR INTERLOCUTORS. WE WOULD BE ESPECIALLY INTERESTED IN IDENTIFYING SOURCES OF THESE INTIMATIONS. AS TO MUSEUMS AND OTHER INSTITUTIONS WHICH HAVE DECIDED TO PARTICIPATE IN BOYCOTT CAMPAIGN, WE ARE NOT/NOT AT THIS TIME SOLICITING REVERSAL OF DECISION, AS THERE WOULD APPEAR TO BE NO/NO NEED ON PART OF GLENBOW. MOREOVER, WE DO NOT/NOT WISH TO APPEAR TO BE APPLYING

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PAGE FOUR IMH0388 C O N F I D E N T I A L

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PRESSURE TACTICS IN AREA WHERE WE RECOGNIZE RIGHT OF MUSEUM  
COMMUNITY TO PARTICIPATE OR REFRAIN FROM SO DOING. NEVERTHELESS,  
WE WOULD APPRECIATE RATIONALE FROM THOSE MUSEUMS JOINING BOYCOTT,  
AND, WHERE THESE REASONS ARE LESS THAN CONVINCING, THEY SHOULD BE  
PROVIDED WITH REBUTTAL FOR THE RECORD.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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

Accession/Référence
File/Dossier <b>45-CD1-13-1-3-</b>
<b>Lubicon Lake Band</b>

SECURITY SÉCURITÉ	UNCLASSIFIED	2 MAR 87 22 01 z	12	10
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TO/À	TO STKHM			
INFO	INFO BY BAG BREEC GENEV VPERM ATHNS BERNE BONN BRU COPEN DUBLN			
DISTR	HSNKI LISBON LDN MDRID OSLO PARIS ROME STKHM HAGUE VIENN WHSDC			
REF	DISTR BKA BCB BFD BFE BKC JLO RCM RCR MINA			
SUBJ/SUJ	REF YOURTELS UDFC0288 28JAN87, 0201 09JAN87			
	<p>---LUBICON BOYCOTT OF GLENBOW EXHIBITION</p> <p>ISSUE OF PROPOSED BOYCOTT OF GLENBOW EXHIBITION HAS RECEIVED RECENT ATTENTION IN PARLIAMENT, THROUGH STANDING COMMITTEE ON ABORIGINAL AFFAIRS, AS LUBICON LAKE BAND ACCOMPANIED BY MR. DAVIE FULTON PRESENTED THEIR CASE TO COMMITTEE MEMBERS ON FEB 11, 1987 (BY BAG). THERE HAVE BEEN SPORADIC ARTICLES IN NATIONAL NEWSPAPERS AND ODD TV REPORT WITH CHURCH SUPPORT GROUPS.</p> <p>2.GLENBOW HAS ALMOST CONCLUDED ARRANGEMENTS FOR EXHIBIT ALTHOUGH NINE FOREIGN MUSEUMS ARE INDEED PARTICIPATING IN BOYCOTT, EITHER EXPLICITLY OR BY SIMPLE WITHOLDING OF EXHIBITION PIECES.</p> <p>3.WE CONCUR WITH YOUR EARLIER VIEWS THAT WE SHOULD ENQUIRE WITH SWEDISH AUTHORITIES AS TO REASONS FOR THREE SWEDISH INSTITUTIONS JOINING MUSEUM BOYCOTT, IN PARTICULAR, WITH REGARD TO THEIR INTERPRETATION OF ICOM RESOLUTION 11 AND HOW THIS RELATES TO LUBICON BOYCOTT. WE WOULD NOT SEEK REVERSAL OF MUSEUMS</p>			
				...2

DRAFTER/RÉDACTEUR <b>J. SIMPSON lp</b> SIG <i>J. Simpson</i>	DIVISION/DIRECTION <b>IMH</b>	TELEPHONE <b>2-6664</b>	APPROVED/APPROUVÉ <b>D. LIVERMORE</b> SIG <i>[Signature]</i>
--	----------------------------------	----------------------------	--



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PAGE TWO IMH0296 UNCLASS

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DECISION AS GLENBOW IS IN GOOD SHAPE AND OUTSTANDING LOAN  
AGREEMENTS WILL BE SOON COMPLETED. HOWEVER, QUESTIONING US ON  
ETHICAL GROUNDS IS ACCUSATION THAT SHOULD NOT GO UNANSWERED.  
4. GRATEFUL THEREFORE YOU APPROACH SWEDISH OFFICIALS AND ENQUIRE <sup>AS</sup> ON  
TO THEIR POSITION ON LUBICON LAKE ISSUE AND MUSEUM BOYCOTT, SEEKING  
AS WELL INTERPRETATION OF QUOTE ETHICAL UNQUOTE CONDUCT OF ICOM. IF  
YOU NEED ADDITIONAL INFO TO MAKING ENQUIRIES, GRATEFUL YOU LET US  
KNOW.

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

TO  
À The Canadian Embassy - STOCKHOLM

UNCLASSIFIED

WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)

NO. IMH-0328

DATE 02MAR87

QUANTITY QUANTITÉ	DESCRIPTION - DESCRIPTION	REFERENCE - RÉFÉRENCE
	LUBICON BOYCOTT OF GLENBOW EXHIBITION	OURTEL IMH-0296 02MAR87
	LUBICON LAKE BAND PRESENTATION TO THE PARLIAMENTARY STANDING COMMITTEE ON ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT - WEDNESDAY, FEBRUARY 11, 1987	

RETURN TO  
RENNVOYER AU

ACC

FILE

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

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

DATE

SIGNATURE

J. SIMPSON (IMH)

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

TO The Consulate General of Canada - NEW YORK  
 À AT Mr. J. Fowell

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NO. IMH-0326

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March 13/87

*John W. Fowell*

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RETURN TO / RETOURNER À

J. SIMPSON (IMH)

*Joanne Simpson*

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

To — À

Colleen Swords

File No. — Dossier N°

Date

09.03.87

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D. Martin Low

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(à rappeler dans la réponse)

167/1984

Palais des Nations  
CH - 1211 GENÈVE 10

ACC	REF	DATE	DOSSIER
75-COA-13-1-3-			
Lubicon Lake			

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 transmit herewith, for information and to complete the files of the State party, copies of the author's supplements 5 and 6 to communication No. 167/1984 (B. Ominayak and the Lubicon Lake Band v. Canada), submitted to the Human Rights Committee under cover of a letter dated 25 February 1987.

2 March 1987

COPIE

VAN NESS, FELDMAN, SUTCLIFFE & CURTIS

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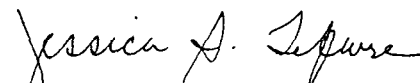
Re: Communication No. 167/1984

Dear Mr. Moller:

On behalf of Chief Bernard Ominayak and the Lubicon Lake Band, I have the honor to submit to the Human Rights Committee the enclosed Supplements No. 5 and No. 6 to Communication No. 167/1984.

On behalf of the Band, I also wish to take this opportunity to express our highest regards to the Secretary-General of the United Nations and to express our gratitude for the kind consideration of the United Nations Committee on Human Rights and of the staff of the Centre for Human Rights.

Yours truly,

  
Jessica S. Lefevre

Enclosures

SUPPLEMENT NO. 5 TO COMMUNICATION NO. 167/1984  
SUBMITTED BY CHIEF BERNARD OMINAYAK  
AND THE LUBICON LAKE BAND OF ALBERTA, CANADA

February 23, 1987

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

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On February 14, 1984, Chief Bernard Ominayak and the Lubicon Lake Band ("Band"), with the assistance of Jessica S. Lefevre, submitted Communication No. 167/1984 ("Communication") to the Human Rights Committee ("Committee") for its consideration. Subsequently, four additional supplements, dated March 27, 1985, July 8, 1985, April 9, 1986 and June 30, 1986 were submitted. The present supplement to the Communication is submitted for the purpose of responding to statements made by the Government of Canada on June 23, 1986, and informing the Committee of events which have occurred since the submission of the Band's June 30, 1986 supplement.

A. Introduction

At the outset we wish to express our regret that in its June 23, 1986 Comments, as in its previous submissions, the Government of Canada has refused to engage in open and honest discussion of the very serious questions at issue here. Rather, Canada continues to attempt to obfuscate the issues by misrepresenting facts, providing partial information, and by attempting to portray the Band as the true party at fault. In doing so, Canada is misusing its power and prestige as a State to attempt to mislead the Committee concerning the admissibility of the Band's complaint. Canada's position is extremely unfortunate, since it makes a mockery of the forum provided by the Human Rights Committee, and since it is completely unnecessary.

Despite its protestations to the contrary, the Federal Government of Canada clearly has no real intention of resolving this situation. Canada is the only party here capable of creating a solution that would accommodate the needs of all involved. Yet, as demonstrated by its submissions to this Committee, as well as its actions at home, Canada refuses even to address the real issues raised by this

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situation. In refusing to take any real positive action, Canada continues to demonstrate, in both domestic and international fora, that it intends to do no more than engage in legal and political proceedings as a means of giving the appearance of "doing something." In reality Canada's participation in these proceedings is merely a delaying tactic. If resolution of this matter is forestalled long enough, the Lubicon Lake Band will eventually become extinct as a people, and the questions raised by Canada's treatment of the Band will have been mooted once and for all.

#### B. The Breakdown of Negotiations

1. Canada has Abandoned Key Recommendations Contained in the Fulton Discussion Paper.

Negotiations between the Federal Government of Canada and the Band, scheduled to begin on March 1, 1986, commenced on June 3, 1986. As is discussed in greater detail below, the Fulton Draft Discussion Paper ("Discussion Paper") was to have served as the basis for these negotiations. While Mr. Fulton and the Band were not in complete agreement on all points, in particular the key question of the size of the reserve, their respective positions were not very far apart. Mr. Fulton recommended that the size of the reserve be determined using Canada's Revised Indian Act. This approach would result in the recognition of approximately 440 Lubicon people, and approximately 88 square miles of reserve land. The Lubicon Lake people, by comparison, believe that they should be entitled to determine their own membership, resulting in a recognized Band list of 457 people, and about 91 square miles of reserve land.

Mr. Fulton's position on membership represents an effort on his part to treat the Band fairly within the context of Canada's Indian Act as well as Treaty 8. The Band's position results from its assertion of aboriginal title and its position that the

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Lubicon Lake people should be treated no differently than Indians who were originally included in the treaty-making process.<sup>1/</sup>

While Mr. Fulton's and the Band's respective positions on the membership and reserve land issues are so close as to virtually guarantee the availability of an acceptable compromise, Canada, through its negotiator, Roger Tasse, has rejected both positions.

2. Canada is Attempting Retroactively to Subject the Band to a Law Which This Committee Has Held to Be in Violation of Article 27 of the International Covenant on Civil and Political Rights and Which Canada Amended In Accordance With the Findings of This Committee.

At the outset of negotiations, Mr. Tasse informed Chief Ominyak and the Band that he was prepared to negotiate only on the basis of Band membership as determined prior to the passage of Bill C-31, by which the Indian Act of Canada was revised over a year ago. This position, which would effectively exclude half of the Band's members from the negotiations and thus the benefit of any settlement, is in direct opposition to the recommendations of Mr. Fulton, and in direct contradiction to the Federal Government's prior recognition of the applicability of the membership provisions of the Indian Act, as revised by Bill C-31, to the Lubicon Lake Band.<sup>2/</sup>

Moreover, application of the pre-C-31 Indian Act to any Native group or individual is a direct violation of the findings of this Committee in case No. 24/1977 (Lovelace v. Canada). Under the pre-C-31 Indian Act, an Indian woman who married a man who was not of Indian status lost her Indian status. The Committee found that the consequent denial of access to her Native culture and language constituted

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<sup>1/</sup> At that time, Canada treated Native people as self-defining nations who determined their own membership.

<sup>2/</sup> See Attachment 1.

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discrimination against a member of a minority and thus was in violation of Article 27 of the United Nation's Covenant on Civil and Political Rights. Canada has since informed this Committee that it was in the process of amending the Indian Act so as to remove its discriminatory provisions.<sup>3/</sup> This amendment was accomplished by Bill C-31, which, among other things, provides Indian Tribes and Bands the right to establish, with Federal approval, a procedure for determining their own membership.

Despite this amendment to the Indian Act, Canada's recognition of its applicability to the Lubicon Lake Band, and Mr. Fulton's recommendation of a reserve for the Band based on the application of the rules of the post-C-31 Indian Act, Canada has now reversed its position and has stated that the Band will be subject to the rules of the pre-C-31 Indian Act.

The negotiating terms now being offered by Canada are, in fact, terms which previously were suggested by Alberta and rejected by both the Federal Government and the Band. The proposal involves not only the application of a now defunct law, but an interpretation of that law which extensive research indicates has never been applied to a landless Indian Band because of the gross inequities that would result. The membership formula which Canada now proposes to apply to the Band and to use as a basis for settlement is as follows:

- ° Only Band members registered as "status" Indians prior to the passage of Bill C-31, plus any natural increases to this number on the basis of pre-C-31 criteria would be recognized for negotiation and settlement purposes. (This proposal alone would reduce the Band's membership from approximately 457 to 196.)
- ° The "status" Indians recognized according to the above proposal would be subject to the "count once" rule and "taking of script."<sup>4/</sup> (According to calculations made by

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<sup>3/</sup> HRC 1983 report, Annex XXXI.

<sup>4/</sup> The "count once" rule is a recently formulated federal policy suggesting that a member of a given Indian Band, who has an ancestor who was ever, for whatever

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the Provincial Government when it recommended the use of this formula, application of the above terms to the Lubicon Lake Band could be used to reduce the Band's membership to fewer than twelve (12) people for purposes of reserve size and other benefits under any negotiated settlement.)

Given Canada's abandonment of the positions set forth in the Fulton Discussion Paper, which the parties had agreed to use as the basis for negotiations, and its offer to negotiate on the basis of the above formula, the Band was unable to proceed with negotiations.

At best, the formula being proposed by Canada would divide the Band, as well as families within the Band, in half, leaving half of the members with no benefits, except what might be gained through court proceedings. The more likely result is that this formula would be used, in the manner proposed by Alberta, as a means of reducing the number of "status Indians" in the Band to near zero, thus rendering the negotiation process moot.

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[footnote continued from previous page]

reason, included on the list of another Band which at some time was granted a reserve, cannot be counted as a current Band member for the purpose of determining reserve size. This interpretation has never been applied to landless Canadian Indian Bands.

The "taking of script" refers to a practice in Canada whereby certain Native persons may relinquish their status as "Indians" in exchange for a certificate redeemable for a land allotment and in consideration of their aboriginal rights. A person who "takes script" thereby ceases to be recognized as an Indian. The general rule of descendency is that the status of a legitimate child will be determined by that of the father, while the status of an illegitimate child will be determined by that of the mother. With regard to the Lubicon Lake Band, Alberta has proposed a rule such that if any Indian individual "took script," all present and future members of that persons family, whether by blood or marriage, would lose their Native status. It is through application of this rule that Alberta would reduce the Band's "recognized" membership to fewer than twelve (12). If this interpretation were applied generally, most if not all of the Indians in northern Alberta would lose their federally recognized status as Indians.

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Representatives of the Band are appalled to see Canada proposing these terms, the formulation of which involves the application of a law which this Committee has found to be discriminatory, and which the Canadian Parliament amended in recognition of the discriminatory and fundamentally unjust results of its application. When the same terms were proposed by Alberta two years ago, Canada publically ridiculed them as "an example of the lengths to which Alberta will go to get rid of Indians."

Beyond the threshold questions of membership and reserve land, Canada has left most of the proposed settlement provisions for later resolution, primarily through subsequent negotiation. Yet Canada would also require, as a condition of settlement, that the Band provide Canada "an appropriate release with respect to its treaty entitlement and to its discontinuance of all legal actions against Canada and Alberta including its complaint to the United Nations Human Rights Committee." (Emphasis supplied.) Thus Canada would force the Band to relinquish all avenues of possible redress, including this one, at the outset, with no means of ensuring that Canada will honor its promises. In light of Mr. Fulton's untimely discharge and the new conditions of negotiation insisted upon by Canada, it is fairly clear that those in the Federal Government in charge of this matter have been coopted by Provincial interests, who wish to see the Lubicon People removed by whatever means necessary so that no cloud will remain on the title to the mineral resources recently discovered in the area.

So long as this is the approach of the Federal Government to the problem, negotiation is impossible. Chief Ominayak has informed Canada that the Band remains willing to enter negotiations if the Federal Government will use the Fulton Discussion Paper as the starting point for negotiations, as agreed. To date, Canada has refused.

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### C. The Fulton Inquiry

1. The Fulton Discussion Paper Corroborates the Claims Made by the Lubicon Lake Band Concerning the Economic and Social Devastation of Its People at the Hands of Canada and Its Province of Alberta.

In its June 23, 1986 Submission, Canada makes reference to the appointment of Mr. E. Davie Fulton, the Federal Government's former special envoy, and his Discussion Paper of November, 1985, without commenting on Mr. Fulton's findings. It bears repeating here that Mr. Fulton is a former Minister of Justice for the Canadian Government and a former Justice of the Supreme Court of British Columbia. We assume that Canada assigned Mr. Fulton to investigate and advise on the Lubicon Lake matter because they trusted him and because they expected him to provide a useful assessment of the situation and a basis on which to proceed toward a settlement of the issues.

Indeed, as the Committee will note in reviewing Mr. Fulton's Discussion Paper (an additional copy of which is enclosed with this Submission, see Attachment 2), and as Canada has failed to acknowledge in its most recent Comments to the Committee, Mr. Fulton's investigation corroborated the Band's charges concerning the devastation of their territory, their resulting loss of livelihood, and Canada's ultimate responsibility for permitting this mess to occur.

In its original submission, the Band informed the Committee that "[t]he development activity has and continues to cause a great deal of damage to the land and has scared away most of the game animals on which the people at Lubicon Lake rely on for subsistence. Moose, the primary source of meat has virtually disappeared from the area."<sup>5/</sup> After visiting and flying over the area, and studying the reports of

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<sup>5/</sup> First Submission of the Lubicon Lake Band to the U.N. Committee on Human Rights, February 14, 1984, p. 9.

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others on the local effects of the present energy development programs, Mr. Fulton concluded that "with respect to both hunting and trapping, the careful survey conducted by Mr. Bodden shows a substantial reduction in both quantities and values of animals taken as between 1980-81 and 1981-82."<sup>6/</sup> "I have been flown over the area and have seen what is involved by way of seismic grid lines driven through this previously wilderness area in a criss-cross pattern, and of installations dotting the previously uncluttered landscape . . . . I venture to suggest, then, that . . . the weight of the evidence is that the decline in harvesting from hunting and trapping . . . is due to the impact of development. . . ."<sup>7/</sup>

The Band launched the present domestic and international actions because of its desperate circumstances and the certain knowledge that "[w]ith the loss of its traditional economic base, the Lubicon Lake Band is faced with extinction as a people."<sup>8/</sup> In its Submissions to the Committee, the Band has documented the overwhelming economic devastation and resulting collapse of family and community structure with which its members are attempting to cope, as well as the refusal of the Canadian Government to honor its promises to the Band or to provide any form of effective relief. Reporting on the Band's condition, Mr. Fulton found that "the availability of game upon which they rely for their support . . . and subsistence . . . has been seriously diminished as a result of development, notwithstanding that the continuance of the supply was, by the agreement of both governments [Canada and Alberta] to be secured to them . . . . [The wildlife] upon which they have depended

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<sup>6/</sup> Fulton Discussion Paper, First Draft (1985), p. 52.

<sup>7/</sup> Fulton Discussion Paper, p. 54.

<sup>8/</sup> First Submission, p. 9.

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for their livelihood, has been seriously diminished by the unrestricted development which has been allowed to take place without their consent and before they have had time to adjust."<sup>9/</sup>

In its original and subsequent Submissions to the Committee, the Band has documented the factual and legal background to the current situation, arguing that Canada must bear past and present responsibility for the dispossession and poverty with which the people at Lubicon Lake are now struggling. Despite its constitutionally based "trust responsibility" toward Native people and its internationally proclaimed concern for human rights, for the past 50 years, and in particular the past 9 years, Canada's treatment of the Lubicon Lake people has constituted gross negligence of such proportions that those who visit the Band's traditional area are forced to conclude that these people are being subjected to genocidal conditions.

In its Submission of July 8, 1985, the Band provided the Committee quotes from several public statements concerning the severity of the conditions at Lubicon Lake and substantiating the Band's own claim that it is the victim of the intentional infliction of "conditions of life calculated to bring about its physical destruction in whole or in part." Among these quotes is a statement made by the World Council of Churches in a letter to then Prime Minister Trudeau, following an independent investigation of the Lubicon Lake situation by that organization.<sup>10/</sup> The World Council of Churches warned the Trudeau government that "genocidal consequences" could result from the energy development in the Lubicon Lake Band's homeland,

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<sup>9/</sup> Fulton Discussion Paper, p. 58.

<sup>10/</sup> Submission of the Lubicon Lake Band, July 8, 1985, pp. 27-32.

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after representatives of the Council visited the area and witnessed the devastation of the land and the resulting poverty of the people.

The Federal Government of Canada has denied or simply ignored these very serious charges. Yet Mr. Fulton, Canada's special investigator, was forced, in essence, to agree with the allegations made by the Band, the World Council of Churches and others. In Mr. Fulton's diplomatic, yet telling, words "there has been a substantial and damaging decline in the livelihood derived from the traditional area."<sup>11/</sup>

The Band has and continues to maintain that the present situation would have been avoided entirely had the Federal Government of Canada established a Reserve for the Lubicon Lake Band, as promised over 50 years ago. In his Discussion Paper, Mr. Fulton also concluded that this disaster could have been avoided had the promised reserve been established, and that the fact that the reserve was not established is "entirely the fault of Canada."<sup>12/</sup>

2. The Pre-Negotiation Process Which Mr. Fulton was Assigned to Carry Out Was Aborted Upon Release of the First Draft of the Fulton Discussion Paper.

Had Canada entered the negotiation process initiated by Mr. Fulton's investigation, it is possible that progress toward an equitable settlement of the situation at Lubicon Lake might have been realized. In its Comments of June 23, 1986, Canada attempts to portray Mr. Fulton's assignment as having been for a specific "term," which has expired, and to lead the Committee to believe that the negotiation process is continuing on the basis of the Fulton Discussion Paper.

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<sup>11/</sup> Fulton Discussion Paper, p. 53.

<sup>12/</sup> Fulton Discussion Paper, p. 6.

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Canada's portrayal of these events is misleading and in certain respects blatantly untrue.

At page 2 of its June 23, 1986 Comments, Canada states that "Mr. Fulton was appointed on a term basis for the purpose of fact-finding: his appointment was never intended to be on-going and his mandate did not include negotiation. All parties involved in the Fulton inquiry were aware of these conditions from the outset." This statement on Canada's part is misleading since no time-dependent "term" was agreed to by the parties. Rather, the parties agreed to a series of meetings and consultations structured around the preparation of the Draft and Final Discussion Papers. Mr. Fulton was replaced before this series of activities was completed.

When Mr. Fulton initiated his investigation, he outlined his schedule in a letter to Chief Ominayak.<sup>13/</sup> It will be noted that the schedule does not provide a completion date. It will be noted further that there are two items on the schedule following the submission of the Discussion Paper: (1) another round of meetings or a request for written comments on the Discussion Paper, and (2) the preparation and submission of a final report. This is the schedule mutually agreed upon by all parties in advance. That it is the schedule Mr. Fulton intended to follow is further evidenced by his cover letter to his Discussion Paper, in which he closes with the statement: "I shall be in touch with those concerned or their representatives in the near future to arrange a schedule for the futher (sic.) meetings which are to follow on the basis of this Discussion Paper."<sup>14/</sup> On January 2, 1986, shortly before his dismissal, Mr. Fulton attempted to reaffirm the schedule in a letter to then Minister

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<sup>13/</sup> See Attachment 3.

<sup>14/</sup> See Attachment 4.

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of Indian Affairs, David Crombie.<sup>15/</sup>

Mr. Fulton's status in the weeks following release of the draft Report was clearly at issue within the ranks of the Federal Ministry of Indian Affairs. In telephone conversations with representatives of the Band, Mr. Fulton assured us that David Crombie, then Minister of Indian Affairs, was instructing him to continue "full steam ahead" with his projected work program, with Crombie's "complete confidence" and "full support." Despite Alberta's refusal to participate further in the process or to have any further dealings with Mr. Fulton, he informed the Band that he intended to keep trying. During this same period, Bruce Rawson, Mr. Crombie's Deputy, advised the Band that he had proposed to Provincial officials that Mr. Fulton be dropped. Shortly thereafter, Mr. Rawson informed the Band that Fulton was finished and would have "no future role" in any discussions between the Band and the Federal Government, and that Crombie was "irrelevant."<sup>16/</sup> Ultimately, those opposing Mr. Fulton's continued involvement were victorious. Soon thereafter, David Crombie was also replaced as Federal Minister of Indian Affairs.

Following receipt of the Discussion Paper, the Band, continuing to the next step in the process, provided Mr. Fulton with detailed comments, which he incorporated into revisions of certain points in the Discussion Paper. Canada refers to this exchange at page 2 of its June 23, 1986 Comments, and attempts to portray it as a concession on the part of the Federal Government. In fact, the Band was merely utilizing the process as agreed to by the parties at the outset.

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<sup>15/</sup> See Attachment 5.

<sup>16/</sup> It is interesting to note that Mr. Rawson, appointed to his position as Deputy Minister of Indian Affairs, is from Alberta. His family resides in Edmonton, Alberta. He, himself, commutes between Edmonton and Ottawa on a weekly basis and is known to have very close ties within the Alberta Provincial Government.

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When Mr. Fulton agreed to step aside it was on condition that his Discussion Paper, revised in light of the Band's comments, be used as the starting point for negotiations. Representatives of the Federal Government agreed to this condition with both Mr. Fulton and the Band. While the Band has attempted to keep the process going on the basis of the Fulton Discussion Paper, as agreed, neither Canada nor Alberta have ever, to the Band's knowledge, conferred with Mr. Fulton concerning his Discussion Paper. Rather, the Provincial Government responded to Mr. Fulton's Discussion Paper by refusing any further meetings with him, and the Federal Government responded by replacing Mr. Fulton with Mr. Tasse.

3. After Fulton's Dismissal, Alberta Attempted to Subvert Further Negotiations.

At page 3 of its June 23, 1986 Response, Canada sets forth three terms proposed in December of 1985 for the purpose of continuing negotiations. Canada asserts that the Band agreed to these terms and then rescinded its agreement by refusing to have Alberta participate in the negotiations.

In fact, the Band agreed to commence negotiations on March 1, 1986, and reserved the right to respond publically should either of the other two parties try to use the media for political advantage. The Band also reserved the right to respond by any means necessary should the other side again precipitate a confrontation on the ground, such as when the Alberta Provincial Government threatened to bulldoze the homes of members of the Band as "unauthorized improvements to Provincial Crown land."

The Band's reservation concerning use of the media was made not only because the history of its relationship with the Provincial Government provides no basis for trust or the expectation of fair dealing, but also because only a few weeks prior, on December 10, 1985, the Alberta Provincial Government had in fact

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launched a media campaign designed to subvert the Fulton inquiry while undercutting the Band's claim to aboriginal title to its land.<sup>17/</sup>

During the third week of February, one week before negotiations were scheduled to begin, the Provincial Government launched another propaganda campaign designed to subvert both the land claim negotiation process and the Band's aboriginal land rights position. Such is clearly not the behavior of an official body interested in facilitating agreement to an equitable settlement. This, taken in combination with Alberta's history of bad faith in dealing with the Band and clear disregard for the welfare of the Lubicon Lake people,<sup>18/</sup> forced the Band to reconsider its agreement to permit Alberta to participate as an observer in the negotiation proceedings.

At page 4 of its June 23, 1986 Comments, Canada asserts that "a mechanism to involve the Province of Alberta is extremely important to any viable attempt to resolve the claims of the Lubicon Lake Band." The Band does not disagree that Alberta's cooperation would greatly facilitate matters. Unfortunately, to date

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<sup>17/</sup> Immediately after receiving the first two sections of the Fulton Discussion Paper, dealing with the issues of reserve land and mineral rights, Milt Pahl, the Alberta Minister in charge of Native Affairs, held a press conference in which he announced that the Lubicon issue had been resolved and that the Fulton inquiry had thus become irrelevant. The alleged basis for resolution was the Federal Government's agreement to Alberta's offer to transfer 25.4 square miles of land to the Band, on condition that, among other things, the Band agree not to pursue further legal recourse with regard to its aboriginal or any other claim, and in effect agree not to attempt to gain any further land through court action. The amount of land offered is less than a third of that to which the Band would have been entitled even pursuant to a treaty claim, as is recognized in the Fulton Discussion Paper. This proposal had been rejected two months before by the Federal Minister of Indian Affairs, by Mr. Fulton, and by the Band. Thus the Federal Government had not accepted this proposal and Mr. Pahl's press conference was a hoax intended to confuse public opinion.

<sup>18/</sup> See Attachment 6.

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Alberta has demonstrated not the slightest interest in cooperation. The Band cannot be held responsible for this and should not be judged unreasonable for not wanting to deal with a Provincial Government whose every act with regard to the Lubicon Lake Band is aimed at its destruction. Moreover, in Canada, the Federal Government bears exclusive constitutional responsibility for protecting Native aboriginal land rights. Therefore, while the Band agrees with Canada that Alberta's cooperation would be desirable, it is to the Federal Government that the Band must look for redress.

At page 4 of its Comments, Canada also states that the "lands claimed by the Band are Crown lands owned by the Province." This is not only untrue, it assumes away the issue that is at the heart of the present controversy. These particular "Crown lands owned by the Province" are in fact the Band's aboriginal, unceded territory which Canada unilaterally appropriated and transferred to the Province.

D. Response to Further Statements Made by Canada in Its June 23, 1986 Submission

1. The Lubicon Lake Band Sought to Enjoin the Destruction of Its Territory and Economy Until the Question of Title to the Land Could Be Settled.

Canada's argument that the Band has delayed court proceedings by "contesting clearly settled procedural matters of law"<sup>19/</sup> is not only untrue, it demonstrates the continuing refusal of Canadian officials to admit or to appreciate the gravity of the situation here at issue. First, the procedural issues referred to involve the Band's failed attempt to obtain an interim injunction, halting development until the issue of who holds title to the land could be settled. In the

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<sup>19/</sup> The fact that these procedural issues are not clearly settled is demonstrated by the case of McMillan Bloedel Ltd. v. Mullin et al., discussed at page 10 of the Band's July 8, 1985 Submission to the Committee.

-16-

opinion of the attorneys representing the Band, who are highly respected and well known counselors in the area of Canadian Indian law, there was a clear legal basis for seeking such an injunction. From the perspective of the Band's members, an injunction offered the only realistic hope for salvaging their economy until the title question could be settled. With the denial of the injunction, all hope of salvaging the traditional economy was lost.<sup>20/</sup>

Secondly, Canada attempts to portray the Band as intentionally delaying the court proceedings. What could Canada possibly think the Band has to gain from delay? Its traditional economy is dead. Its community and people are dying.

2. The Lubicon Lake Band Has Informed the Committee of Conflicts of Interest of Canadian Officials and Actions of the Provincial Government That Are Matters of Public Knowledge and Record.

At page 5 of its June 23 Comments, Canada once again takes issue with information provided to the Committee by the Band. As far as Mr. Forsyth is concerned, the fact that he is ex-counsel to the NOVA Corporation, an Alberta-based energy conglomerate, is a matter of public record. His continuing personal ties with energy developers are a matter of public knowledge in Alberta. Canada cannot deny the existence of these relationships, and it offers nothing to refute or explain the obvious conflict arising from them.

With regard to the failure of Alberta fire officials to contain fires within the Band's territory, we would respectfully refer the Committee to pages 3-7 of Attachment 6.

---

<sup>20/</sup> A more detailed response on this point is contained in Supplement No. 6 to Communication No. 167/1984.

-17-

3. The Lubicon Lake Band is Being Subjected to "Conditions of Life Calculated to Bring About Its Physical Destruction in Whole or in Part."

Canada continues to deny the charges of genocide lodged against it. However, Canada offers no explanation for why disinterested observers from highly respected independent organizations, both domestic and international, would reach and state publicly such a serious conclusion if, in fact, the charges are without merit. Moreover, as discussed above, Canada has chosen to simply ignore the findings of its own special investigator, which support these charges.

#### E. Conclusion

Canada's role in the events leading up to the current situation faced by the Lubicon Lake Band is a matter of historical record. Mr. E. Davie Fulton, assigned by the Government of Canada to investigate the situation, corroborated the claims made by the Band with regard to the level of destruction and destitution presently facing the Band, and with regard to the Canadian Government's responsibility for the situation. Mr. Fulton's report on the situation, set forth in his Draft Discussion Paper, also supports the very serious charges of genocide made against Canada by the Band and several independent organizations, including the World Council of Churches.

As demonstrated by the statement of its position contained in the Fulton Discussion Paper, the Band has sought and continues to seek recognition of its land rights in a manner that is consistent with Canadian law, that is equitable to all parties, public and private, and that would permit the coexistence of development and subsistence interests. Rather than approach the problem in the same spirit of coexistence and mutual accommodation, the Canadian Government and the Provincial Government of Alberta have taken the position that if the Band's

-18-

interests cannot be denied altogether, they at least should be kept to the minimum possible.

While Mr. Fulton and his work provided the Band with some hope that a negotiated settlement might be possible, Canada's actions in recent months make it clear that the Federal Government has abandoned entirely its fiduciary responsibility for the Band's welfare. After dismissing Mr. Fulton and appointing a new negotiator, Canada rejected the recommendations contained in the Fulton Discussion Paper in favor of settlement terms that previously had been proposed by Alberta, and rejected as totally unjust by Canada, by Mr. Fulton, and by the Band. In reversing its own position and adopting these terms, Canada is seeking to subject the Band to laws that have been denounced by this Committee as discriminatory and amended by the Canadian Parliament on that basis. Moreover, it is proposing an interpretation of these now defunct laws that could be used to reduce the Band's "federally recognized" membership to near zero, thus mooting the issue of settlement.

These events make it clear that the Government of Canada has no intention of dealing with the Lubicon Lake Band in good faith. The officials in charge of this matter are obviously seeking to maximize the interests of the Provincial Government by attempting, through whatever means available -- including the use of nonexistent laws -- to construct justifications for the denial of the Lubicon Lake Band's interests in its livelihood and the human welfare of its members. As a result, the Band has been unable to initiate negotiations with the Federal Government. Chief Ominayak has informed Canada, however, that the Band is prepared to enter negotiations as soon as Canada agrees to return to the recommendations of the Fulton Discussion Paper.

-19-

The Lubicon Lake Band respectfully requests that the United Nations Committee on Humane Rights find the Band's claim admissible. As the Band stated in its initial Submission to the Committee, Canada is denying the Lubicon Lake Band its right to freely determine its political status and to pursue its economic, social and cultural development, in violation of Article 1(1) of the International Covenant on Civil and Political Rights. In violation of Article 1(2), Canada has robbed the Lubicon Lake Band of its natural wealth and resources by driving all game animals from the area and refusing to permit the Band to share in the profits from the energy development which is now the only viable economic activity in the area. Furthermore, Canada is denying the people of Lubicon Lake the physical means for exercising the self-determination they have enjoyed since time immemorial, and the continuation of which is guaranteed by Article 1(3). Finally, Canada now seeks to subject the Band to a legal regime which this Committee has found to be in violation of Article 27 of the Covenant.

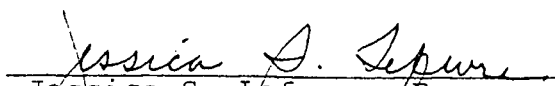
The author of this communication is prepared to provide further information or clarification which may be desired, and reserves the right under Provisional Rule 93(3) to submit additional information and observations after receiving the reply of the government of Canada.

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

Minister of Indian Affairs  
and Northern Development



Ministre des Affaires  
indiennes et du Nord canadien

DHO  
ADM (2)  
ASSOC DM  
PA  
KB KOILS (2)  
DI JETTE (2)  
CHRONO  
M DUVAL

BEST AVAILABLE COPY

The Honourable L'honorable  
David Crombie

MAR 26 1986

Chief Bernard Ominayak  
Lubicon Lake Indian Band  
Box 2864  
Peace River, Alberta  
T0H 2X0

Dear Chief Ominayak:

I am pleased to inform you that, having reviewed section 2 of your submission for membership rules and your petition dated January 31, 1986, concerning membership consent to those rules, I have decided to give notice pursuant to subsection 10(7) of the Indian Act that the Lubicon Lake Band has control of its membership.

Hereafter, all additions to and deletions from, the Lubicon Lake Band List will be made by your Band in accordance with the membership rules that you have established. I would remind the Band of the provisions of the Indian Act requiring membership rules to respect acquired rights:

- 10(4) Membership rules established by a band under this section may not deprive any person who had the right to have his name entered in the Band List for that band, immediately prior to the time the rules were established, of the right to have his name so entered by reason only of a situation that existed or an action that was taken before the rules came into force.
- 10(5) For greater certainty, subsection (4) applies in respect of a person who was entitled to have his name entered in the Band List under paragraph 11(1)(c) immediately before the band assumed control of the Band List if that person does not subsequently cease to be entitled to have his name entered in the Band List.

.../2

It's our year!  
in motion...in touch



C'est notre année!  
en mouvement...au courant

BEST AVAILABLE COPY

- 2 -

As subsection 10(7) requires me to give notice to the Band, I would ask that you post this notice, or copies thereof, in prominent places on the reserve.

Hope all is well. Take care.

Sincerely,

ORIGINAL SIGNED BY  
ORIGINAL SIGNÉ PAR  
DAVID CROMBIE

David Crombie

c.c. Regional Director General  
Indian and Inuit Affairs  
Alberta

JETTE/February 17, 1986  
997-8274

ATTACHMENT 1 MIN. OFF (2)

Minister of Indian Affairs  
and Northern Development



Ministre des Affaires  
indiennes et du Nord canadien

The Honourable L'Honorable  
David Crombie

DMO  
ADM (2)  
ASSOC DM  
PA  
RB KOHLS (2)  
DI JETTE (2)  
CHRONO  
M DUVAL

MAR 26 1986

L.G. Smith  
Registrar

Lubicon Lake Band Membership Rules

I have reviewed the Band Membership rules submitted by the Lubicon Lake Band and I have given notice to the Band, pursuant to subsection 10(7) of the Indian Act, that it has control of its own membership. Attached is a letter to Bernard Ominayak, Chief of the Lubicon Lake Band informing him that the band list for the Lubicon Lake Band will be under the administration of the band.

In accordance with subsection 10(7) of the amended Indian Act, please provide Chief Ominayak immediately with a copy of the current list of members of the Lubicon Lake Band.

ORIGINAL SIGNED BY  
ORIGINAL SIGNÉ PAR  
DAVID CROMBIE

David Crombie

Encl.

c.c. Chief Bernard Ominayak

JETTE/February 17, 1986  
997-8274

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Our File No. LUB 9502

Reply Attention E. D. FULTON

April 22, 1985

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Donald J. Sorochan  
P. Nicholas M. Glass  
Michael A. Coady  
Robert W. Taylor  
Sharon J. Morrisroe  
Suzanne MacGregor  
Dale Ursel  
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Bryan Williams, Q.C.  
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Terrance A. Kowalchuk  
Peter W. Hammond  
Philip J. Dadson  
Alan A. Hobkirk  
Martin L. MacLachlan  
Barbara Armstrong  
Peter J. G. McArthur

Associate Counsel

The Hon. E. D. Fulton, P.C., Q.C.  
David L. Vaughan, Q.C.

Chief Bernard Ominayak  
Lubicon Lake Indian Band  
C/O Mr. Fred Lennarson  
3536 - 106th Street  
Edmonton, Alberta  
T6J 1A4

BY PRIORITY POST

Dear Chief Ominayak:

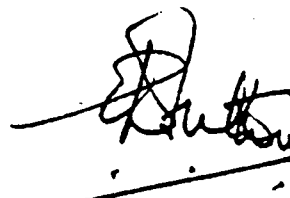
Re: Lubicon Lake Band and  
Others - Inquiry-----

Further to our previous meeting and subsequent telephone conversation, I am sending you herewith a copy of the Schedule of Meetings, etc. which has now been agreed to by all those concerned.

I look forward to meeting with you again at Little Buffalo Lake on May 6th in the course of the further discussions scheduled for that day and the following days. Mr. Dale Ursel of this firm, who is assisting me in this Inquiry, will be coming with me for these meetings and it will be greatly appreciated if you will arrange accommodation for us during this period. We shall of course expect to pay the reasonable cost for such accommodation.

With thanks for your previous hospitality, and looking forward to seeing you again.

Yours faithfully,



E. D. FULTON

EDF:jdr

LUBICON LAKE BAND and SIX ISOLATED INDIAN COMMUNITIES

- INQUIRY AND REVIEW OF CLAIMS

Schedule of Meetings and Program for Action by

Hon. E.D. Fulton, P.C., Q.C.

<u>Action</u>	<u>Date</u>	<u>Place</u>	<u>Object</u>
Meet informally with Chief Ominayak and Band Council and tour area	April 10th	Little Buffalo Lake	Get acquainted; Preliminary briefing as to Band's position; Confirm schedule for further formal meetings and persons to attend
Meet informally with Hon. Milton Pahl and such other Ministers as he may arrange	April 11th	Edmonton	Get acquainted; Preliminary briefing as to Alberta's present position; confirm schedule for further formal meetings and persons to attend
Meet informally with officials of DIAND & Department of Justice	April 15th - 16th	Ottawa	Get acquainted; Preliminary briefing as to Canada's present position; confirm schedule for further formal meetings and persons to attend
Meet informally with Mr. Albert Cooper, M.P., and possibly Mr. Frank Oberle, M.P.	April 16th	Ottawa	Inform M.P.'s of plans and progress; informal discussion of their views of the situation
Meet with Hon. Mr. Crombie, DIAND	April 26th	Ottawa	Settle any outstanding matters in connection with terms of reference
Formal meetings with Lubicon Lake Band pursuant to arrangements under Item 1.	May 6th - 7th	Little Buffalo Lake	Hear and note statement of Band's position; Discuss same with them in light of briefing as to positions of others and explore with them possible modifications of their position and/or areas of common ground; discuss possibility of joint meetings with others

- 2 -

<u>Action</u>	<u>Date</u>	<u>Place</u>	<u>Object</u>
Meet with Mr. Chester L'Hirondelle, Representative of other interested parties <sup>1</sup>	May 7th, 9:30 a.m.	Little Buffalo Lake	Hear and note their position and concerns; discuss same with them in light of the positions of others and explore possible areas of common ground leading to accommodations or solutions; discuss their participation in future meetings
Meet with representative(s) of Six Isolated Communities <sup>1</sup>	May 8th, 10:00 a.m.	Little Buffalo Lake or as may be indicated	Hear and note their position and concerns; discuss same with them in light of the positions of others and explore possible areas of common ground leading to accommodations or solutions; discuss their participation in future meetings
Formal meetings with representatives of Alberta	May 9th	Edmonton	Hear and note their position; identify issues; discuss same with them in light of the positions of others and explore possible modifications and/or area of common ground; discuss possibility of joint meeting(s) with others
Formal meeting with representatives of DIAND & Justice	May 13th	Ottawa	Hear and note their position; identify issues; discuss same with them in light of the positions of others and explore possible modifications and/or area of common ground; discuss possibility of joint meeting(s) with others

...../3

- 3 -

<u>Action</u>	<u>Date</u>	<u>Place</u>	<u>Object</u>
1. Prepare discussion paper, identifying issues and areas of full or partial agreement and disagreement as they emerge from the foregoing discussions, and suggesting possible lines of accommodation and/or adjustment where there is conflict			To serve as basis of discussion at joint meetings if such have been agreed to, otherwise to be available for distribution to each party as a basis for consideration and written reply
2. Arrange and hold joint meeting(s) as may be agreed in discussions in Items 5. - 9. above; if joint meetings are not agreed to, distribute discussion paper referred to in Item 10. and ask for written comment <sup>2</sup>	To be determined	To be determined	Arrive at maximum possible area of agreement and/or accommodation
3. Preparation and submission of final report	To be determined	Ottawa	

Note 1. These meetings are to be held in the morning of May 7th and 8th respectively. This will allow for further meeting with the Lubicon Lake Band in the afternoon if the meeting with them scheduled for May 6th has not been completed, and also for further discussion with them of points arising at the meetings in Items 6. and 7. It is understood that Chief Ominayak has been invited to attend both these meetings. Miss Pat Anderson of the Indian Association of Alberta is arranging for attendance on behalf of the Six Isolated Communities.

- 4 -

- Note 2. Present indications are that there will be agreement to hold a joint meeting or meetings as contemplated in Item 11.; if any party is not prepared to attend, a meeting of the others would still be useful and will be arranged in any event; further separate meeting(s) between Mr. Fulton and those not attending a joint meeting could then be arranged if it should appear that that might be helpful.

# SWINTON & COMPANY

ATTACHMENT 4

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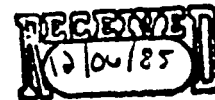
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Terrance A. Kowalchuk  
Peter W. Hammond  
Philip J. Dodson  
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Dale Urael  
Peter J. G. McArthur  
I. Arthur McInnis

Our File No. LUB 9502      Reply Attention E. D. FULTON  
November 29th, 1985

Associate Counsel

The Hon. E. D. Fulton, P. C., Q. C.  
David L. Vaughan, Q. C.  
R. John Rogers

TO: THE VARIOUS ADDRESSEES WHOSE  
NAMES APPEAR BELOW



Dear Sirs:

Re: Lubicon Lake Band Inquiry  
- Discussion Paper -

Enclosed herewith is a copy of the Discussion Paper which has been prepared in accordance with the agreed Program for this Inquiry. It is being distributed to all parties (and/or their representatives) concerned with one or more aspects of the Inquiry, as a summary of the discussions to date and the implications thereof, with the intention that it will form the basis of a further and final round of meetings and discussions after which I will make my Report to the Hon. Mr. Crombie.

The copies of this Paper being distributed to Oil Company representatives do not contain those portions dealing with Compensation and with Claims 5. through 9., as those entities are not involved in or affected by those areas of the Inquiry.

The copy being sent to Mr. L'Hirondelle similarly omits those portions dealing with Claims 3. to 9. inclusive, as he is concerned only with the matters dealt with in Claim 1. and indirectly in those covered in Claim 2. It is to be noted that, although stated at p. 17 (Claim 1.) that one aspect of Compensation for the suggested move of the Co-op leases would be covered more specifically in a subsequent portion of the Paper dealing with Compensation, this was not done. The reason, quite frankly, is that no other considerations have come to mind or been suggested to me beyond those already set out in that earlier portion of the Paper dealing with that matter.

Continued.... /2

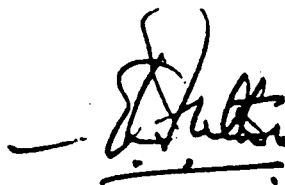
# SWINTON & COMPANY

November 29th, 1985  
Various Addressees  
LUB 9502  
Page 2

under Claim 1.

I shall be in touch with those concerned or their representatives in the near future to arrange a schedule for the further meetings which are to follow on the basis of this Discussion Paper.

Yours faithfully,



E. D. FULTON

EDF:jdr

Enclosures

P.S. May I be permitted to remind those concerned that the portions of this Discussion Paper dealing with Claims 1. and 2. were distributed, as soon as they were completed, to the representatives of Canada, Alberta and the Band, and to Mr. L'Hirondelle. This was done because it was felt that, dealing as they did with perhaps the most fundamental but very difficult portion of the Claims - the establishment of the Reserve, determination of the population base therefor, disposition of the Co-op. leases, and the mineral rights to be included - it was desirable that those concerned should have those portions of the Paper immediately on completion. I regret that it was not possible to complete and distribute the remaining portions until now, but the intervening application for the construction of a further pipeline across the Reserve area created a situation which necessarily involved my full attention for a very considerable period. I hope that it will have been possible, however, for those concerned to have given some consideration to the proposals and the further studies outlined in connection with the Reserve area so that it will be possible at an early date to record positive progress in that regard.



EDF

# SWINTON & COMPANY

Number 29th, 1985  
Various Addresses  
LUB 9502  
Page 3

The Hon. D. Crombie, P.C., M.P.  
Minister of Indian and Northern  
Affairs  
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House of Commons  
Ottawa, Ontario  
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Chief Bernard Ominayak  
Lubicon Lake Band  
3536 - 106 Street  
Edmonton, Alberta  
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Dr. E. R. Daniels  
Director, Policy Co-ordination  
Department of Indian and  
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The Hon. Milt Pahl, M.L.A.  
Minister Responsible for  
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Mr. W. Rudnicki  
Director General, Program  
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✓ Mr. Fred Lennarson  
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Mr. Chester L'Hirondelle  
P. O. Box 369  
Peace River, Alberta  
T0H 2X0

November 29th, 1985

Various Addressees

L 9502

Page 4

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Philip J. Dedson  
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Dale Ursel  
Peter J. G. McArthur  
J. Arthur McInnis

Our File No. LUB 9502 Reply Attention E. D. FULTON

January 2nd, 1986

Associate Counsel

The Hon. E. D. Fulton, P.C., Q.C.  
David L. Vaughan, Q.C.  
R. John Rogers

COPY

The Hon. D. Crombie, P.C., M.P.  
Minister of Indian and Northern  
Affairs  
Room 511, Centre Block  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Crombie:

Re: Lubicon Lake Band Inquiry.

In the light of certain recent events and conversations, I consider that I should write to confirm to you my understanding of the effect of our discussion on December 12th, 1985, as to the remaining stages of this Inquiry, and to advise you as to the steps I am taking accordingly, and will continue to take unless I hear from you that I have misunderstood the effect of those discussions, or that other events or considerations indicate a different course.

When I asked to meet with you recently, my main purpose was to discuss with you the steps I proposed to take following upon the delivery of the Discussion Paper, as called for by the agreed Schedule for this Inquiry, and to confirm that this course was in fact acceptable and would have the full support and co-operation of your Department. In brief, that course as I perceived it - and as indicated by Item 11 of the agreed Schedule for the Inquiry - contemplates the arrangement of a final meeting, or round of meetings, with the representatives of those concerned, at which I would endeavor to establish the maximum area of agreement between the parties as to the solutions of the various claims as set out in the Discussion Paper - either along the lines outlined therein

Continued.... /2

# SWINTON & COMPANY

January 2nd, 1986  
The Hon. D. Crombie, P.C., M.P.  
LUB 9502  
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or on the basis of such other proposals as might emerge - whereafter I would make my Final Report to you outlining such agreed solutions as were reached and making recommendations in areas where no agreement had been arrived at.

It seems clear that if such further meeting or meetings are to be fruitful and serve the purpose in mind - that is, the establishment of the maximum possible area of firm agreement - it will be necessary that the representatives of the parties attending have clear authority and understanding as to the extent to which they can commit their principals in the matters which will be under consideration as outlined in that Discussion Paper. I wanted to be certain before proceeding to arrange the final meetings and discussions on that basis, that I had your understanding and approval that this would be the basis of the discussions, so that I could in good faith call on the other parties to participate on that same basis - that is, that their representatives also have clear negotiating and commitment authority - so that what I would be reporting to you would be, to the maximum extent possible, agreed and final solutions.

In the result, as I understand it, it was agreed between us that I should proceed with the Lubicon Lake Band Inquiry on this basis "full steam ahead". In my discussions later that day with officials of your Department I confirmed this to them, and it was agreed that Departmental representatives attending such final meetings would indeed have negotiating and commitment authority with respect to the specific matters and possible solutions as set out in the Discussion Paper.

*Admij*

Accordingly, after my return to Vancouver from that meeting I initiated discussions with representatives of the Band and of Alberta with a view to organizing such a meeting or meetings. It is my hope that all concerned will agree to joint meetings - that is, with representatives of all parties in attendance - rather than a series of separate meetings. The Band has agreed in principle to such meetings, although they have reserved on the question whether they should be joint or separate. They have asked for an early separate meeting with me, however, for the purpose of clarifying certain aspects of their position(s) which they say are not quite accurately set out in the Discussion Paper. That meeting has been arranged for January 6th, 1986: the question of whether the final meetings should be joint or separate

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will be further considered at that time.

In the case of Alberta, however, when my Assistant Mr. Ursel spoke on the telephone recently with the Hon. Mr. Pahl to advise him of the intention to hold such final meeting(s), and to discuss dates, Mr. Pahl was cool to the idea. He was somewhat critical of the length of time taken in the Inquiry to date. He also indicated that "an agreement had been reached" with you at some stage as to possible settlement. Mr. Ursel indicated that this was not our understanding but rather that the Inquiry was to continue as outlined: Mr. Pahl suggested that I should ascertain what it is that you "want to do" - by which I take it he means whether you propose that I continue the Inquiry as I have outlined, or whether you prefer some form of more direct negotiation and/or settlement. He said that when that has been ascertained, he may re-consider attending the proposed further meetings.

To the extent that Mr. Pahl is saying that Canada should at this time put forward positive responses or take positive positions with respect to the various aspects of the Band's claims, it seems to me that this purpose will be met in the format of the proposed discussions as I summarized them with you on December 12th (as above outlined): that is, meetings at which representatives of all parties will have been instructed what is the basic position of their principal with respect to each claim under discussion, and what are the limits within which they may negotiate or commit their principals by way of accommodation or adjustment along the lines set out in the Discussion Paper, or along other lines if they wish to suggest them.

To the extent, however, that the suggestion may be that direct negotiations be undertaken, rather than discussions arranged under the umbrella of this Inquiry as I have outlined them, this is a matter involving a decision which only you can make. As matters stand, the decision on December 12th was that I should proceed "full steam ahead" with the Inquiry on the basis above outlined. But this decision was reached before I had any indication that Mr. Pahl might have changed his view as to the desirability of a final round of meetings as called for in the Inquiry Schedule: it is for this reason that I have felt that I should write you as I am doing, in case you should wish to re-consider the matter of whether I should proceed further with the Inquiry as agreed.

I consider, however, that I should also make it clear, and thus avoid possible misunderstanding, that I am not suggesting any

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change of format or procedure: I am writing to raise the matter only because Mr. Pahl's view reached me after you and I had had our discussion. For myself, I feel that in view of the time and effort spent to date, and the possibility of agreement on at least some of the issues along lines as developed in the Discussion Paper, it is desirable to proceed as rapidly as possible through the final stages of this Inquiry as above outlined. Since this was the course agreed upon at our meeting of December 12th, I assume this is still your decision, and will proceed accordingly on that basis and will continue with my efforts to arrange a further and final round of meetings as soon as possible, unless I hear from you to the contrary.

I am sending a copy of this letter to the Hon. Mr. Pahl and to Chief Ominayak so that they will know that the proposal to proceed and complete the final stage of this Inquiry as originally intended has your approval.

Yours faithfully,

E. D. FULTON

EDF:jdr

CC: The Hon. Milt Pahl

CC: Chief Bernard Ominayak

PRESS STATEMENT BY BERNARD OMINAYAK, CHIEF, LUBICON LAKE BAND,  
REGARDING THE IVANY REPORT, September 10, 1984

I've now had an opportunity to read the report of Alberta Ombudsman Randall Ivany regarding his so-called investigation into charges that officials of the Alberta Provincial Government behaved improperly when dealing with members of the Lubicon Lake Indian Band and the Cree community of Little Buffalo Lake. Frankly it's the kind of report which we've learned to expect from people associated with the Alberta Provincial Government, no matter how independent they supposedly are.

Dr. Ivany concludes that there is "no factual basis" for the World Council of Churches' charge that Provincial Government and oil company actions in our area "could have genocidal consequences". However in truth Dr. Ivany didn't even investigate this charge, and in fact he specifically excluded from his so-called investigation whole areas of possible inquiry essential to investigating it.

Dr. Ivany criticizes the World Council of Churches for making a charge which he says can't be substantiated. However the World Council requested and received and reviewed thousands of pages of documentation, including the sworn affidavits of anthropologists and others specifically concerned with the effects of Provincial Government and oil company actions upon our traditional area and way of life, while Dr. Ivany refused to even consider such documentation, because, he said, it was outside his frame of reference.

Dr. Ivany's frame of reference, we were repeatedly told, didn't include anything which Dr. Ivany and his investigators decided was related to our land claim, even though the effect of Provincial Government and oil company actions upon our traditional land rights was an

absolutely essential aspect of the World Council charge.

Moreover we were repeatedly told that Dr. Ivany couldn't investigate the actions of the oil companies, another essential aspect of the charges made by the World Council.

In addition Dr. Ivany's investigators told us that they didn't think they could investigate wrongful actions on the part of Provincial civil servants associated with the Provincial Land Tenure Program, because, they said, they thought these actions had "probably" been "politically directed", and, they said, they couldn't investigate anything which had been "politically directed".

We were also told by Dr. Ivany's investigators that they didn't think they could investigate anything having to do with implementation of the Provincial Land Tenure Program in our area, since, they said, most community members had refused to participate in the program, and therefore, from their point of view, could not possibly have been "adversely affected" by its implementation. Dr. Ivany's mandate, they said, specified that someone had to be "adversely affected".

Further Dr. Ivany's investigators said that they didn't think they could investigate the improper actions of Northlands School Division in our area, even though they knew that Northlands had been directed by an appointee of the Provincial Government until recently, because, they said, Northlands was now managed by an elected Board.

And we were told by Dr. Ivany's investigators that they didn't think they could investigate the two-year battle over construction of a new school in Little Buffalo Lake, because, they said, the school had not actually been built, so, in their view, no one could have possibly been "adversely affected".

We debated these various points at length with Dr. Ivany's investigators and they eventually agreed to at least interview people regarding implementation of the Provincial Land Tenure Program and proposed construction of the new school. However anything having to do with oil company actions, or anything which Dr. Ivany and his investigators decided was related to our land claim, remained forever outside of Dr. Ivany's conveniently limited frame of reference.

The situation is no better regarding things which Dr. Ivany supposedly did investigate. The focus of his so-called investigation proved to be whether Provincial officials acted in a manner which Dr. Ivany and his investigators considered to be reasonable, within the context of Provincial law and policy which Dr. Ivany and his investigators accepted without question, as explained to them by the very Provincial officials accused of improper conduct. Some such officials simply denied that they'd said or done what was charged, and Dr. Ivany and his investigators typically reacted by concluding that there was "no evidence" to support the charge. Other such officials simply "explained" to Dr. Ivany and his investigators how we'd misunderstood or misinterpreted what they'd said or done, and these explanations -- no matter how preposterous -- were then typically accepted and included in the Ivany report as though they were true.

Regarding the Haig Lake fire, Dr. Ivany says:

"When the Alberta Forestry Service received the first report of the Haig Lake fire on June 13, it moved in a three-man crew the same afternoon to assess the situation. At that time the (Provincial) official in charge estimated that the fire covered approximately 60 acres and thus, was too large for the initial response team to fight. Another eight men arrived within an hour, but

90 minutes after that, the fire crowned and was considered to be out of control, now covering an area of approximately 200 acres. Later that same evening, four squads of men arrived. Because darkness fell, it was impossible for the helicopter to bring in all the necessary equipment. The men at the scene prepared their camp, and planned to begin firefighting in earnest the following morning...However, the next morning the wind shifted, blowing the fire toward the camp which had been set up. The fire fighters were (therefore) evacuated from the area."

This description of the Haig Lake fire is not the description given to Dr. Ivany's investigators by Indians on the scene. Indians on the scene say that over 30 men were flown into the area of the fire that first afternoon, fully equipped and ready to start fighting a small ground fire of about 30 acres in size which they had been able to see clearly from the air. They set-up camp and prepared to start firefighting but were instructed by the Provincial official in charge to leave the equipment alone. They then stood around for a couple of hours doing nothing, after which time the fire crowned, went out of control and forced the evacuation of the camp they'd set up. They say that there is absolutely no question that they could have contained this fire if they'd been allowed to fight it when they first arrived on the scene.

Regarding the significant discrepancy between the so-called official version of the Haig Lake fire, and what we know to be the truth, Dr. Ivany says simply "it became clear from questioning (the Indians) that at no time were they in a position to see clearly the extent of the fire", and that therefore the (Indian) estimates of the size of the fire must be discounted in favor of evidence from those who observed the fire from the air..." In fact the Indians did observe

the full extent of the fire from the air when they were flown into the area. Camp was hurriedly set up and the men were ready and willing to fight the fire but were prevented from doing so by the Provincial officials in charge. We therefore don't accept this official Provincial Government "explanation" of the discrepancy. We know the initial size of the fire. We know that the necessary equipment arrived on the scene with the men. We know that our people could have contained the fire had they only been allowed to do so. Incredibly, Dr. Ivany has simply accepted as true what he was told by the very people accused of wrong-doing.

Regarding the Joker Lake fire, Dr. Ivany says:

"The fire was reported by a caterpillar operator who saw lightning strike the forest. Although this fire was within the area referred to as the Slave Lake district, a Forestry Service official from Peace River drove to the area, because he had ready access to it, and because officers in the Slave Lake district were occupied with other fires. When he arrived, there was no open flame and he felt the fire involved a relatively small area. A caterpillar guard had already been constructed around the site by a construction crew in the area, and it was believed that the fire was 'being held'. Because of other priorities, this official was ordered back to his home base...the next morning, the Forestry Service received a call from the construction workers saying that there now was a fire beyond the guard...the Slave Lake district foresters were not able to respond immediately because of the large number of other fires burning out of control within their district. When a forester was able to get to Joker Lake the day after (that is, two days after the lightning strike was reported), he discovered that the same factors which had caused the Haig Lake fire to go out of control, had the same effect on the Joker Lake fire."

The same factors indeed. Both fires grew to uncontrollable proportions as a direct result of deliberate decisions by Provincial offi-

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cials not to put them out when they were small and could have been put out. In fact, as we told Dr. Ivany's investigators, the Joker Lake fire was not started by lightning at all, but by oil company workers. It's true that it was originally contained by a caterpillar guard and was only smouldering when the Provincial official arrived on the scene, but something pretty important is missing from the Ivany account. A construction worker with a water tank on his truck offered to douse the smouldering fire, which would have of course extinguished it, but he was told that he couldn't drive his truck into the area, and that he needn't worry about the fire, because Provincial Forestry was "looking after it". The fact is that there was no reason that couldn't drive his truck into the area. He was simply not allowed to do so. The next day this fire was burning out of control, and it continued to burn for nearly two months, burning up another 28,000 acres of our traditional hunting and trapping area.

Regarding the discrepancies between the so-called official version of the Joker Lake fire, and what we know to be the truth, Dr. Ivany says "community members were not involved in the fire-fighting effort". That's true. It's also a carefully worded statement intended to create the false impression that community members were not on the scene, which is not true. Community members were on the scene. They know how the fire started. They saw the fire when it was still smouldering and before it broke out into an uncontrollable inferno. They know about the offer to douse the fire, and they know about the refusal to allow the fire to be doused. Nowhere in Dr. Ivany's report are these facts explained or even mentioned. Again Dr. Ivany simply prints the self-serving "explanation" of the same Provincial officials accused of wrong-doing.

In an effort to explain how these two small fires were allowed to turn into raging infernos, Dr. Ivany says:

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"Given (the number of fires that have to be fought), it is obvious that the Alberta Forestry Service had to develop guidelines in order to establish what priority was to be given to each fire. Quite clearly, fires which were threatening human life and personal property would have the highest priority... It must be noted that neither of these fires directly threatened the community of Little Buffalo...I do not doubt that some residents of Little Buffalo honestly believe that the fires in their area should have received higher priority. However I am satisfied that the system for establishing priorities is reasonable and that the Haig Lake and Joker Lake fires were properly placed within this priority system."

Dr. Ivany may be satisfied with this Provincial Government "explanation" of why these two fires in our area were allowed to develop as they did. We are not. We know for a fact that both of these fires, so highly destructive of our traditional area and way of life, could have been put out in short order by people on the scene. We know for a fact that over 150,000 acres of our traditional area, upon which we depend to make our living and feed our families by hunting and trapping, were burned up because these fires were not put out when they could have been and should have been. And we also know, contrary to Dr. Ivany's bald-faced statement that neither of these fires "directly threatened the community of Little Buffalo", that a simple change of wind could have easily caused the Joker Lake fire to reach and incinerate our community of Little Buffalo Lake in as little as a couple of hours.

Regarding damage to our traplines, Dr. Ivany says:

"There is no question that traps and snares have been damaged or destroyed by the bulldozing operations. Whether this can be termed 'deliberate' depends, to some extent, on the definition one wishes to attach to 'deliberate'. It is perhaps more appropriate to question whether the action was wilful or negligent. One can speculate as

to whether a given bulldozer operator, told to build a road, simply moves forward without regard to what is in his way or whether he is simply unable to see the traps and snares which are in his way."

While I perhaps don't fully appreciate the fine distinctions Dr. Ivany is trying to draw between "deliberately bulldozing traplines", "wilfully bulldozing traplines", and "negligently bulldozing traplines", there is absolutely no reason for him to speculate about whether bulldozer operators knew that they were bulldozing traplines. They knew, and we know for a fact that they knew. Trappers tried to protect their traplines by clearly marking each trap with an unmistakable red flag. After a while it became clear that marking traps was the surest way to guarantee that they'd be bulldozed. Trappers found their traps dismantled, manually, and the snare sticks used for road markers, sometimes with red flags and snare wires still attached. Trappers found that every single line they set would be bulldozed, within a week's time, week after week, for as long as they kept trying to set traps. Trappers found that bulldozers would actually follow their traplines, no matter how many twists and turns their traplines might take. On one occasion a bulldozer followed one segment of a trapline until it ended, and then backed up a considerable distance in order to be able to bulldoze another segment of the same trapline, which had branched off the first. Things like these just don't happen unintentionally.

Regarding whether there was Provincial Government involvement in this deliberate and wanton destruction of our traplines, Dr. Ivany says:

"There is absolutely no evidence before me that this has happened. Much of the 'evidence' which alleged such Provincial Government involvement is nothing more than speculation. No witness who was interviewed during the course of the investigation was able to provide direct or even indirect evidence

of such involvement, nor was I able to find independently any such evidence. One witness to whom I was referred, who was said to have information on this point, denied, both orally and in a written statement, the quotes which had been attributed to him which, it was alleged, would prove such involvement. I have no reason to doubt the credibility of this witness, especially after he was specifically questioned on the point by my investigators."

The "witness" to whom Dr. Ivany refers is a Provincial Government probation officer named Bill Richards, and the story behind this innocent sounding passage in the Ivany report is interesting and instructive.

On February 16, 1983, Mr. Richards told Band Social Services Coordinator Bob Gibb that parolees under his supervision, working in our area, had been instructed by their respective employers to deliberately destroy our traps and snares. Mr. Richards said that he was upset over these instructions, which he considered inappropriate.

Mr. Gibb immediately reported his conversation with Mr. Richards, and we asked Mr. Gibb to talk further with Mr. Richards, to see what else we might be able to learn. Mr. Gibb then phoned Mr. Richards several times but was unable to reach him. At that point we frankly just assumed that Mr. Richards had been told to shut-up.

On March 03, 1983, at about 5 PM, Mr. Richards phoned Mr. Gibb and the two men talked at length. Mr. Richards told Mr. Gibb that one of the parolees under his supervision, a man named Kevin Wilson, who worked for a company called Maricipai Cie Seismic, had received direct instructions to deliberately destroy any traps or snares which Mr. Wilson came across in our area. Mr. Richards said further that an unnamed co-worker of Mr. Wilson's had received the same instructions.

Mr. Richards also told Mr. Gibb that two other parolees under his supervision, named Billy Blanchard and Robert Nichols, had received direct instructions from their employer to deliberately destroy our traps and snares, and to scare game out of our area by shooting at it. Mr. Richards said that Mr. Blanchard and Mr. Nichols described the systematic destruction of our traplines in which they participated as "almost like a competition". Mr. Richards said that Mr. Blanchard and Mr. Nichols worked for the Alberta Provincial Government Department of Forestry.

At the end of this conversation, Mr. Richards offered to testify as to these facts, or to sign an affidavit.

Mr. Gibb again immediately reported his conversation with Mr. Richards, and we asked Mr. Gibb to tell Mr. Richards that we would like very much for Mr. Richards to sign an affidavit regarding what he'd told Mr. Gibb. Mr. Gibb reached Mr. Richards on March 06, 1983, at which time Mr. Richards told Mr. Gibb that he'd since discussed the matter with his supervisor, who'd instructed him not to sign anything or to discuss the matter further with Mr. Gibb.

Given this history, it's not surprising that Mr. Richards would now deny what he told Mr. Gibb. Dr. Ivany, however, has simply accepted this denial as true, in spite of the history involved.

Continuing his comments on the destruction of our traplines, Dr. Ivany says:

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"The other area on which I must comment relates to the procedure by which trappers are notified that (their trapping areas are about to be bulldozed). The current procedure requires the oil company to send a registered letter to the trappers in the area...giving them five days notice that construction is to begin. Many of the trappers have postal addresses some distance from their residences, and only make very infrequent trips to collect their mail. This can lead to situations where the notification letter is received six months after (the construction) has been completed...It seems to me that trappers who are going (to have their traplines bulldozed) should be given as much advance notice as possible of these plans...I recognize that it is not always possible to locate the trappers while they are on their traplines. I also recognize that there are some firms, doing exploration work, which are concerned that providing notice far in advance of the commencement of work will result in disclosure of their plans to their competitors. It may well be difficult to balance these interests, but I remain of the view that it can be considered unfair (underlining added) to leave trappers in a position where they have no effective notice of the plans (to bulldoze their trapping areas) before the work is completed...(I therefore recommend)...that the government undertake a review designed to ensure that notice of intention (to bulldoze traplines) is given to trappers...as far as possible in advance of the commencement of work...No changes will guarantee that traps and snares are not ever damaged or destroyed. Indeed, it may well be that some trappers would choose not to move the traps and snares, even if they do have notification. However, doing everything possible to ensure that the notification is received before the construction begins gives an important appearance of fairness (underlining added)."

Frankly I can't imagine a more revealing set of quotes regarding the basic attitude and views of the man who rejects as "groundless" the World Council of Churches charge that "the Alberta Provincial Government and dozens of oil companies have taken actions which could have

genocidal consequences". Dr. Ivany is, after all, talking about the deliberate, government-organized destruction of our traditional area. He's talking about the government-organized destruction of the area where we make our living and feed our families by hunting and trapping. He's talking about the area where our people have lived since long before the arrival of the white man, and which we've never sold, traded, lost in war nor in any way ceded to anybody. He clearly accepts completely the legitimacy of what these people are doing to us. He even understands completely their hesitation in giving us advance notice of what they're about to do. But, being a fairminded, humane and objective investigator, he thinks that it can perhaps "be considered unfair" to put us in a position where we have "no effective notice" of the devastation we face until it has actually been inflicted upon us.

Regarding imposition of the Provincial Land Tenure Program in our community, Dr. Ivany says, "The allegations include statements that people were promised free firewood, a trailer or other gifts if they signed agreements", but that he has "been unable to prove or disprove any of these allegations". He's also apparently been unable to even understand the allegations which were made.

People were not promised free firewood, a trailer or other gifts if they signed applications for Provincial Land Tenure. Rather there was a deliberate effort to trick people who can neither read nor write into making their mark on applications for Provincial Land Tenure, by telling them, falsely, that they were applying instead for free firewood or for a free Alberta Housing trailer. These people would have never agreed to apply for Provincial Land Tenure, whatever the so-called free gift, because they knew that accepting land tenure from the Provincial Government would jeopardize their aboriginal land rights.

Dr. Ivany says:

"It is possible that some of the problems may not be misinformation, but rather, poor communication. For example, one complainant told my investigators that she was led to believe that she was signing a census form (instead of an application for Provincial Land Tenure). There is a form, issued by the (Provincial) Land Tenure Secretariat for use in connection with the Land Tenure Program, which contains questions not unlike those asked on a census".

In fact it is not possible that this incident was the result of poor communication. Moreover the woman involved didn't tell Dr. Ivany's investigators that she was "led to believe that she was signing a census form." She rather told the investigators that she was told she was signing a census form. As with the supposed applications for free firewood and a free Alberta Housing trailer, this was another clear-cut case of Provincial officials trying to deceive someone into signing an application for Provincial Land Tenure, which she would have never knowingly nor willingly done.

As for the Land Tenure form which supposedly looks like a census form, I've never seen any such form, and I don't know anyone else who's ever seen any such form, and I frankly doubt that any such form exists, or at least that any such form was ever used in our community. Perhaps Dr. Ivany could produce a copy of the form to which he is referring.

Dr. Ivany says:

"Even after the most careful review of evidence... I am unable to come to a finding of fact that would allow me to support the allegations (regarding the Land Tenure Program) or (to) find them

unsubstantiated...(however)...one aspect that caused me some concern was the choice of interpreters by the Land Tenure Secretariat. Although the (now) deceased interpreter (for the Provincial Government) was a councillor of the Improvement District (set up by the Provincial Government), he was also the person who had organized the petition to have the Land Tenure Program operate in the Little Buffalo area. The members of the Secretariat were aware that the views of this man differed substantially from those of many others, including the officials of the Lubicon Lake Band. The decision to hire him was perhaps not the wisest course of action which could have been taken. I do not believe that the Secretariat deliberately sought out a proponent to act in what should be the independent role of interpreter, but it's actions in hiring this man and his wife as interpreters has led to a situation where there can reasonably be some concern about bias."

I guess so. The interpreters to whom Dr. Ivany refers are Fleuri L'Hirondelle and his wife Rosie. The connection between the L'Hirondelle family and the Provincial Government is a long and an interesting one.

Mr. L'Hirondelle was first appointed by the Provincial Government to represent our community in the capacity of Improvement District Councillor. Later, before we knew what they were doing, the Provincial Government organized and ran an election which Mr. L'Hirondelle "won". When we realized that the Provincial Government was using Mr. L'Hirondelle's supposed election to claim that they were only doing what our "democratically elected representative" was asking them to do, we circulated a re-call petition signed by nearly 90% of the people in our community. The Provincial Government responded to our re-call petition with a letter which said that the Province "often hears of local dissatisfaction with municipal representatives, but the democratic process allows for three years to prove or disprove

their value to the community". (We of course didn't need three years for Mr. L'Hirondelle to prove or disprove his value to our community, but then we've learned that this Provincial Government defines the phrase "democratic process" and the word "representative" however it suits their purpose at the time.)

Dr. Ivany notes that Mr. L'Hirondelle "organized the petition to have the Land Tenure Program operate in the Little Buffalo area". The truth is far more sinister. Mr. L'Hirondelle, working closely with people in the Provincial Department of Municipal Affairs, secretly organized something called "The Land Tenure Secretariat Committee". The Land Tenure Secretariat Committee consisted of Mr. L'Hirondelle and his son Chester, plus three other community people, one of whom has since realized that he was only being used, and two others who have since left the community.

The so-called Land Tenure Secretariat Committee met secretly with people from the Provincial Department of Municipal Affairs, planning the implementation of the Provincial Land Tenure Program in our community. No one else in our community knew anything about what these people were planning for us.

When the Provincial Government publically announced that they would be implementing their Land Tenure Program in our community, supposedly at our request, we immediately circulated petitions expressing our opposition to the program. The vast majority of the people in our community signed these petitions.

It was at this point that Mr. L'Hirondelle and his colleagues in the Provincial Department of Municipal Affairs started trying to deceive

people into applying for their program, by telling them things like they were only applying for free firewood. It's not credible for Dr. Ivany to now suggest that these deceitful tricks were only poor communication or perhaps biased interpretation, since all of these problems were repeatedly described in a series of letters and petitions sent to Provincial Premier Peter Lougheed, and to Provincial Municipal Affairs Minister Marvin Moore, as well as being covered by the local press.

Dr. Ivany says both that "the members of the (Provincial Land Tenure Secretariat) were aware that (Fleurj L'Hirondelle's) views differed substantially from those of many others", but that he (Dr. Ivany) doesn't "believe that the Secretariat deliberately sought out a proponent to act in what should be the independent role of interpreter". How then did Mr. L'Hirondelle and his wife end up as interpreters for the Provincial Government? Accidentally? Unintentionally?

Dr. Ivany tries to rationalize these obviously contradictory statements by saying that the Secretariat also tried to hire someone "strongly opposed to the Land Tenure Program". What gibberish. The other person they supposedly tried to hire was my brother Larry. They made the offer knowing full well that Larry would refuse. Such transparent strategies are characteristic of this Provincial Government. Anyone who knows the facts can see through what they're trying to do in a minute. It's frankly hard to believe that Dr. Ivany could have really read the extensive documentation on implementation of the Land Tenure Program in our community and still authorize the release of a report which says the things this report says.

Mr. L'Hirondelle died over a year ago. We've since heard that his son Chester has replaced him as Improvement District Councillor for

our area. No election was ever held, which Chester of course could have never won, now that we understand what they're doing. No announcement of Chester's appointment was ever made in our community, since they all know that there'd be a howl of protest so loud that it would be heard all across the country. But we understand that Chester's been appointed to represent us all the same, quietly, secretly, in a manner which characterizes much of what the L'Hirondelles and this Provincial Government have done in our community.

Dr. Ivany says:

"One criticism was that repetitive calls were made on people who had initially declined to become involved, and that these contacts amounted to 'high-pressure salesmanship'. While there may be the appearance of 'high-pressure salesmanship', it must also be borne in mind that some of these additional contacts were made at the request of the residents. Whether they involved the criticized salesmanship or were simply to provide information, the Department of Municipal Affairs has recognized the potential for legitimate criticism and has taken steps to ensure that care is exercised in such repeated contacts."

While I am aware of repeated, unsolicited calls being made right up until a few months ago, badgering the hell out of people, and especially badgering the hell out of old people who can't speak English, read or write, I don't know of one single instance of anybody requesting such a visit. The simple fact is that we all know enough about their program already to know that we don't want anything to do with it or them. Perhaps the requests for visits mentioned by Dr. Ivany were made by the L'Hirondelles.

Dr. Ivany says:

"The other criticism is that while the benefits of land ownership were stressed during individual

negotiations, little comment was made about the responsibilities of such ownership, and particularly the requirement to pay taxes. I am satisfied that the situation regarding taxes was discussed at some of the public meetings held to explain the Land Tenure Program, but the Program official who was involved in the individual negotiations candidly admitted that she did not stress the tax implications during the negotiations, because she was not that knowledgeable about them."

What public meetings? I don't know of one single public meeting to discuss the Provincial Land Tenure Program. Perhaps Dr. Ivany is talking about the secret meetings held between the members of the Land Tenure Secretariat Committee and the officials of Municipal Affairs. We heard of one such meeting and tried to attend, but we didn't learn very much, because they closed down the meeting just as soon as we arrived.

Dr. Ivany says:

"It is unfortunate that some of the individuals who signed applications might have not fully understood the situation, but as I have already noted, those who raised this complaint were among those who withdrew their applications. Once the cancellations were received, the government did not pursue the issue."

The fact is that the Provincial Government did pursue the issue and continues to pursue the issue to this day, in the most brutal possible terms. People who cancelled or refused to participate in the program have been refused phone or power hook-ups. Some were threatened with having their houses bulldozed. Our 1982-83 housing program had to be cancelled altogether because of Provincial Government refusal to allow us to build our houses without taking out Provincial

development permits, which required that we either accept Provincial Land Tenure, or lease the land from the Province, in either case effectively recognizing Provincial jurisdiction over our traditional lands and thus jeopardizing our aboriginal land rights. Our 1984-85 housing program has been shut-down for the same reason. We've been sent tax notices -- as a part of the Provincial Land Tenure Program -- whether we participated in it or not, which we can either pay and jeopardize our land claim, or don't pay and face seizure of our limited assets. And one of our community members, whose situation Dr. Ivany supposedly investigated, currently faces seizure of his house unless he either agrees to accept Land Tenure or to lease the land from the Provincial Government.

The forced closing down of our housing program has significance beyond the obvious. Not only are our people desperately in need of housing, but -- with the deliberate destruction of our traditional hunting and trapping economy -- housing construction provides the last available source of independent employment for our people. After housing, welfare is all that's left.

One of the legal requirements for being able to legally assert our aboriginal land claim is that we have to be able to show that we continue to pursue a traditional lifestyle. We're being deliberately forced onto welfare, so that Provincial Government lawyers can argue that we no longer pursue a traditional lifestyle, as a part of a deliberate Provincial Government strategy to subvert our legal rights, in order that the Provincial Government can get away with stealing the land upon which we depend to survive as a people. The World Council of Churches understands all of this. Dr. Ivany apparently neither understands nor cares.

Regarding the tax notices we've recently been receiving from the Provincial Government, Dr. Ivany says:

"The Province has an obligation, by statute, to issue notices for the payment of taxes in cases where improvements or buildings are erected on Provincial Crown land...I cannot fault the administrative area of government for taking steps which, in its opinion, reasonably held, comply with the law as it exists".

This is straight Provincial Government party line and we've heard it before. But the truth is far more complicated, and not nearly so innocent.

The tax notices which we've recently received are a part of the Provincial Land Tenure Program, and the Provincial Land Tenure Program is a part of the Provincial Government strategy to undermine and subvert our aboriginal land rights.

Prior to imposition of the Provincial Land Tenure Program in our community, over the protest of most community members, none of us had ever received a tax notice. The area where we lived was isolated and inaccessible. We owned and continue to own few possessions. Like other poor and isolated communities in the North, I guess we just weren't worth their while.

The Provincial Government didn't really take much notice of us until oil was discovered in our traditional area. At that point our aboriginal land claim made us a little more significant in the Provincial scheme of things.

In order to facilitate their development plans, the Provincial Government constructed an all-weather road into our area. We responded by trying to file a caveat with the Provincial Government, putting

potential resource developers on notice that our area was under claim.

The Provincial Government flatly refused to accept and file our caveat, which we'd submitted in line with existing Provincial law. We therefore took them to court, to try and force them to obey their own laws. The Provincial Government responded by asking the court to postpone the hearing of our case while they re-wrote the law under which we went to court, which they then did, making the changes retroactive to before the time we went to court.

Development of our area started in earnest during the winter of 1979-80. We went to court again, this time asking for damages resulting from development activities. The Provincial Government chose to fight this case on procedural terms, with the result that it's still before the courts.

On April 23, 1980, the Provincial Government announced that they were "extending" the Provincial Land Tenure Program to our community of Little Buffalo Lake. They said that a majority of us had requested implementation of the Program.

We responded to their announcement with a petition signed by a majority of the people in our community, asking that they delay implementation of their Land Tenure Program until our land claim was settled, and making clear that a majority of us opposed implementation of their program.

The Provincial Government responded to our petition with a statement that the Province "would not undermine the rights of anyone who is actively seeking title to land for their home even if they were a minority". The minority to whom the Provincial Government was referring, of course, was Fleuri L'Hirondelle and the members of the Land

Tenure Secretariat Committee, organized by Mr. L'Hirondelle and officials of the Provincial Department of Municipal Affairs.

At the time that the Province announced that they were implementing their program over the protest of the majority of community members, the then Minister of Municipal Affairs for the Province said that people who didn't want to participate in the Land Tenure Program would be "free to continue to live on the land...free to continue to live as before...the (only) difference (being) that maps and plans (will) now recognize where each family lives and the option is given to the families to own or lease the land or to continue as they are". He also said that no one would be "pressured" to participate in the program, and that "it has never been a requirement by anyone for the people involved to consolidate a specific form of tenure".

None of these Provincial assurances were worth a damn. They bulldozed roads through our community without our knowledge or permission, building one right through my back yard, no more than 20 feet from my house. They refused permits for phones and power hook-ups unless people participated in their program. They refused housing assistance unless people participated in their program. They stopped construction of housing in our community which they said didn't conform to the community plan they'd prepared. They told us that we'd now need development permits before we could build houses, which required that we either accept Provincial Land Tenure or agree to lease the land from the Province. And they threatened to bulldoze the houses of people who tried to build houses without development permits.

All of these actions of course were intended to try and force or trick us into accepting Provincial jurisdiction over our traditional lands, thereby jeopardizing our aboriginal land rights.

Regarding the situation at that time, Provincial Municipal Affairs Minister Marvin Moore said the following, clearly setting the stage for the tax notices which we were to start receiving a couple of years later:

"I would like to say that within the past when houses were built, they were usually not equipped with any services at all. Under those circumstances it did not really matter where they were located as they made no demands on society at-large. Times have changed in recent years; people are asking for housing grants, for roads, for telephones, for power, for water, for fire protection, for recreation facilities. One cannot have amenities without having a certain order. If one invests in order through, for instance, a land use plan, one gets amenities which, it should be pointed out, are costly for the public purse. Development permits have therefore been required for many years in cities, towns, villages and smaller communities. The purpose of hamlet boundaries, land use plans and subdivision plans are to assist people to access services. Planning and land tenure are two totally separate activities. Planning is beneficial to a community with or without land tenure...it is in the interest of the future owners of these houses that their houses be placed within the parcel of land designated and accessible for services such as power and not too close to the property line...it has never been a requirement by anyone for the people involved to consolidate a specific form of tenure...I must say once more that as part of the democratic process the individuals who want land tenure cannot be cut off from their right and privilege to interact with their government in order to benefit from an available service offered to them and accepted in good faith. For those people who do not want to participate there will be no effort made to oblige them to accept any form of land tenure."

The "democratic process" to which the Minister refers in these comments, it should be pointed out, involved the complete reorganizing of our community, putting our land rights in jeopardy, over the protest of the vast majority of community members, at the request of a small minority who were working closely with Provincial officials to undermine and subvert our aboriginal land rights.

Regarding the "services" to which the Minister refers, the process was as follows. About 1978 we were asked if we would like to be provided with phone service. Some of us said yes, and phone lines were brought into our area. At that time nothing was said about making our community a Provincial Hamlet or the Provincial Land Tenure Program or development of our traditional area or Provincial taxes.

In 1980 the Provincial Government announced implementation of their Land Tenure Program, over the protest of most community members, because it jeopardized our aboriginal land rights, supposedly so that the Province could provide us with the services which we'd requested. Little did we realize when we agreed to phone service that the Provincial Government was going to try and make us pay for that phone service with our heritage.

Those who refused to participate in the Provincial Land Tenure Program, supposedly implemented by the Provincial Government in order to provide us with requested services, were not only refused phone service, but were threatened with having their homes bulldozed. This Provincial Government doesn't fool around. They think long-term and legalistically. They've come at us from every imaginable direction to try and trick or deceive or force us into accepting Provincial jurisdiction over our traditional lands, thereby jeopardizing our aboriginal land rights.

In 1983 we began receiving municipal and school tax notices, for the so-called sub-division plots created by the Province in 1980 when they drew survey lines around our houses. The tax notices said that we'd be subject to the provisions of the Municipal Taxation Act and the Tax Recovery Act if we didn't pay. Paying of course again meant recognition of Provincial jurisdiction over our traditional lands,

which would jeopardize our aboriginal land rights. Not paying meant that we faced seizure of our limited assets.

Asked about these tax notices, the current Municipal Affairs Minister Julien Kozjak said:

"Because a person is a status Indian does not mean that that person is not entitled to hold property in the Province...when that person as part of the Canadian citizenry holds title, with the holding of title comes the responsibility that all title holders in the Province have to bear. That includes the payment of taxes."

When we pointed out that our land belonged to us by virtue of aboriginal right, not Provincially recognized title, we were told that we were being taxed on our improvements to Provincial Crown land -- our houses in fact -- some of them being log houses built years ago.

No fault Dr. Ivany? The administrative area of Government merely taking steps which comply with the law as it exists? We don't agree, and we frankly don't understand how you could arrive at such a conclusion either, having had access to the extensive documentation on this matter. You've again ignored the documentation in favor of simply reiterating the Provincial Government line.

Dr. Ivany's "findings" on the so-called "trespass notice" serve to further detail and illustrate how Dr. Ivany and this Provincial Government operate. Dr. Ivany says:

"A resident of the area moved on to some land and built a house, in which he is now living. The Provincial Government takes the position that this man is a 'squatter' and a trespasser on provincial crown land...(and has written him telling him that he has to either lease or buy the land from the Provincial Government or he will be)..."

deemed to be a trespasser and any improvements created by him are the property of the crown... the evidence before me is that in preparing the letters (sent to the man), the Departmental officials relied on legal advice, designed to protect what the crown regards as its interest in the land... Therefore I cannot say that the Departmental officials acted unreasonably or inappropriately in following the legal advice they had received..."

Your comments with regard to this particular situation make a telling point, Dr. Ivany, although you apparently don't realize that you're doing so. There is absolutely no doubt that the Provincial Government is acting in the name of legal advice designed to protect what the crown regards as its interest in our land. Similarly there is no doubt whatsoever that the Provincial Government was acting in the name of legal advice designed to protect what it regards as its interest in our land when it opened up our area for development, and when it passed the retroactive caveat legislation, and when it imposed the Provincial Hamlet and Land Tenure Program, and when it deliberately wrecked our traditional economy and forced our people onto welfare. But just because Provincial officials base their actions on legal advice intended to protect the Provincial Government's interest in our land does not mean that those actions don't have genocidal consequences for us. In fact the legal advice to which you refer is clearly intended to protect what this Provincial Government regards as its interest in our land by deliberately and systematically undermining and subverting the traditional and aboriginal land rights upon which we depend for our survival as a people.

The man being threatened with seizure of his home is a non-status member of our community named Dwight Gladu. The history of the problem

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Mr. Gladu faces, shared fully with Dr. Ivany's investigators, is as follows:

The Provincial Government offered non-status people in our community assistance in building their houses. Both the houses and the assistance were badly needed and people gratefully accepted.

People who accepted Provincial Government assistance in building their houses were then told that they would need Provincial Government development permits in order to obtain housing assistance, and that they had to either accept Provincial land tenure or lease the land from the Province in order to qualify for these development permits. Under these circumstances, people refused badly needed housing assistance, because they were not prepared to jeopardize their aboriginal land rights by accepting Provincial jurisdiction over their traditional lands.

The Director of the Provincial Housing Assistance Program, Mr. Norman Rault, offered to take out development permits "on behalf" of the people requiring housing assistance. The people refused, because they knew that housing permits taken out on their "behalf" was legally the same as taking out those permits themselves.

Mr. Rault talked to me, saying that he was only trying to help people who needed help in building houses. I consulted with our lawyers and the people in the community and we agreed that Mr. Rault could take out development permits as long as it was expressly understood and agreed that:

- 1.) such development permits were not taken out on behalf of the Band nor the community nor the people of Little Buffalo Lake, but only

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- for the purpose of allowing houses to be built;
- 2.) that any information which Mr. Rault might include on the development permit application regarding ownership of the land, legal description of the land, and/or the legality or validity of the Provincial Government Hamlet and Land Tenure Program represented only his interpretation of such things and not necessarily ours;
  - 3.) that our agreement to his taking out these development permits was without prejudice to our legal rights and did not in any way constitute a waiver of any of our aboriginal or treaty rights.

Mr. Rault agreed to take out housing permits as we'd suggested, in his own name and on his own behalf, in order to allow housing construction to proceed, and not on behalf of the individuals who would live in the houses being built. However a couple of days later I learned that Mr. Rault had taken out development permits on behalf of the people who were to live in the houses, clearly contrary to our agreement.

I therefore sent Mr. Rault a telex which read:

"The copies of the three development permits you left with me yesterday do not conform to our agreement of September 4, 1981. You have received no mandate to act on behalf of the individuals for whom the houses are being built. Pursuant to our September 4 agreement you are only to act in your own name and on your own behalf."

I also sent a telex to the Provincial Department of Municipal Affairs which read:

"The three development permits filed with your office

by Mr. N.A. Rault on or about September 9, 1981, are not made on behalf of the individuals named and do not in any way bind those individuals."

Upon receiving my telex, Mr. Rault phoned and told me that he thought I was "nitpicking". I told Mr. Rault that the way he'd filled out the forms both breached our agreement and jeopardized our aboriginal land rights by making it appear that we accepted Provincial jurisdiction over our traditional lands, something which we would never knowingly nor willingly do.

The following year Provincial officials again offered the non-status people in our community badly needed housing assistance. This time they didn't mention development permits, leases or Provincial land tenure. The people therefore gratefully accepted the badly needed housing assistance being offered.

Construction of four houses for non-status people in our community thus began with Provincial housing assistance. However, after the shells of the houses had been completed, Provincial officials again demanded development permits, leases or Provincial land tenure. People badly needing houses and housing assistance were told that the houses being built would not be finished if they didn't take out development permits, requiring a Provincial lease or Provincial Land Tenure. In addition Mr. Rault made clear this time that the people involved would have to take out development permits themselves, in their own names and on their own behalf.

The Provincial Government strategy was obvious. They figured that poor people desperately in need of adequate housing would not be able to turn down half-completed houses being built on selected

sites. They were wrong. The people refused to take out development permits, and the Provincial officials responded as they had threatened. They shut down the non-status housing program in our community, leaving the houses unfinished.

After Provincial officials shut down the non-status housing program and left our community, our people picked-up their own hammers and nails and finished the four houses, one of which being the house in which Dwight Gladu now lives, under threat by Provincial officials that they're going to seize his house if he doesn't agree to lease the lot from the Province or accept Provincial land tenure.

The last complaint supposedly investigated by Dr. Ivany involves the proposal construction of a new school in Little Buffalo Lake. Not surprisingly, Dr. Ivany simply accepts at face value the assurances of Provincial officials that the Provincial Government's only concern is the education of our children. However the history of the two year struggle over proposed new school construction in our community, a history of which Dr. Ivany is well aware, makes absolutely clear that Provincial officials don't give a damn about the education of our children. Their interest in new school construction in our community is rather to reinforce and support the legal position of the Provincial Government that our community is a Provincial Hamlet, instead of an Indian community, and therefore unavailable to be made into an Indian reserve.

In addition statements made in this section of the Ivany report raise some very real and serious questions about the conduct of the Ivany investigation itself.

Regarding the question of new school construction in Little Buffalo Lake, Dr. Ivany says:

"In late 1981, the (Provincial) Minister of Education issued an order dissolving the Board of Northlands School Division, and placing it under trusteeship. The Trustee so appointed (by the Provincial Minister of Education) was given all the authority that would ordinarily be exercised by elected school boards...In January of 1982, a short time after he took office, the Trustee met with a councillor from the Lubicon Lake Band. There is no question that at that meeting, the councillor asked the Trustee to expedite the building of a new school at Little Buffalo to replace the current school building...A Community School Board was (then) elected in Little Buffalo in June 1982. Shortly thereafter, it considered the question of a new school. It was concerned about the proposal to build the school immediately because of the unresolved land claim...Thus, in August 1982, the (Little Buffalo) Community School Board sent a resolution to the Northlands School Division, asking for postponement of any plans to build the school for one year. The Trustee felt that it was important to the quality of education that a new school be built, and was prepared to build it using only Provincial funds, if no federal funds were available...In September, 1982, the Northlands School Division completed a submission form, prescribed by the federal government, dealing with the proposed Little Buffalo School and forwarded it to the Department of Indian and Northern Affairs. One question on that form asked if the Band Council involved had expressed itself in favor of the new school. No answer was given to that question by the Northlands School Division. According to officials of the Department of Indian Affairs, this lack of a response would indicate to it that the Northlands School Division did not know the formal position being taken by the Band, as opposed to that of the Community School Board...However, in January, 1983 a letter went from a federal official to the Lesser Slave Lake Indian Regional Council...(which)...included the following statement:

'The submissions indicate that the Band Councils involved, expressed themselves in favor of the joint school...'

I am satisfied that this statement was in error, at least insofar as the proposed school at Little Buffalo was concerned. I am satisfied that the submission did not indicate that the Lubicon Lake Band had expressed itself in favor the joint school...the complainants believe that the Northland School Division misrepresented the Band's position to the Department of Indian and Northern Affairs, leading the federal department to conclude that the Band supported the school. While the complainants do not suggest that the form, referred to above, was involved in the misrepresentation, they suggest that there were verbal communications that did misrepresent the Band's position. There is no proof that this is so. The Trustee, when questioned, candidly conceded that after his January, 1982 meeting with the Band Councillor, he may have concluded that the Band favored a new school and may have conveyed that impression to the federal department...But there is no evidence that such an impression was given after the Community School Board expressed its opposition. Indeed, the evidence points in the opposite direction. Despite the Trustee's admission, neither the Regional Director of Indian and Northern Affairs nor my investigators have been able to find any federal official who says that he received information from the Trustee, or any other official of the Northland School Division, that the Band supported the proposed new school."

Contrary to Dr. Ivany's fanciful description of what occurred, the facts of the matter, all clearly spelled out to Dr. Ivany and his investigators, are as follows:

There was a meeting in January of 1982 involving Northlands Trustee Fred Dumont and Band Councillor Bill Laboucan, but it didn't occur as Dr. Ivany claims. The meeting was in fact called to discuss funding for new school construction generally. It involved representatives from several Northern Indian communities and Brian Pitcairn, Director of Education for the Lesser Slave Lake Indian Regional Council. Lubicon Lake Band Councillor Bill Laboucan was invited to attend the meeting by Mr. Pitcairn. During the course of the meeting

Mr. Dumont casually asked Mr. Laboucan if Mr. Laboucan thought that the Band would like a new school. Mr. Laboucan replied, just as casually, that he thought that the Band would like a new school, as long as it didn't affect the Band's aboriginal land rights.

Over the next few months there were several informal contacts between representatives of Northlands and members of the Little Buffalo School Committee. Among other things, Northlands officials said that they were considering different sites for a new school to serve the children in the area, including the possibility of a school built between Cadotte Lake and Little Buffalo Lake.

By the time the Little Buffalo Community School Board was created in June, Northlands officials were talking seriously about building their new school in Little Buffalo Lake. In light of our experience with the Provincial Hamlet and Land Tenure Program, we started becoming increasingly concerned over the possible effect of a new Provincial school in our community on our aboriginal land rights.

In early August Chief Superintendent for Northlands Dan Stetsko contacted the Little Buffalo Community School Board and asked for a meeting to discuss the design of the new school. Mr. Stetsko was told that the Little Buffalo Community School Board was still in the process of determining the position of community members on proposed new school construction, and that the members of the local School Board were therefore not ready to meet with him regarding school design.

On August 9, 1982, Mr. Stetsko stopped by my office, dropped off "sketch plans" of the new school, and told me to have the Little Buffalo Community School Board approve these plans. Dr. Ivany says that Mr. Stetsko "left the plans and suggested that they might be reviewed

by the Community School Board and any suggestions for changes be forwarded to the Division". This statement is not true. Moreover Dr. Ivany says "the Chief of the Band does not dispute the words which were spoken by the official, but says that they amounted to a direction". This is not true either. Stetsko told me to have the Little Buffalo Community School Board approve the plans. I never said anything else, nor would I.

On August 11, 1982, the Little Buffalo Community School Board met and discussed the question of a new school in Little Buffalo Lake. At that time they unanimously decided to delay approval of new school construction for one year, "in view of the strong opposition to having the new school built at this time expressed by the majority of parents in the community".

Dr. Ivany admits that Mr. Dumont was advised in August that the Little Buffalo Community School Board opposed new school construction at this time, but, he says, Mr. Dumont was prepared to build the new school with Provincial funds only. However, Dr. Ivany says, Mr. Dumont then submitted a request for federal funds in September, leaving blank that part of the submission which indicates whether the Band supported the submission, Band support in fact being a prerequisite for the submission to even be considered. Speculating on the possible meaning of leaving that particular part of the submission blank, Dr. Ivany says, "Officials of the (Federal) Department of Indian and Northern Affairs...(felt)...this lack of a response would indicate to it that the Northlands School Division did not know the formal position being taken by the Band Council, as opposed to that of the Community School Board". Very neat, Dr. Ivany, quoting Federal officials on what was likely intended by Provincial officials, especially since it is so easy to show that Provincial officials knew very well that the Band opposed new school construction in Little Buffalo Lake.

On August 27, 1982, Chief Superintendent Stetsko wrote Mr. Dumont a memo on this very matter, a copy of which was provided to Dr. Ivany by the Band. The memo reads:

"On August 13th, administration (of Northlands) became aware of community rumors to the effect that the Lubicon Lake Band did not wish to proceed with this project at this time. Contact with Mr. Pitcairn appeared to confirm the validity of these rumors. On August 19th administration (of Northlands) received a copy of the minutes...of the Little Buffalo Community School Board meeting held on August 11th. Of interest is motion #18 reading 'that in view of the strong opposition to having a new school at this time expressed by the majority of the parents in the community, approval for the new school be delayed for one year'. It is our firm belief that this 'strong opposition' may eminite(sic) solely from the Lubicon Lake Band...A delay of one year on this project means a delay of two years relative to completion. It is strongly suggested at this time that the architect proceed with planning and design of the school for full tendering and completion by September of 1983."

Thus, contrary to what Dr. Ivany tries to suggest about the possible reason that Northlands might have left blank that part of their submission on Band support, the facts are unavoidably clear, and Dr. Ivany had a copy of the memo which makes the facts unavoidably clear. Northlands knew that both the Band and the Little Buffalo Community School Board opposed new school construction before making application for Federal funds in September.

Following receipt of the submission from Northlands, Indian Affairs Superintendent for Federal Provincial Agreements Jerry Fisher reviewed the submission, discussed it with officials from Northlands, discussed it with Brian Pitcairn and then wrote Mr. Pitcairn the following letter:

"We have received submissions from Northland School Division to enter into joint (Federal-Provincial) capital agreements for new schools at Grouard, Cadotte Lake and Little Buffalo Lake...The submissions indicate that the Bands involved expressed in favor of a joint school..."

Dr. Ivany dismisses this letter as imprecisé. He says that he's satisfied that the Band didn't support the submission. He says that he's satisfied that Northlands left blank the section of the submission on Band support. He says, "One can speculate that the statement was too broad, in that the other schools referred to in the letter posed a different situation than did the proposed Little Buffalo School".

In fact all of the schools involved were in exactly the same situation. They either had Band support or they didn't. If they had Band support, they qualified for Federal financial assistance. If they didn't have Band support, they didn't qualify for Federal financial assistance.

Moreover Dr. Ivany again chooses to "speculate" about why people did what they did, and again his speculation is at odds with facts well known to his investigators.

Following receipt of the Fisher letter, Mr. Pitcairn wrote me as follows:

"I have been advised by Indian Affairs that they have received two submissions from Northland School Division #61 requesting capital funds for the construction of new schools at Cadotte Lake and Little Buffalo, on a pro-rata cost share basis...Northland had told Indian Affairs your Council has already agreed to the proposal...Please advise me as to your present position, as I know in the past you had wanted to delay the schools being built."

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Following receipt of the Pitcairn letter, I asked Band Advisor Fred Lennarson to obtain a copy of the submission which Northlands had made on our behalf, and also to let both Mr. Fisher and Mr. Pitcairn know that the Band did not support the submission.

Mr. Lennarson visited Mr. Fisher in Mr. Fisher's Edmonton office. Mr. Fisher gave Mr. Lennarson a copy of the Northlands submission. Mr. Lennarson noted that the section of the submission on Band support was left blank and asked Mr. Fisher about it. Mr. Fisher told Mr. Lennarson that Northlands had assured him verbally that the Band supported the submission. Mr. Lennarson told Mr. Fisher that officials from Northlands had lied, and that the Band did not support the submission.

Mr. Lennarson then phoned Mr. Pitcairn about the matter. Mr. Pitcairn told Mr. Lennarson that he'd also discussed the submission with Mr. Fisher, because he knew that the Band had earlier opposed new school construction. Mr. Pitcairn told Mr. Lennarson that Mr. Fisher had told him as well that Northlands was claiming Band support.

When representatives of the Band met with Dr. Ivany on July 18, 1984, Ivany investigator Ed Chetner said that Mr. Dumont "did not deny" asking the Federal Government to financially support new school construction in Little Buffalo Lake. However, Mr. Chetner said, there was nothing wrong with this. He said that it was "only normal and natural" for Mr. Dumont to try and obtain Federal funds if possible.

Band Advisor Fred Lennarson told Mr. Chetner that Mr. Dumont had tried to obtain Federal funds by lying about Band support for new school construction.

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Mr. Chetner said that he could find nothing in writing to prove that Mr. Dumont had claimed Band support. He said that Brian Pitcairn had told him Dumont claimed Band support, but that Jerry Fisher of Indian Affairs had denied that the Province had made such a claim.

Mr. Lennarson told Mr. Chetner that Mr. Fisher had told both Mr. Pitcairn and him that the Province had claimed Band support. In addition, Mr. Lennarson said, Mr. Fisher had written Mr. Pitcairn a letter clearly stating that the Provincial Government was claiming Band support for new school construction.

Another Ivany investigator at the meeting named Bob Wyatt asked Mr. Lennarson if Mr. Lennarson could provide him with a copy of the Fisher letter. Mr. Lennarson said that he could, although Mr. Lennarson was sure that he'd already provided Mr. Chetner with a copy.

Mr. Chetner said that he'd been told that the Band had originally requested that the new school be built. He said that he understood this request was made in late 1981 or early 1982 by Band Councillor Bill Laboucan.

I told Chetner that I knew nothing of any such request, and that Councillor Bill Laboucan had no independent authority to make such a request.

Mr. Lennarson said that it would be good to know the exact nature and context of the supposed request, pointing out that some comment made in casual conversation, or perhaps in response to an informally put question as to whether the Band would like a new school, could hardly be considered any kind of legitimate Band request. At any rate, he said, it really didn't matter because it was clear that Mr. Dumont had known about Band opposition to a new school before he applied for federal funds.

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Mr. Wyatt said that it would be good to pin down the date of Mr. Laboucan's supposed request, the date that Mr. Dumont was informed of Band opposition to construction of the new school, and the date that Mr. Dumont claimed that the Band supported construction of a new school.

Mr. Lennarson said that the dates would be easy to pin down, since we had dated copies of Community School Board minutes, and a copy of the memo from Mr. Stetsko to Mr. Dumont regarding Band opposition to the new school, and a copy of the Northlands submission to Indian Affairs, and a copy of the letter from Mr. Fisher to Mr. Pitcairn. He said that the exact date Northlands claimed Band support might be the hardest to pin down, but that it clearly had to have occurred between the time that Mr. Fisher received the submission, and the time that Mr. Fisher wrote Mr. Pitcairn about it, because before that time there was no submission for Mr. Dumont to claim that the Band supported.

Mr. Wyatt asked Mr. Lennarson if Mr. Lennarson could provide copies of the various documents mentioned.

Mr. Lennarson said that he could, and that he would drop off copies to Mr. Wyatt the following day.

The following day Mr. Lennarson stopped at the Regional Office of Indian Affairs, before dropping off copies of the various promised documents to Mr. Wyatt. Mr. Fisher was out of the office, but Mr. Lennarson did see and discuss the matter with Hugh Reid, Mr. Fisher's boss.

Mr. Reid told Mr. Lennarson he doubted very much that Mr. Fisher had denied that the Provincial Government claimed Band support for new school construction. Mr. Reid said that he'd discussed the matter with Mr. Fisher and that Mr. Fisher had told him as well that the

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Provincial Government had claimed Band support.

Later that same day Mr. Lennarson saw Mr. Wyatt and told Mr. Wyatt what Hugh Reid had said. Mr. Wyatt said that he'd discuss the matter with Dr. Ivany, who might want to re-interview Mr. Fisher.

The following morning Mr. Lennarson received a telephone call from Ivany investigator Ralph Toews. Mr. Toews asked for a meeting with Mr. Lennarson to discuss what Mr. Lennarson had told Mr. Wyatt about Mr. Lennarson's conversation with Hugh Reid. Mr. Lennarson agreed and a meeting was scheduled for later that same day.

Mr. Chetner also attended the meeting with Mr. Lennarson which had been requested by Mr. Toews.

Mr. Toews told Mr. Lennarson that Mr. Reid had denied telling Mr. Lennarson that Mr. Fisher had said the Provincial Government claimed Band support for new school construction.

Mr. Lennarson asked Mr. Toews how Mr. Reid explained the letter which Mr. Fisher had written Mr. Pitcairn, explicitly stating that the Province claimed Band support.

Mr. Chetner said that Mr. Reid couldn't explain the letter, but had said that he thought perhaps Mr. Fisher "had just chosen the wrong words".

Mr. Lennarson told Messrs. Chetner and Toews that Mr. Reid had told him exactly what he'd said Mr. Reid had told him. Mr. Lennarson said that he couldn't explain why Mr. Reid would now deny it, but that he intended to ask Mr. Reid about it.

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Mr. Chetner said, "Well, let's face it, in the beginning, the Band did ask for a new school".

Mr. Lennarson told Mr. Chetner that he knew of no such request. He said that it was possible that Mr. Laboucan had participated in discussions about which he knew nothing, but that it was inconceivable that there'd been a Band request which the Chief of the Band didn't know about.

Mr. Chetner said, "We have documents which show that the Band had at least indicated interest in having a new school built".

Mr. Lennarson told Mr. Chetner that he'd like to see those documents.

Mr. Chetner left the room for a few minutes and then returned with a several inch thick file, out of which he pulled two letters and an undated, unsigned "proposal".

The first letter was to Mr. Dumont from Brian Pitcairn. It was dated December 11, 1981, and said that Mr. Pitcairn had talked to "the three chiefs involved" about a meeting agenda. It did not identify the three chiefs, but it did mention school construction at Little Buffalo Lake.

The second letter was also to Mr. Dumont from Brian Pitcairn. It was dated May 28, 1984, and said that Mr. Pitcairn had checked with Mr. Laboucan and confirmed both that they'd met with Mr. Dumont in January of 1982, and also that they'd discussed "the item in question". It did not, however, confirm anything about the Band asking for a new school, as Mr. Chetner said it did.

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The so-called proposal was supposedly from the Lubicon Lake Band and the Little Buffalo School Committee and covered several items, including short sections on teacher aides, new school construction and a proposal to buy the old school once the new school was built, for evening classes, for day care and for other community purposes.

Mr. Lennarson asked Mr. Chetner if he could have copies of the two letters and the so-called proposal in order to check them out. Mr. Toews said that he'd have to ask Dr. Ivany, which he then did, reporting back to Mr. Lennarson that "Dr. Ivany has decided to follow long-standing practice and not release copies of anything".

Mr. Lennarson told Mr. Toews that he thought it pretty funny that the Band couldn't have a copy of a proposal which had supposedly originated with the Band. He also pointed out that whatever had happened in late 1981 or early 1982 was irrelevant anyway, since it was absolutely clear that Mr. Dumont knew of Band opposition before submitting the request for federal funds.

Mr. Chetner said that Mr. Dumont may have claimed Band support after the January 14th meeting with Mr. Laboucan but before learning of Band opposition.

Mr. Lennarson asked Mr. Chetner what kind of sense it made for Mr. Dumont to claim Band support for a submission before that submission existed, and then to make a submission which required Band support after he knew of Band opposition.

Mr. Chetner said that Mr. Dumont didn't need Band support to submit such a request.

Mr. Lennarson pointed out that Mr. Dumont needed Band support for such a request to even be considered.

Mr. Chetner said that the section on the Northlands submission regarding Band support had been left blank.

Mr. Lennarson told Mr. Chetner that Mr. Fisher had told both Mr. Pitcairn and him that Northlands had provided verbal assurances that the Band supported the proposal.

Mr. Chetner said that the written submission did not claim Band support and that "verbal assurances mean nothing".

Mr. Lennarson pointed out to Mr. Chetner that such submissions typically included the data sheet to which Mr. Chetner was referring, plus verbal communication back and forth, and sometimes additional written communication.

Mr. Chetner said that Mr. Dumont had been given a budget to build schools and "that's all he was trying to do".

Mr. Lennarson told Mr. Chetner that the scenario which Mr. Chetner was trying to paint was patently ridiculous. Mr. Lennarson said that Mr. Chetner was trying to say that Mr. Dumont had claimed Band support for a submission before it existed, and then made a submission which he knew couldn't even be considered because it lacked Band support. Mr. Lennarson said that Mr. Chetner was trying to say further that Mr. Fisher had fooled around wasting his time assessing a multi-million dollar proposal which required Band support without bothering to check to see if there was in fact Band support, and then used "the wrong words" when he wrote Mr. Pitcairn a letter clearly

stating that Northlands had indicated Band support. Mr. Lennarson told Mr. Chetner that the truth was far simpler. Mr. Lennarson told Mr. Chetner that Northlands had deliberately lied about Band support and then been tripped up when Mr. Fisher wrote Mr. Pitcairn and Mr. Pitcairn wrote me.

Mr. Chetner said that he had no proof that Northlands misled anybody.

Following the meeting Mr. Lennarson made a few phone calls. He first phoned Mr. Pitcairn and asked Mr. Pitcairn if Mr. Pitcairn knew anything about the two letters and the so-called proposal.

Mr. Pitcairn said that he remembered clearly the May 28, 1984, letter he'd sent Mr. Dumont. He said that he'd received a letter from Mr. Dumont, asking him to confirm the meeting on January 14, 1982, and asking him further to confirm that new school construction in Little Buffalo had been discussed. Mr. Pitcairn said that he checked with Mr. Laboucan, that they'd both remembered the meeting and the brief exchange between Mr. Dumont and Mr. Laboucan, and so he had written Mr. Dumont confirming only "that the meeting had occurred and the item in question was discussed".

Regarding the unsigned, undated proposal which Mr. Lennarson described to him, Mr. Pitcairn knew nothing, which was interesting since it had been paperclipped to Mr. Pitcairn's letter when it had been shown to Mr. Lennarson by Mr. Chetner.

Mr. Lennarson asked Mr. Pitcairn if Mr. Fisher had ever mentioned the name of the Northlands official who'd claimed that the Band supported new school construction. Mr. Pitcairn said that he couldn't be sure but that he thought Mr. Fisher had mentioned the name of Chief Superintendent Dan Stetsko.

Mr. Lennarson then phoned Mr. Reid and told Mr. Reid what Mr. Chetner and Mr. Toews claimed Mr. Reid had told them. Mr. Reid said that Mr. Chetner and Toews had not reported their conversation with him accurately.

First Mr. Reid said he'd not denied telling Mr. Lennarson that Mr. Fisher had told him Northlands claimed Band support. He said that Mr. Chetner and Mr. Toews had told him that Mr. Lennarson had claimed that he'd said the Provincial Government was pushing the Federal Government for a decision, which he'd denied, since he had not discussed this point with Mr. Lennarson.

Regarding the discussion with Mr. Fisher, however, Mr. Reid said that he'd told Mr. Chetner and Mr. Toews that he wasn't positive on all of the details, since he'd been away when the submission had been received, but that it was his clear understanding from Mr. Fisher that Mr. Fisher had been told by Northlands that the Band supported the submission, and that Mr. Fisher had only learned that the Band didn't support the submission when he (Fisher) had written Mr. Pitcairn asking for a Band Council Resolution formalizing that support. Mr. Reid said further that the letter Mr. Fisher had sent Mr. Pitcairn made pretty clear that Mr. Fisher had been so informed by Northlands.

Mr. Lennarson told Mr. Reid what Mr. Chetner had claimed about Mr. Reid thinking that perhaps Mr. Fisher "had just chosen the wrong words". Mr. Reid denied ever making such a speculation.

Mr. Reid said that he'd asked Mr. Chetner and Mr. Toews about the conversation they'd had with Mr. Fisher during which Mr. Fisher had supposedly denied being told by Northlands that the Band supported the Northlands submission. Mr. Reid said that they'd told him that they'd only talked to Mr. Fisher by phone. He said that he told

them that Mr. Fisher handled a great many files and might have been confused if they only talked to him by phone, and he didn't have a chance to check the file.

Mr. Lennarson then phoned Mr. Laboucan. Mr. Laboucan said that he remembered the meeting in January of 1982 with Mr. Pitcairn and Mr. Dumont and the brief exchange over the possibility of new school construction in Little Buffalo Lake. He said that the purpose of the meeting was to discuss funds for new schools generally and when those funds might become available. He said that he'd attended the meeting at the invitation of Mr. Pitcairn.

Regarding the question of the so-called proposal, Mr. Laboucan said that the Little Buffalo School Committee did at one point discuss the possibility of new school construction at Little Buffalo Lake, and also the possibility of buying the old school for one dollar after the new school was built. He said that he thought the idea of buying the old school probably came from the school principal, who sometimes attended School Committee meetings, and who of course was an employee of Northlands School Division. He said that he thought that the school principal might have also been the author of the so-called proposal.

Mr. Lennarson then asked Mr. Laboucan if the so-called proposal had ever been discussed with the Band or community-at-large, or if it might have at any point represented a formal Band submission to Northlands or anybody else. Mr. Laboucan said no, that the ideas mentioned in the so-called proposal had only been discussed informally by members of the School Committee, and that School Committee members all opposed new school construction after consulting with the Band and members of the community-at-large.

On the bottom of page 41 Dr. Ivany says:

"Some persons associated with the Band gave me the names of federal officials who were alleged to have said that they were given (the impression that Northlands claimed Band support for new school construction). These officials were questioned, and denied the statements attributed to them. Upon further questioning, the person who gave me these names admitted he may have misinterpreted what was said."

We checked back with these Federal officials and they don't deny the statements attributed to them, at least not when they're talking to us.

Fred Lennarson is the person associated with the Band who gave Dr. Ivany the names of the Federal officials. Dr. Ivany says that Mr. Lennarson "admitted he may have misinterpreted what was said". Mr. Lennarson however tells me that he never told Dr. Ivany or his investigators any such thing. Mr. Lennarson tells me that the statement he "admitted that he may have misinterpreted what was said" is "an outright lie".

Dr. Ivany admits that Mr. Dumont "ignored the explicit and unanimous resolution of the democratically-elected Little Buffalo Community School Board", but he says that Mr. Dumont had every right to do so. Specifically Dr. Ivany says:

"The Community School Board has the power to recommend, but not the authority to make decisions that would bind the Trustee. The Trustee was obligated to consider the recommendations. He was not required to accept all or any of them. He was required to act in what he considered was the best interests of the Northlands School Division and the children of school age within that Division.

There is sufficient evidence that the Trustee did consider every recommendation that came from the Little Buffalo Community School Board...He had the discretion to decide whether or not to accept the recommendation, and he exercised that discretion (when he ignored the unanimous resolutions of the democratically-elected Little Buffalo Community School Board)."

This incredibly petty, legalistic description of the situation is a sad distortion of the reality supposedly being described. That reality, as Dr. Ivany well knows, is as follows:

In June of 1982 Northlands indicated their interest in Little Buffalo Lake as the site for a new Provincial school to serve the children in the area. In light of our experience with the Provincial Hamlet and Land Tenure Program, we started becoming increasingly concerned over the possible effect of a new Provincial school in our community upon our aboriginal land rights.

In early August Chief Superintendent for Northlands Dan Stetsko contacted the Little Buffalo Community School Board and asked for a meeting to discuss the design of the new school. Mr. Stetsko was told that the Little Buffalo Community School Board was still in the process of determining the position of community members on the proposed new school, and that the members of the local School Board were therefore not yet ready to meet with him regarding the design of the school.

On August 9, 1982, Mr. Stetsko stopped by my office, dropped off "sketch plans" of the new school, and directed me to have the Little Buffalo Community School Board approve these plans.

I referred the "sketch plans" along with Mr. Stetsko's instructions to the Little Buffalo Community School Board. The Little Buffalo Com-

munity School Board met on August 11, 1982, and discussed the question of new school construction in Little Buffalo Lake. At that time Community School Board members unanimously decided to delay approval of new school construction for one year, "in view of the strong opposition to having the new school built at this time expressed by the majority of parents in the community".

On August 27, 1982, Mr. Dumont met with his staff and discussed Community School Board and Band opposition to construction of a new school in Little Buffalo Lake. In spite of that clear-cut and well known opposition they decided to both proceed with new school construction, and also to prepare and submit a request for Federal financial participation. They rationalized their decision by saying that they didn't think that the democratically-elected Community School Board represented the whole community.

A couple of days later, on September 2, 1982, Northlands School Division made a formal submission to the Federal Department of Indian Affairs asking for \$2,375,708 to cover 62% of the cost of building a new school in Little Buffalo Lake. Federal financial participation required Band support, which Northlands did not have. The section of the submission on whether the Band supported the submission was left blank, but Federal officials say that they were assured verbally by officials from Northlands that the Band supported the submission.

In the meantime the Little Buffalo Community School Board was considering how to respond to Mr. Dumont ignoring their decision to delay school construction for one year. Since Mr. Dumont had rationalized his decision by saying that he didn't think that the Board represented the whole community, they decided to approach the Cree Development Corporation, which represents both status and non-status

people in Little Buffalo Lake, and ask for a letter supporting their position. The Board of the Cree Development Corporation suggested instead that the local School Board conduct a house-to-house survey of people in the community on the question of new school construction. The local School Board then proceeded to conduct that survey, finding that 27 out of 30 families interviewed supported the position they'd taken. However Mr. Dumont ignored this petition as well, saying that he didn't believe that it had been properly conducted.

On January 27, 1983, Mr. Fisher wrote Mr. Pitcairn about the Northlands submission. On February 7, 1983, Mr. Pitcairn wrote me about the Northlands submission. Upon receipt of Mr. Pitcairn's letter I asked Mr. Lennarson to contact both Mr. Fisher and Mr. Pitcairn to let them know that the Band opposed the submission.

During the next couple of months Provincial officials worked with members of the L'Hirondelle family to try and organize local support for the new school. They promised people jobs in school construction. They told people that they'd be irresponsible parents if they didn't support new school construction. They threatened that the money set aside for new school construction would be re-allocated and gone forever if people didn't support new school construction right then.

On June 20, 1983, the small dissident group organized by Provincial officials and members of the L'Hirondelle family presented a petition to Mr. Dumont asking that the new school in Little Buffalo Lake be built immediately. The petition charged that the democratically-elected Little Buffalo Community School Board didn't represent the whole community, but only the status people, in spite of the fact that two out of the three duly elected Community School Board members were in fact non-status people. Analysis of the names on the petition revealed that it contained the names of people who didn't understand

what they were signing, as well as people who didn't even live in the community.

Mr. Dumont received the petition from the small dissident group organized by Provincial officials and members of the L'Hirondelle family and announced that Northlands would organize a community meeting in Little Buffalo Lake to settle the question of new school construction once and for all. Preparatory to that meeting Provincial officials visited community members, promised people jobs in new school construction, told people that they'd be irresponsible parents if they didn't support new school construction, and threatened that the money for the new school would be gone and the school not built at all unless people supported its construction right now.

The community meeting called by Northlands was held on June 28, 1983. It was attended by Mr. Dumont, as well as acting Chief Superintendent for Northlands Frank Blonke, as well as Superintendent of Support Services for Northlands Fred de Kleine.

After some discussion about the house-to-house survey, the representativeness of the local School Board, the jobs which would be created by new school construction and the money which would supposedly be lost to the community forever if people didn't support new school construction right away, one of the members of the dissident group asked Mr. Dumont who would be paying for the school. Mr. Dumont said that the Province would build the school, and then bill the Federal Government, based on the percent of treaty students attending the school.

At the end of the meeting Mr. Dumont announced that he was committed to respecting the views of the local School Board, but that he wanted to be sure that the people in the community understood what was at

stake. A vote was called. Twenty-eight people voted to defer construction. Only 11 voted to proceed.

Mr. Dumont then said that he had another meeting to attend and he and his colleagues excused themselves and left. They did not leave the community however, but spent the next couple of hours talking to people in the parking lot outside of the community hall, making known their dissatisfaction with the results of the vote.

Before leaving the community, Mr. Dumont told Band Social Services Coordinator Bob Gibb that he was considering conducting a survey of his own, in order to determine how people in the community felt about construction of the new school. Mr. Gibb told Mr. Dumont that any survey conducted by Northlands would be carefully monitored and the claimed results carefully checked.

On July 18, 1983, Mr. Dumont decided "to hold in abeyance the plans for constructing a new school and related facilities in Little Buffalo until the September (Northlands) Board meeting, at which time a decision will be made to proceed with the project or abandon same, and that the Little Buffalo Community School Board be requested to submit written detailed reasons for requesting further abeyance of this project".

At that time Mr. Dumont also decided that he would hold the September meeting of the Northlands Board -- consisting solely of himself of course -- in Little Buffalo Lake.

Preparatory to the September Board meeting all residents of Little Buffalo Lake received a hand-delivered letter from Chief Superintendent Frank Blonke which read as follows:

"As you are well aware, Northland School Division had proposed a new school for the community of Little Buffalo. This facility would have provided for the needs of all students from kindergarten to grade nine, including facilities for Home Economics and Industrial Arts. The proposed school would also have the capability to provide a small high school program if desired by the community.

"The Little Buffalo Community School Board has, however, passed a motion to hold in abeyance any further planning for this school. Mr. Dumont, Mr. de Kleine, and I attended a public meeting in Little Buffalo in June to discuss this subject. We were left with the impression that certain community members felt that by accepting a new school they would jeopardize negotiations for a land claim settlement.

"I wish to assure you that the construction of a new school will have no effect whatever upon the efforts of any individual or group to negotiate a land claims settlement. Northland School Division, not the Provincial Government or any other agency, would build the school and must borrow and repay the funds for the construction of such. Money has been set aside for a new school at Little Buffalo; however, this money cannot be held in abeyance indefinitely, as funds for building projects are limited and other jurisdictions have needs which must be met. Therefore, the following motion was passed at the July 18, 1983 Northland Board Meeting in Peace River:

'Fred Dumont moved that the Board of Trustees will hold in abeyance the plans for constructing a new school and related facilities in Little Buffalo until the September Board meeting, at which time a decision will be made to proceed with the project or abandon same, and that the Little Buffalo Community School Board be requested to submit written detailed reasons for requesting further abeyance of the project.'

"The Northland School Division Board will meet in Little Buffalo on September 9, 1983, at 7:00 P.M. At that time, the Board will make a decision on one of the following:

- "a) Proceed with building plans.
- "b) Discontinue any plans for a new school in Little Buffalo.

"It is, therefore, important that all residents of Little Buffalo are aware of the importance of this meeting, and that every opportunity is provided for input from the whole community."

I responded to the Blonke letter with a letter of my own, addressed to Mr. Dumont. My letter to Mr. Dumont read as follows:

"I am in receipt of Frank Blonke's August 26, 1983, letter to Dwight Gladu, the members of the Little Buffalo Community School Board, and the members of the Cree community of Little Buffalo Lake. Mr. Blonke seems blissfully unaware of the facts regarding the proposed construction of a new school in Little Buffalo Lake, or perhaps he's just not too concerned with the facts.

"Mr. Blonke 'assures' us that 'construction of a new school will have no effect whatsoever upon the efforts of any individual or group to negotiate a land claims settlement'. Our lawyers, however, tell us different. Our lawyers tell us that Mr. Blonke doesn't know what he's talking about. They say that construction of a new Provincial school in Little Buffalo at this time will adversely affect negotiation of our land rights.

"Mr. Blonke may or may not know something about the administration of a rural school system in Northern Alberta. He is clearly no expert on Indian land rights. Our lawyers, on the other hand, are nationally recognized experts in the area of Indian land rights. They've been working in the area of Indian land rights for 20 years. They've been involved in Indian land rights cases across the country. They've participated in the successful negotiation of Indian land rights cases involving thousands of square miles of land and hundreds of millions of dollars. They were involved in negotiation of the Indian rights sections in the new Canadian constitution. They regularly argue Indian rights cases before the Supreme Court of Canada.

"Mr. Blonke says that 'Northlands School Division, not the Provincial Government or any other agency, will build the school and must borrow and repay the funds for construction of such'. He makes this statement in an effort to show that Northlands is separate and distinct from the Provincial Government, and is therefore not involved in Provincial Government efforts to undermine and subvert our land rights. He seems unaware that Northlands is and has always been merely a part of the Provincial Department of Education. He seems unaware that (Mr. Dumont) was appointed by the Provincial Minister of Education to replace the last Board of Trustees, who were also appointed by the Provincial Minister of Education.

"Perhaps Mr. Blonke really doesn't know of Northlands' relation to the Provincial Government. Perhaps he really doesn't know who the boss is. Perhaps he doesn't understand the significance of (Mr. Dumont's) appointment or the significance of the relationship between Northlands and the Provincial Government. Frankly, however, it's pretty hard to believe that the Chief Superintendent of Northlands School Division could be so naive.

"Mr. Blonke says that Northlands 'must borrow and repay the funds for construction (of a new school)'. He seems unaware of efforts by Northlands officials to have the Federal Government pay over 60% of the cost, efforts which have included attempts to deceive Federal officials into believing Northlands had Band support for their request, which they did not. He also seems to have missed or forgotten (Mr. Dumont's) clear statement during the public meeting in Little Buffalo last June that Northlands would go ahead and build the school with or without Band support, and would then bill the Federal Government for over 60% of the cost.

"Mr. Blonke says, 'Mr. Dumont, Mr. de Kleine and I attended a public meeting in Little Buffalo in June... (and)...were left with the impression that certain community members felt that by accepting a new school they would jeopardize negotiations for a land claim settlement'. Mr. Blonke's choice of words in this case can only be called deliberately misleading.

"As Mr. Blonke well knows, the 'certain community members' to whom he refers include the Chief and Council of the Lubicon Lake Band, the members of the Lubicon Lake Band, the members of the Little Buffalo Community School Board, and the vast majority of the non-status members of the Cree community of Little Buffalo Lake.

"Also as Mr. Blonke well knows, we're not talking about some vague 'impression' that 'certain community members' seem to 'feel' that construction of a new school might jeopardize negotiation of our land rights. We have repeatedly advised Northlands that we did not wish to proceed with school construction at this time. The public meeting to which he refers was called at (Mr. Dumont's) request, to review the school construction question yet again, in spite of a year-long history which has included (unanimous resolutions by the Little Buffalo Community School Board asking that school construction be delayed, a house-to-house survey of community residents the vast majority of whom asked that school construction be delayed, and a community meeting during which community residents voted overwhelmingly that school construction be delayed)...

"I doubt any community in the world has had to fight so hard to keep Government from spending money on them. This fact alone makes one a little suspicious.

"We don't want your school, Mr. Dumont, at least not now. We're concerned that construction of a new Provincial school at this time will adversely affect negotiation of our land rights. In fact we are beginning to wonder if subversion of our land rights isn't the Province's main motivation in pursuing construction of a new school over our repeated protests.

"Our position will not change no matter how many times you come at us, nor how many different strategies you use. Our position will not change until we have successfully negotiated settlement of our land rights.

"It will be interesting to see how anxious Northlands is to build us a new school after we have successfully negotiated settlement of our land rights."

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The September Board meeting was chaired by Mr. Dumont. He "cross-examined" the Chairman of the Little Buffalo Community School Board on the Board's written reasons not wanting a new school built at this time. He entertained speeches by a couple of Metis people from outside of the community who argued the benefits of the Province's Land Tenure Program and construction of a new school. He begrudgingly allowed my letter to him to be read. And he then made and passed the following motion:

"That the architect be directed to proceed immediately to final design and cost estimates and that the Board pass a debenture borrowing by-law at its meeting in November."

Exercising his discretion after considering the recommendations of the local Community School Board. Dr. Ivany? It's a little more complicated than that. Mr. Dumont in fact overruled the repeatedly stated desires of most community members to delay school construction until our land claim is settled. And he did so after a year of trying every imaginable trick to try and manoeuvre us into jeopardizing our aboriginal land rights by appearing to support construction of a new Provincial school in our community. We're simply not prepared to let you cover up this disgraceful history and represent it as though it were something reasonable and proper. It wasn't reasonable and proper, and anybody who reviews the extensive documentation involved knows that it wasn't.

Regarding what he calls our "final criticism of the Trustee", Dr. Ivany says:

"The final criticism of the Trustee is an allegation that he held a 'special secret meeting' at which he passed a bylaw authorizing funding for the proposed school in Little Buffalo...(to which)... the newly elected Trustees of the Northland School Division were not invited...By the time of this meeting -- November 14, 1983 -- the decision had

been made to lift the Trusteeship under which the Northland School Division was operating, and revert to the normal elected school board. Trustees had been elected, and would take office in December, 1983. Thus they had no authority or power at the time of the criticized meeting. The Trustee explained that it was imperative that the bylaw be passed before the end of 1983. Only in this way, he said, could there be any guarantee that the money necessary to build the school would be available, should the school be constructed in 1984. There is no evidence that the meeting at which the Trustee passed the bylaw was held in secret, or that there was anything at all nefarious about his actions. Indeed, rather than criticize the Trustee, I commend him. He was, in my view, acting in a completely responsible way in attempting to ensure that the funds would be available to build the Little Buffalo school. The bylaw did not authorize the commencement of work, but simply ensured that the money was available."

This description of the situation provides yet another example of Dr. Ivany simply accepting at face value and without question what he was told by Provincial officials, in spite of logic, in spite of available documentation, and in spite of the truth.

First the meeting on November 14, 1983, was in fact a special, secret meeting called by Mr. Dumont without notifying or inviting the newly elected Trustees. The regular November public meeting of the Northland Board, of which the newly elected Trustees were duly notified, and to which the newly elected Trustees were invited, was held on November 21, 1983.

Second it's not accurate in any sense of the word to say, "By the time of this meeting -- November 14, 1983, the decision had been made to lift the Trusteeship under which the Northland School Division was operating, and revert to the normal elected school board". In fact

Mr. Dumont had been appointed to serve a two year term in order to implement the recommendations of a special investigating committee. At the end of his clearly prescribed term relevant Provincial legislation provided for his replacement by an elected Board. His official term ended on October 31, 1983, and he was only in office on November 14, 1983, by virtue of a special Ministerial extension of his term to December 10, 1983. The newly elected Trustees had by law to be in place by the regular November public meeting of the Northlands Board scheduled for November 21, 1983. At the regular November public meeting on November 21st Mr. Dumont asked the elected Trustees to adjourn their meeting until December 10, 1983, coinciding with the special Ministerial extension of Mr. Dumont's official term, supposedly "to accomodate for a delay in the selection of the new Board Chairman from among (the newly elected Trustees)".

Third the Trustee's explanation that he passed the debenture borrowing by-law on November 14th because "it was imperative that the bylaw be passed before the end of 1983" -- apparently accepted by Dr. Ivany at face value and without question -- makes absolutely no sense whatsoever. 1983 didn't end on November 15th. Mr. Dumont could have easily waited until the regular November public meeting of the Northland Board, held on November 21st, and attended by the newly elected Trustees. In fact Mr. Dumont could have just as easily waited until December 10th and simply referred the question of new school construction in Little Buffalo Lake to the newly elected Trustees. The only reason for passing the bylaw on November 14th was that the Provincial Government wanted to lock-in their decision to build a new Provincial school in Little Buffalo Lake, because they feared review of the question by an elected Board, especially given well known community opposition.

Fourth this business about the debenture borrowing bylaw not authorizing the commencement of work, but only ensuring that the money would be available should some unspecified person or group later decide that the school should be built, simply does not wash.

On July 18, 1983, Mr. Dumont "moved that the Board of Trustees -- (meaning himself, of course, since at that point he was a one-man, self-contained Board of Trustees) -- will hold in abeyance the plans for constructing a new school and related facilities in Little Buffalo until the September Board meeting, at which time a decision will be made to proceed with the project or abandon same..."

On September 9, 1983, at the September Board meeting, Mr. Dumont moved "that the architect be directed to proceed immediately to final design and cost estimates and that the Board pass a debenture borrowing bylaw at its meeting in November".

Then, on November 14, 1983, presumably having received the final design and cost estimates, Mr. Dumont, single-handedly and without so much as notifying the newly elected Trustees, passed the debenture borrowing bylaw.

Didn't authorize the commencement of work but only ensured that the money was available? Dr. Ivany is either incredibly naive, or he thinks that everybody else is.

On page 46 of his report Dr. Ivany says that he understands our position and our concerns but that "(he) must express his concern that those most affected by this problem are the children who would benefit from a new school". Let me assure you, Dr. Ivany, the parents of Little Buffalo Lake are as concerned as you are about the educa-

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tion of our children. We're just not prepared to sell our children's heritage for a new Provincial school building, in which our children will continue to receive the same kind of third-rate education they've been receiving in the old one.

In conclusion I would like to make only one point. Provincial Native Affairs Minister Milt Pahl has been sending out copies of the Ivany report, along with a note which claims that it puts to rest allegations of improper Provincial Government conduct in dealing with us. Nothing could be further from the truth. Dr. Ivany has in fact raised even more questions about improper Provincial Government action, as well as raising some very real and serious questions about the conduct of the investigation to which he lent his name.