

CLASSIFIED

File No. Dossier 45-CDA-13-1-3-LUBICON LAKE BAND

Volume 11 From-De 88-09-01 To-A 88-11-14

OLS ACCESSION NO. 112213



\*112213\*

45-CDA-13-1-3-LUBICON LAKE  
Vol 11

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IN CANADA

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# CLOSED VOLUME VOLUME COMPLET

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AFFIX TO TOP OF FILE - À METTRE SUR LE DOSSIER

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FILE NO. - DOSSIER N°

45-CDA-63-1-3-LUBICON LAKE BAND

VOLUME

12

# Les Indiens Lubicons ont gagné la

*Ils viennent de déterrer la hache de guerre. Ils réclament depuis quarante-huit ans leurs terres. Le sous-sol est riche en pétrole. Aujourd'hui, ils gagnent la première bataille.*

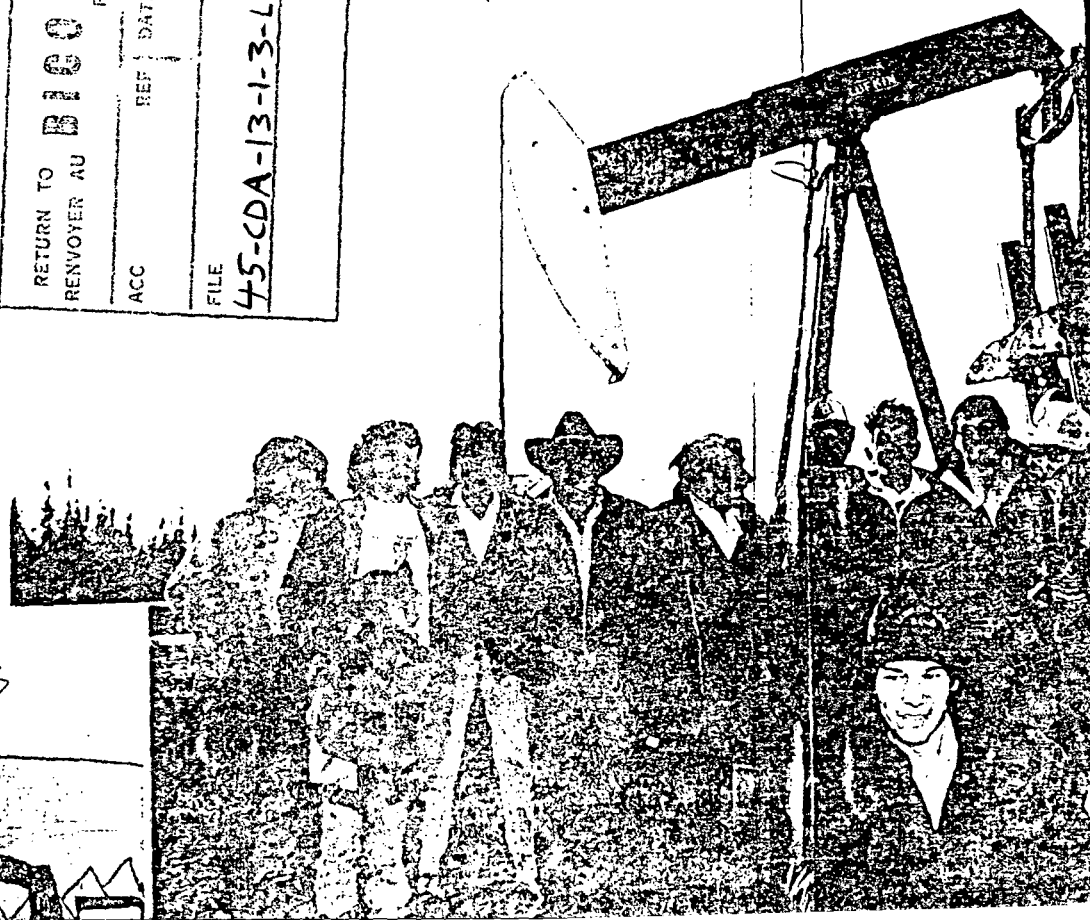
PAR PIERRE LAFORET  
PHOTOS VOULGAROPOULOS

**L**ES Cree craquent. Jadis, quand le caribou venait à manquer et que le lièvre se planquait, les Cree, affamés, se mangeaient entre eux. Ils crient, aujourd'hui, les Cree. Leur faim diffère. Ils veulent tous devenir aussi riches que les Cree qui ont réussi. Leurs copains de la Peace Hills Trust Company, la banque des grands chefs indiens de l'Alberta, territoire immense, (661 185 km<sup>2</sup>), situé à l'ouest, entre la Colombie britannique et le Saskatchewan.

L'Alberta, première patrie des tribus des Gros Ventres, des Pieds Noirs, Gens du Sang, Castors, Sarcis, Kutenais, Esclaves... et de ces 457 Lubicons qui, cette semaine, remportent à l'arrachée la première manche du combat qui les oppose, depuis quarante-huit ans, au gouvernement canadien et surtout aux compagnies pétrolières. ▶▶▶

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45-CDA-13-1-3-LK B/CNLAKE (AND)				





## Les Indiens Lubicons ont gagné la bataille de l'or noir !



Les Lubicons vivent près du lac Lubicon. D'où leur nom. Officiellement désignés sous le titre générique Bande de Lubicons, ils font partie de ces 40 000 Indiens (Cree et autres) qui vivent en Alberta et ailleurs. Par petits groupes. Dont la plupart, comme les Lubicons, s'identifient aux paysages : Sturgeon Lake Band, Whitefish Band, Little Red River Band, et particulièrement la Samson Indian Band, largement représentée au sein de la Peace Hills Trust Company.

Précisions : le Canada compte environ 350 000 Indiens, 10 groupes linguistiques, 58 dialectes, répartis sur tout le pays... et les « bandes » ne vivent pas obligatoirement sur leurs réserves. Ce qui ne simplifie pas le problème quand le pétrole s'en mêle. Et qu'avec le temps les Indiens pauvres s'aperçoivent qu'ils s'enfoncent de plus en plus dans la misère, l'alcoolisme, la maladie, la drogue et le reste, malgré des traités signés et autres accords passés entre les gouvernements canadiens et les « tribus », dénommées souvent « nations ». Ce que l'Europe ignore.

Bref, les Lubicons font connaissance de l'homme blanc seulement au début du XX<sup>e</sup> siècle. De ce fait, ils ne font pas partie d'un traité signé en 1899 entre la police montée et les autochtones. Ceci devrait expliquer cela. En principe.

« Oubliés », les Lubicons se réveillent un beau jour dans l'odeur du pétrole et le froissement du dollar, synonyme de richesse et de malheur aussi. Pour les plus vieux.

Les jeunes préfèrent les pipe-lines aux calumets de la paix. Ils déterrent la hache de guerre. En avant ! Bien que la Peace Hills Trust Company, à Edmonton, soit encore loin de Peace River, première étape avant de rejoindre la « bande ». En bout de piste, dans la gadoue de Little Buffalo, la cité perdue, au-delà de Cadotte Lake. Little Buffalo tient de l'immense terrain vague et du lieu de rencontres pour broussards égarés :

— *Quand j'étais jeune*, dit Rose l'Hirondelle, mère de dix enfants (demeurant sur la terre de l'Hirondelle, non loin du lac), *je ne pouvais aller à Peace River qu'une fois l'an au maximum. Pas de route. Rien... Maintenant, avec l'arrivée des bulldozers et du pétrole, au moins, l'hiver, nous avons quelques possibilités !*

Les Lubicons n'aiment pas tellement les propos de Rose l'Hirondelle... mais qu'ils sont beaux ces noms de personnages romanesques : Jack Ross, un quaker barbu, Albert Laboucan (parce qu'il vit près du lac), Twaine Buffalo. Une poignée d'hommes et de femmes qui décident d'aller jusqu'au bout. De remuer les plus importantes sociétés pétrolières.





### Constitution et la che de guerre

Exceptionnellement réunis pour soutenir les revendications des Lubicon, les chefs indiens tiennent leur conseil autour de la table de la Peace Hills Trust Company, la banque indienne de Edmonton. A la Peace Hills Trust Company sont déposés les capitaux des « bandes » organisées. Les chefs portent les noms des terres sur lesquelles ils naquirent. Le troisième chef en partant de la droite, Jim Omeasoo, patron de la « Samson Band », représente le plus puissant groupe d'Indiens de l'Alberta. A gauche, en avant, les frères Terry et Frank Buffalo. Au fond, avec son chapeau qu'il ne quitte que pour dormir, Robert Swanpy, autre chef de bande. A eux tous, ils pèsent des millions de dollars, fruits de royalties qu'ils perçoivent des ventes du pétrole extrait des sous-sols de leurs terres. Autres grands chefs, en costumes (de droite à gauche, la photo de trois Indiens), W. Okeymaw et Bobbi, l'épouse de W. Okeymaw. Au centre, en blanc, Roy Louis, qui représente pratiquement tous les Indiens de l'Alberta. W. Okeymaw est conciliateur de la « Samson Band » : « La Samson » dit Okeymaw, comporte 1 500 Indiens dénommés « Ermineskin », 800 « Louis Bull », et 500 « Montana ». Bobbi Okeymaw, la femme de W. Okeymaw (chez eux, photo de droite), descend des Navajos. « Les plumes sur ma tête ? Les deux premières signifient "mariée". La plume d'aigle, blanche, sur le côté, protège contre les mauvais esprits. »





## ont gagné la bataille de l'oil noir !

►►► Incroyable ! Celles-ci prennent peur. J'ai vu le matériel de la Cactus Drilling Ltd démonté. Ses employés fuir à l'idée que les Indiens allaient attaquer. Un puits de pétrole ça coûte cher !

— *Que se passe-t-il, mon Dieu, que se passe-t-il ?*, murmure Steve McIntosh, de la Westcoast Petroleum.

Bill McKnight, au nom du ministre des Affaires indiennes et du Nord canadien, débarque à Edmonton, prend pied dans une suite du Westin Hotel. Au chef de la bande du lac Lubicon, il a déjà écrit une lettre, histoire de temporiser :

« Cher chef,

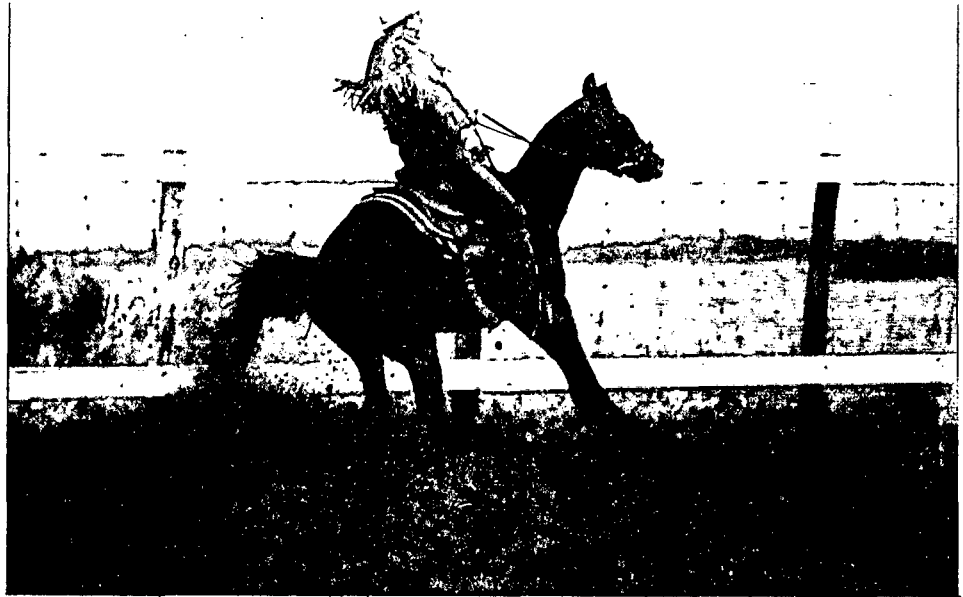
» *C'est avec une grande tristesse que j'ai suivi vos récentes déclarations faisant état de barricades et de la possibilité de violences... J'ai énoncé ma position le plus clairement possible. Je veux que la bande ait une réserve ! Je veux que la bande ait des installations modernes ! Je veux que la bande puisse jouir d'une autonomie gouvernementale et d'une prospérité économique !* » (sic)

— *Selon moi, il y a deux questions immédiates :*

1. Le besoin d'établir aussitôt que possible une réserve moderne ;
2. Le besoin de s'entendre sur la superficie définitive de la réserve...

Le « Cher Chef », Bernard Ominayak, casquette à longue visière, regard vif, fusil à portée de la main, ne l'entend plus de ses oreilles de Lubicon paisible. Indien sur le sentier de la guerre, crispé légèrement. Sans plus, mais attentif. Patient l'Indien. Pas eu besoin de feux pour alerter les autres tribus. Elles viennent de partout, représentées par d'autres chefs au visage labouré et aux mains tannées. Des yeux qui se posent sur vous. Pèsent l'homme. Ominayak et l'ami qui le soutient, lui et ses Lubicons — James O'Reilly, avocat — ne dorment pas de la nuit. Ominayak court les routes. Téléphone. Mesure l'ampleur de la bataille. James O'Reilly accumule les charges contre le gouvernement. Établit des rapports. On barre la route, les chemins, tous les chemins qui peuvent mener au lac. Ils ne sont plus 457 désormais, les Horse Lake, les Swin River, les Loon Lake, les Toll Cree, ceux du Fort McKay Band et de Fort Murray Band envoient les chefs de file. D'est en ouest, sur ce minuscule réduit de caillasse et de boue, près d'une petite église de bois déginglée, les vieux et les jeunes chefs de tribu défilent. Juste pour serrer la main et repartir. Tous dans le coup cette fois.

O'Reilly, chandail et veste élimés, mal rasé, connaît le dossier à fond : en dix ans, 500 puits de pétrole forés sur les terres des Lubicons rapportent aux grandes compagnies pétrolières 1 million de dollars canadiens... par jour ! Plus qu'une fortune. Un trésor qui en recèle d'autres. Là où l'on



### On invoque les morts, on veut l'argent des rodéos

Les Lubicons en appellent à leurs frères. Au cimetière de Little Buffalo, chaque jour on prie les morts. Une partie de l'argent gagné par Melton Louis, premier « cow-boy indien » (en haut), sera versé pour le combat. Melton Louis, trente-deux ans, est le champion de tous les rodéos indiens.

peut creuser d'autres trous. Là, sous les forêts qu'on va abattre. Ici, autour du lac, dans les grands bois où bramaient les femelles de l'orignal, l'élan du Canada... fini. Plus d'orignaux. Où se terrent-ils ? En reste-t-il même ? En 1979, pour se nourrir, les Lubicons en avaient tué 219. En 1983, une vingtaine. Depuis... Idem pour les bêtes à fourrure. Le trappeur peut aller à la pêche.

A bout de nerfs, cette fois, après huit ans de procédures, de demandes, de suppliques, d'exigences enfin pour que s'ouvrent des négociations, les Lubicons décident, le jeudi 6 octobre dernier, de proclamer leur indépendance devant le tribunal de Calgary, à l'est des montagnes

Rocheuses. Ils précisent alors qu'ils ne reconnaissent plus l'autorité du système juridique canadien.

Mi-ironiques, mi-condescendants, les gouvernements fédéral et provincial acceptent du bout des lèvres les plaidoiries de ces fous du Lubicon. Qu'est-ce qu'ils veulent encore ceux-là ? En 1940, on leur avait proposé une réserve de 66 km<sup>2</sup>, estimant qu'à tout casser il ne devait rester dans le coin que 127 Lubicons... « *Ne rigolons pas*, répondent les Indiens. *Qu'est-ce que vous faites des chasseurs qui se baladent en forêt et couchent sur place ? Ils sont également de la famille !* »

Haussement d'épaules qui se veulent définitifs. Après tout, les Lubicons...

me contre le chef Ominayak. En 1982, les discussions portaient sur la manière de négocier les négociations... et nous proposaient quelques dollars par tête. Pour ne pas crever de faim.

Les grandes compagnies pétrolières continuèrent de transformer en gruyère les forêts de ceux que l'on considérait comme des Lubicons « sans statut officiel » pour y puiser l'or noir. L'alerte ne se déclenchant vraiment qu'en 1983 à l'issue de la mission de l'archevêque Edward Scott, chef de l'Eglise anglicane du Canada : « Des fonctionnaires du gouvernement provincial allument délibérément des feux et laissent brûler des centaines d'hectares de forêt boréale... »

La colère lubiconne gronde. D'année en année la pression augmente. Bientôt, juridiquement, et grâce à James O'Reilly, les cris de ces Indiens voués à la disparition parviennent aux Nations unies qui approuvent leurs démarches. Les pétroliers commencent à s'inquiéter. « Impossible, disent-ils, que 457 pauvres types arrivent à nous dégommer ! » La police, sur place, dépêche des flics, d'abord bons enfants, puis accompagnés de chiens et de fusils. « On va coffrer ces gaillards-là dans les cellules de Peace River, avocat compris. »

### UNE VICTOIRE EXTRAORDINAIRE

Rien n'y fait.

Seule monte, de proche en proche, au-delà des Rocheuses et des prairies vastes et déjà glacées, la colère de tous les Indiens du Canada. De ces hommes épais, maladroits, mais subtils, qui s'installent autour de la table d'acajou de la Peace Hills Trust Company à Edmonton. Qui comprennent « comment ça marche pour gagner de l'argent ».

— Attendez, disent-ils. Être plus forts. Ne jamais capituler.

L'histoire de ces 457 Lubicons se termine ainsi : le samedi 22 octobre dernier, le premier ministre de la province canadienne de l'Alberta, M. Don Getty, rencontre discrètement le chef Ominayak dans un motel de Grimshaw, à 500 km d'Edmonton.

Les deux hommes s'entendent sur la création d'une réserve de 246 km<sup>2</sup>. La tribu — ou nation — aura le contrôle des ressources du sol et du sous-sol sur près de 205 km<sup>2</sup>.

Extraordinaire victoire qui devra être entérinée par le gouvernement fédéral d'Ottawa.

— Je souhaite, dit Don Getty, que la bande des Lubicons soit enfin heureuse de posséder cette terre.

Il ajoute, avec une certaine courtoisie :

— J'espère que la tribu du Chef découvrira du pétrole dans son sous-sol !

La Peace Hills Trust Company s'apprête à ouvrir de nouveaux comptes... et les Cree à forer, forer, forer. ■

PIERRE LAFORÊT

## Une lettre de Patrick Sébastien

□ En réponse à l'article paru dans votre hebdomadaire en date du 5 novembre 1988 sous le titre « S.O.S. télé ? Mourousi propose une idée révolutionnaire », je me fais un devoir d'apporter un démenti formel aux affirmations de son auteur.

Contrairement aux propos qu'il me prête, je n'ai jamais été « assailli de reproches » de la part des dirigeants de TF1.

Je n'ai jamais reçu le moindre commentaire désobligeant de ceux-ci, et n'ai eu qu'à me féliciter du soutien enthousiaste de MM. Le Lay et Mougeotte. De la même façon, et pour clarifier les choses, mon émission « Sébastien c'est fou » a, depuis sa création, le 13 février 1988, toujours obtenu le meilleur score du samedi. Ainsi, pour la période de février à juin 1988, l'audience moyenne (Audi-mat) de l'émission a été de 28,02 %

(avec pointe à 33,86 % le 12 mars, face à la soirée des Césars sur Antenne 2). Pour mémoire, l'audience moyenne depuis la rentrée est de 26,21 %, avec 30,3 % le 5 novembre.

Comme vous pouvez le constater, je suis très heureux de la confiance du public qui est le seul juge impartial de mon émission.

Enfin, pour répondre aux propos mensongers de cet article me décrivant impatient de quitter cet enfer (« vivement que j'en finisse »), je vous confirme qu'il me reste seize émissions à créer jusqu'à l'été 1989 et que j'envisage avec plaisir de résigner avec TF1 pour une nouvelle période si ses dirigeants le souhaitent. Ces derniers, ainsi que Dominique Cantien qui dirige l'unité « Variétés et divertissements » de la chaîne, n'ont jamais tenté la moindre ingérence dans la créativité de mon émission ou le choix de mes invités. ■

## PARIS 12<sup>e</sup>

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BON A DÉCOUPER

A retourner à **PROGEMO**, 4, place des Vosges - cedex 64 - 92052 Paris-La Défense 5. Tél. : (1) 47.88.40.00  
Je souhaite recevoir votre documentation sur la résidence "Le Clos du Moulin".

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ADRESSE \_\_\_\_\_  
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## PROGEMO



Images et Méthode S.A.

F.M. 12.11.88



Name Monika Zwart Address De Wittenstr. 95 4A, Amsterdam

Signature



To: the Hon. Prime Minister Mr. Brian Mulroney  
House of Commons  
Ottawa, Ontario K1A 0A2  
CANADA

Dear Mr. Mulroney,

Hereby I express to you my deepest concern about the situation of the Lubicon Lake Indians in Northern Alberta. Serious injustice has been and is being done to these Indians by the Canadian Government due to its failure in setting aside a Reserve for them, as was promised already in 1939, and by the Provincial Government of Alberta which did and does not recognize and respect the land rights of the Lubicon Lake Indians by allowing dozens of oil companies unrestricted access to the oil resources in the traditional lands of the Indians.

I support the claims of the Lubicon Lake Indians to a Reserve, based on their own present Band membership, of 91.2 square miles, to exclusive hunting and trapping rights and mineral rights in that area, and to compensation for past losses to their traditional economy.

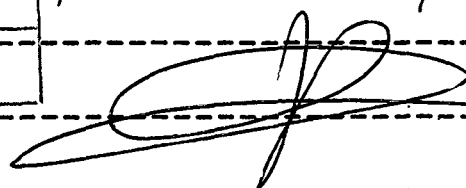
The Lubicon Lake Indians cannot survive much longer as a society of aboriginal people unless they receive immediate support from your Government.

Therefore, I strongly urge you to immediately take any and all actions necessary to ensure a fair and just settlement of the long-standing claims of the Lubicon Lake Indians.

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45-02A-13-1-3	FILE	Lubicon Lake
45-02A-13-1-3	LOC	Northern Band
45-02A-13-1-3	LOC	07

ASS	DATE
FILE	DOSSIER
LOC	
C/-	

Yours faithfully,



Name Momka Zwart Address De Wittenst. 75<sup>4A</sup> Amsterdam Signature

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

PETITION ON THE LUBICON LAKE INDIAN BAND

- WHEREAS the Lubicon Lake Indian Band in northern Alberta has never ceded its traditional lands and therefore retains unextinguished aboriginal title to these lands;
- AND WHEREAS the Canadian Government has not recognized and protected the aboriginal land rights of the Lubicon Lake Band by failing to establish the Reserve which was promised to the Band in 1939 and by transferring the traditional lands of the Band, without first rightfully obtaining them, to the Province of Alberta;
- AND WHEREAS the Province of Alberta has failed to recognize and protect the aboriginal land rights of the Lubicon Lake Band by allowing dozens of oil companies unrestricted access to the oil resources in the traditional lands of the Band;
- AND WHEREAS the mineral developments by dozens of oil companies on the traditional lands of the Lubicon Lake Band have disrupted the traditional economy of the band to the point where now its very existence as a society of aboriginal people is in serious jeopardy;
- THEREFORE we, the undersigned citizens of the Netherlands, demand that the Canadian Government immediately take any and all actions necessary to ensure that the aboriginal land rights, hunting and trapping rights and mineral rights of the Lubicon Lake Band are protected from further abuse and are properly recognized and respected.



Name	Address	Signature
<del>Kenneth Letsoin</del>	<del>Graf Otto str 130</del>	<del>[Signature]</del>
DjidoN Letsoin	VONDEL STR 62 Nijmegen	[Signature]
Neeltje Letsoin	Zilverdenstr 18 Nijmegen	[Signature]
Gieblou Letsoin	ZILVERDENSTR 18 Nijmegen	[Signature]
Sharon Letsoin	Zilverdenstr 18 Nijmegen	[Signature]
Juannie Spiekman	Zilverdenstr 13 Nijmegen	[Signature]
Rached Spiekman	ZILVERDENSTR. 13 Nijmegen	[Signature]
Frankden Bieren	Johannes Vrijheidstr 47 Nijmegen	[Signature]
Andreas Pilatus Masella	Graaf Ottostraat 167 7461 CT Rijssen	[Signature]
Hans Rons	Dominicanenstr. 9 6521 KA Nijmegen	[Signature]
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James Relwulan	Regt Stoott Roepen 22 Cuijk	[Signature]
Hans v. d. Veen	Neerboschweg 342 Nijmegen	[Signature]
John Vichelaar	Liluetervla 131 Nijmegen	[Signature]
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<del>[Signature]</del>	<del>De penonstraat 1</del>	<del>[Signature]</del>
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Bertje Pasour	Peinsenstraat 41 2316 HJ Leiden	[Signature]
F. Saaranen	Graaf Otto straat 175 Rijssen	[Signature]
E. Meijer	Joost Old Vondelstr 53 Rijssen	[Signature]
J. Miller	HAAR STR. 4 Rijssen	[Signature]
W. v. Coeverden	Entersstraat 14a Rijssen	[Signature]
R. Veltink	3e Kampsweeg 50 Nijverdal	[Signature]
Y. Tausan	zuiderstraat 19 Rijssen	[Signature]
J. Kijk	Boekweitstr. 10 Rijssen	[Signature]
F. Esmer (special)	2 zuider str 7	[Signature]
H. Akdenin	zuiderstr 21 Rijssen	[Signature]
N. T. smen	zuider str. 7 Rijssen	[Signature]

Name	Address	Signature
Mientje Petson	Gr Ottostr 159 Ryssen	M. Petson
Richard Petson	Graafstr 13 Ryssen	R. Petson
Mayah Barten	GAVOTTESTRAAT 37 Apeldoorn	M. Barten
Mansha Petson	Graafstr 159	M. Petson
B. Pennyaan	Graafstr 123	B. Pennyaan
M. Pennyaan	Graafstr 157	M. Pennyaan
SAAR LETSON	Gr Ottostr 130	S. Petson
Michael Letson	Graaf Ottostr 130	M. Letson

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

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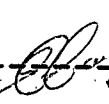
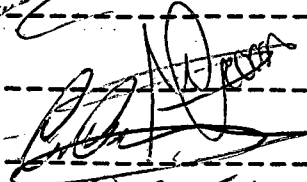

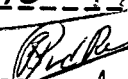
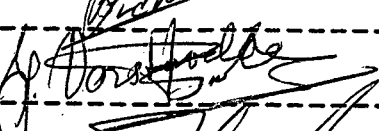
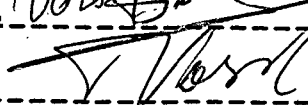
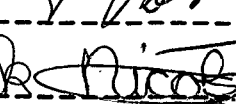
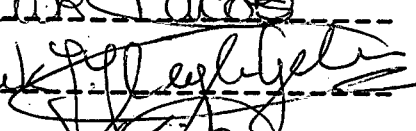
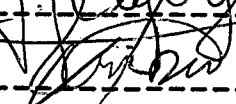
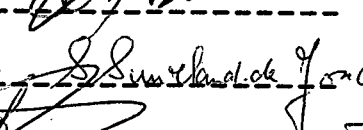
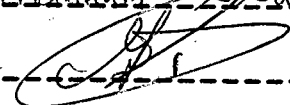
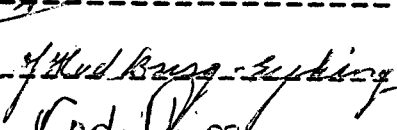
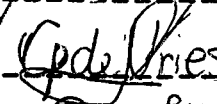
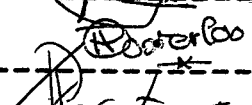
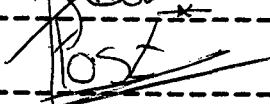

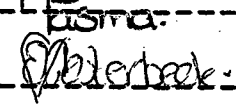
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002645



Name Address Signature

1. Bema van Croonenburg Tichelwerk 30 8754 CB Makkum 
2. Emile van Croonenburg Tichelwerk 30 8754 CB Makkum 
3. Nonda v. Croonenburg Tichelwerk 30 8754 CB Makkum (Fr.) 
4. Cor v. Croonenburg Tichelwerk 30 8754 CB Makkum (Fr.) 
5. Bert v. d. Burg Zuiderlaan 4 8746 NE Schraard (Fr.) 
6. Jans Vorstveld Bakker Achweg 17 8754 AL Makkum (Fr.) 
7. T. Vorstveld Achweg 17 8754 AL Makkum 
8. Nicob Heijboer Ten Zwegen 11 8334 MG Tuk 
9. Jacq Heijboer-Gelsma Ter Zwegen 11 8334 MG Tuk 
10. Leo Heijboer Ter Zwegen 11 8334 MG Tuk 
11. Sieburg Smeuland de Jong Bottenstraat 35 8754 DA Makkum 
12. Cleesje Smeuland Bakkerste 35 8754 DA Makkum 
13. J. H. v. d. Burg - Eyking Klepperh 34 Makkum Eerland 
14. Carmen de Vries Hofstraat 21 8754 AR Makkum 
15. Tineke Oosterlaan Klam 5 8603 DR Sneek 
16. Frank Post Klam 20 8603 DS Sneek 
17. Nynke Pasma Palm 6 8603 DA Sneek 
18. Esther Waterbeek Vulloot 92 8754 EV Makkum 
- 19.
- 20.
- 21.

Name	Address	Signature
Jessika van't Spijken	havelsloot 22 Ermelo	Jessika van't Spijken
Wilbert van Kalsbeek	midweg 56 Ermelo	Wilbert van Kalsbeek
Kidren van Esen	Fred. Hendriklaan 19 Ermelo	Kidren van Esen
Yolanda Nauta Tollersteat	10 Putte	Yolanda Nauta
Willeke Buma	Horsterweg 46 Ermelo	Willeke Buma
Harm Willem Stuit	Zwaluwstraat 92 Ermelo	H.W. Stuit
Sake Bloemhof	Sperwerhof 5 Ermelo	Bloemhof
Tineke Stuit - Dijkhuis	Zwaluwst. 92 Ermelo	Tineke Stuit
Peter Stuit	Zwaluwstraat 92 Ermelo	P. Stuit
Laurens Kool	Bisettebaan 25 Nijkerk	Laurens Kool

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

#### PETITION ON THE LUBICON LAKE INDIAN BAND

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THEREFORE we, the undersigned citizens of the Netherlands, demand that the Canadian Government immediately take any and all actions necessary to ensure that the aboriginal land rights, hunting and trapping rights and mineral rights of the Lubicon Lake Band are protected from further abuse and are properly recognized and respected.

Name	Address	Signature
M. Struijk	Kempen 1n14 Nunspeet	
B. Mollema	Lugtenbergweg 4 Nunspeet	
K. Helling	Kenskeetbaan 5 Nunspeet	
J. Stokhof	Visserlaan 109 Nunspeet	
J. Veldkamp	Bruggestraat 26 Harderwijk	
J. M. M. Holman	Franslaan 23 Harderwijk	
Tom Mels	Schippersmeen 69 Harderwijk	
P. van Kleef	Kieftestraat 87 Ermelo	
Joh. de Boer	Zeilstraat 10 Volendam	
Rosita Amie Reyes	Hanzemeen 2 Harderwijk	
Ollevs Kant Boek	Wilgenkade 19 Wormerveer	
Hella Boeb	Vervey 79 Maassluis	
R. Boek Kombeint	Dr. Kortewegstr. 35 Wormerveer	
Cornelis Boek	Hanzemeen 2 Harderwijk	
H. Visser	daandijk	
Rans Boek	Harderwijk	
Nancy van't Padje	Harderwijk	
H. Uiterlinden	Meppel	
Marijke Slag	Harderwijkse oranjelaan 6	
Maartje Oudhof	Aerden Wiltgraaf 32	
Fien Holdert	Beduweg 55 Hulshout	
Massia Vides	Badweg 241 Harderwijk	
Jantien Gerdas	Stadsdennensweg 2 Harderwijk	
Jacqueline de Jonge	Schippersmeen 33 Harderwijk	
A. Arntsen	Zwolle	
A. G. J. Janssen	Stadinslaan 37 H'vgh	
Agnes Kampman	Zuiderzeestraatweg 46A	
Anne Meyer	Ruttekepoortstraat 21 Groene Boord	
H. v. Lee	Plumikenweg 6 't Harde	
Jasper Janssen	Romen Kampenpoelstr. 13 Wierup	
A. M. J. Janssen	Uddlaan 1 Harderwijk	



/ 002649

Name	Address	Signature
------	---------	-----------

Raymond Larrivee	Zwinstraat 32	7917 CJ	Deventer	Raymond Larrivee
Tonny Larrivee	"	"	Deventer	T Larrivee
Peter Vos	Kolkweg 34	7413 ZH	Deventer	<del>P Vos</del>
Geert v Roessel	Terselenmacherstr 22	"	Deventer	Geert Roessel
Marjolein Franssen	Kolkweg 34	7413 ZH	Deventer	M Franssen
Peter Shouthandel	Vorstelyfjende 23	"	Deventer	Peter Shouth.
Edwylde Mirandelle	Gudegordstr 11	"	Deventer	<del>E Mirandelle</del>
M.H. M. Haas de Vries	Crammstr. 11	"	Deventer	M.H. Haas de Vries
Geert Hiesker	Langerij 36	"	Deventer	G.H. Hiesker
Peter van Koning	"	"	Deventer	P van Koning
Uilenroef	Jan Willem Joli de Wiltstr 4	"	Olst	<del>Uilenroef</del>
Edy Soriano	HOFSTRAAT 2	"	DEVENTER	<del>E Soriano</del>
Elly Hinderink	Worp 6	"	Dev.	<del>E Hinderink</del>
J. van Beeke	E. Broutthorst 7	"	Deventer	<del>J van Beeke</del>
M. Tienhove-Tideman	P. Greweg 12	"	Schallhaar	<del>M Tienhove-Tideman</del>
J. J. J. J. J. J.	W. Oldenbarnas 56	13	Olst	<del>J J J J J</del>
Marcel Jasser	Brunystr. 6	1458	Dev.	<del>M Jasser</del>
Dorthe v d Berg	Oude Dierpennestraat 4	182	Amst. Heden	<del>D v d Berg</del>
Fred de Boer	"	"	Amst.	<del>F de Boer</del>
Hauk Nydam	Gruithuisdreef 415	7322	Amst.	<del>H Nydam</del>
Wim Guiking	Purperfoel 1	2318	Amst.	<del>W Guiking</del>
A.B. T. F. 3000	INSULINDIEN 18	2251	Amst.	<del>A.B. T. F. 3000</del>
Antonio Gomez	INTERNATIONAL INDIAN TREATY COUNCIL	1259	Folsom St, San Francisco, CA, USA	<del>A Gomez</del>
Hanna Kuiper	Schepperbuurt 34	9948	PS Garmuntzyl	<del>H Kuiper</del>
Gea v. Dijk	Burg. Waalkensstr. 38	9944	AL Nieuwolda	<del>G v. Dijk</del>
Gea de Rover	Kopaf 3	9944	J.A. Nieuwolda	<del>G de Rover</del>
Chris Bakker	Buitensingel 9944	BE	Nieuwolda	<del>C Bakker</del>
Peter van der Kolk	Bredersstr. 18	9221	Amst.	<del>P van der Kolk</del>
Joop J. J. J.	MARWIXSTR 31	4726	Amst.	<del>J J J J</del>

Name	Address	Signature
1 J. Schalk	H. D. Arinkplein 1 Krommenie	J. Schalk
2 H.F. WESTERVELD	HD. ARINKPL. 1 KROMMENIE	H.F. Westerveld
3 G.G.J. van der Hoeven	Jrisstraat 12 <sup>a</sup> Wormerveer	G.G.J. van der Hoeven
4 J.B.E.E.R.	HERMAN GORTERSTRAAT 422 wormerveer	J.B.E.E.R.
5 Ron Volland	HDARINKPLN 3 KROMMENIE	Ron Volland
6 G.J. van Arem	H.D. Arinkplein 5 Krommenie	G.J. van Arem
7 M. T. Bruijn-Luthik	v. Braunstr. 34 Krommenie	M. T. Bruijn-Luthik
8 M. Ruyken	Wormen	M. Ruyken
9 A. Versloot	7 H. Duinautstr. 67 Krommenie	A. Versloot
10 H. v. Putten - Meech	Mania str 30 Wormen	H. v. Putten - Meech

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

# PETITION ON THE LUBICON LAKE INDIAN BAND

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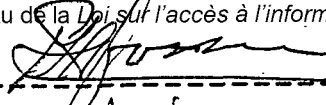
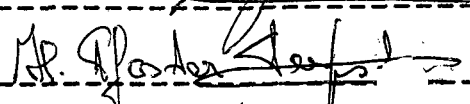
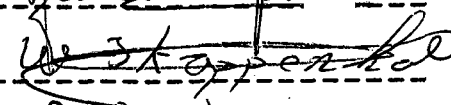
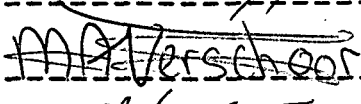
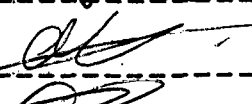
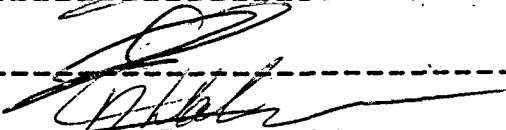
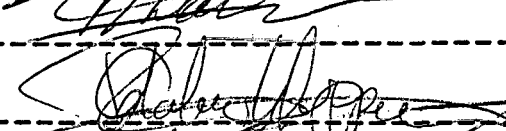

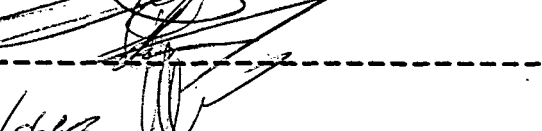
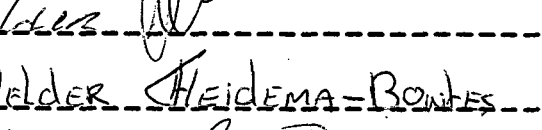
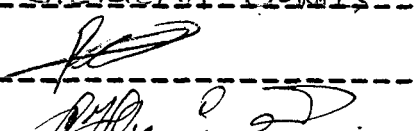
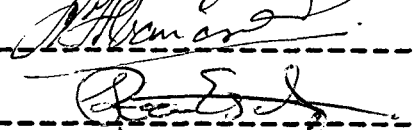
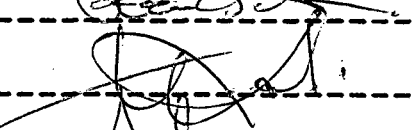
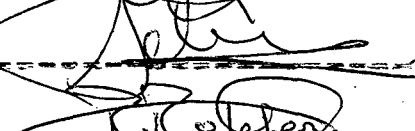
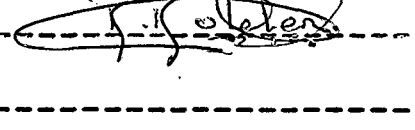
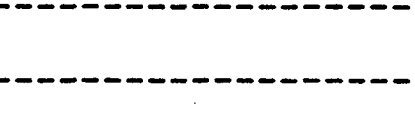
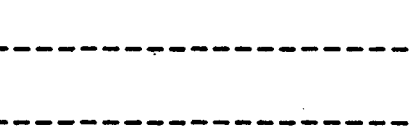
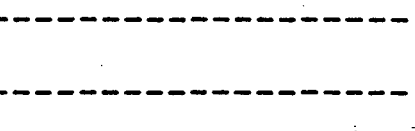
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11	H. Pfoeter	Heiligharn 328 Den Helder	
12	H. Pfoeter-Terpstra	" " " " "	
13	W. J. Koppenhof	Emmastaart 87	
14	M. A. Verschoor	Grote weg 25 A 't Zand	
15	A. Verschoor	" " " " "	
16	S. Kloppenburg	W. v. Almadestr 68	
17	A. Molvilder	G. Schellestr 31	
18	R. Adema	Prof. Leenestr 27	
19	M. Adema	Prof. Leenestr 27	
20	S. Heidema	Golherstraat 43	
21	H. Heidema	W. v. Almadestr 68 Den Helder	
22	T. Heidema - Bontes	H. A. Lorentzstr. 226 Den Helder	
23	H. Heidema	Keizersgracht 130 Den Helder	
24	L. H. van der Sch	Geert Reinderstr. 30 A	
25	R. A. van Erck	Goldeistraat 89 a Schiedam	
26	W. Rol	Dorpsstraat 163 Assendelft	
27	A. Rol	" " " " "	
28	B. Bokkenau	Jepenlaan 25 Winschoten	
29			
30			
31			

Name Address Signature

Opsturen naar: Lubicon Lake Support Group Holland  
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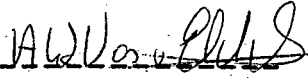

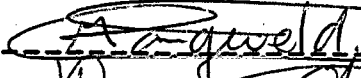
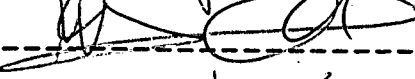
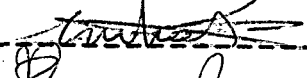
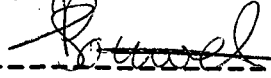

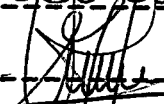
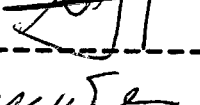








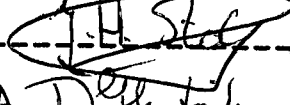
PETITION ON THE LUBICON LAKE INDIAN BAND

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Name

Address

Signature

E.W. Vos Engelenburgstr 5 Arnhem Holland A.W. Vos   
 Y.D. Vos Conneburglaan 17 Arnhem Holland   
 S. Dales Engelenburgstr 7 Arnhem S. Dales van phui  
 Angela Langeveld, molken 30, Arnhem   
 Miep de Hond Paarsberg 16 Oosterbeek   
 L. van Velden Brontsersstr 2 Arnhem   
 Sylvia Pauwels Schuurskamp 13 Arnhem   
 Frans Boekel dyk, Sw de landasstraat 20 Arnhem   
 Willy van Blanken van Deventerweg 25 6861 JT Oosterbeek  
 J. J. Vos Rubensstraat 14 Duiven  W. van Blanken  
 Trudy Vos Rubensstraat 14 Duiven   
 J. Jansen Michalits 14 Glerum   
 Huay Dyk Rijksweg nrd 1 Elst Gld   
 Mr. Deegh Engelenburgstr 46 Slu  
 St. J. M. Berendsen Willemstraat 41 6803 BR Zevenaar   
 J. L. Looij komedyst 38 Duiven   
 Miek Ruytj - miu str 10 - Velp   
 H. Steuring Oldenhof 31 6665 DS Driel   
 J. v. Atten Garikshof 35 6823 HB Arnhem   
 L. Lammacht Oldenhof 31 6665 DS Driel   
 J. H. Stoks Slachweg 24 6826 GH Arnhem   
 D. Huntink-Brugman Maarskade 9 Arnhem 7045 AA D. Huntink  
 P. J. J. Kuiper Houskamp 2 6826 PN Arnhem  
 D. Gijbertsen Grootstraat 18 6883 CP Velp E.H. Gijbertsen  
 A. de Vries N. Kampen str 14  
 Ina Bohepers de sav: Lohmanstr 14 7021 ap Zelhem Ina Bohepers  
 C. v. d. Steen Edstraat 13 6826 AG Oude Steen  
 Anie Vermeulen Stadhouderstraat 219 6828 SK Alkermolen  
 C. Blom J. v. d. Oortgerweg 4 C. Blom  
 Sanders Houskamp  
 Hanneke Wenting worm Kleverweide 11 Giesbeek Hanneke Wenting worm

A. Toren-de Vries

Pream 24 8501 511 Joure

A. Toren-de Vries

C. Uitzetter

G. Krolweg 25 8501 MH Joure

G. Krolweg

F. Grondema

Lijnbaanstr, 2 8501 BX Joure

F. Grondema

T. Spanninga

Pr. Bernhardlaan 74 Joure

T. Spanninga

B. van Hellema

Wetterkamp 20 Joure

B. van Hellema

F. Wolters

Dervinging 9 Oudehaske

F. Wolters

J. Nak-Boonstra

Gf. v. Prinslerestr 24 Sneek

J. Nak-Boonstra

S. Wybinga

PRINS BERNHARTLAAN 60 Joure

S. Wybinga

A. Bosch

W-Berry st. 22 Oudehottende

A. Bosch



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- THEREFORE we, the undersigned citizens of the Netherlands, demand that the Canadian Government immediately take any and all actions necessary to ensure that the aboriginal land rights, hunting and trapping rights and mineral rights of the Lubicon Lake Band are protected from further abuse and are properly recognized and respected.

Name	Address	Signature
H. Veenema Bruins	Overspitting 50	Joune
M. Doers-Pons	de Ulecamp 23	Joune
J. Mulders	Zeigellhof 4	Nijmegen
W. Veenema	Overspitting 950	Joune
J. Kuipers	Takvarend 5	Hackerdaken
Ran Kuipers	"	"
J. Halma de Hoop	De Overspitting 40	Joune
J. Borsma-Jacobi	de Overspitting 31	Joune
And. Nieuwenhuis	W. Alexanderstr 69	Joune
E. Huismans	EA Borgstr 58	Joune
J. Tulp-v.d. Woude	de Stelle 36	Joune
H. Tulp	de Stelle 36	Joune
Rooft v/d Meulen	R. W. Alexanderstr 69	Joune
J. van der Meulen	W. Alex. str. 69	Joune
C. de Wolf	Pream 8	Joune
H. Prins	DE OVENSPITTING	Joune
Jaap Halma	de Overspitting 40	Joune
Dorrie Vlas	de Warren 8	Joune
Elke Veenema	de Overspitting 50	Joune
J. Akkerman	Streek 5 St. Johannesga	Joune
Gethy Nieuwenhuis	Ulecamp 27	Joune
J. H. J. Konst	DE BAST 20 St. huc	Joune
C. Brouwer	Westermakwei 71	Joune

Name	Address	Signature
van Bruggen	Eldstraat 82 te N'gein	Bruggen
Vogelsang	Vredeslaan 7	A. Vogelsang
Paul van Gough	Sparrenweg 66 Amsterdam	
Onneken Huisman	Nipkowspl. Hisselstein	
Meijer	Vredendijkweg	Amsterdam
M. Meijer	<del>Meijer</del> Duindijk	
M. ARNISON	M. Arnison	Drunense Schans 2 N'gein
P. Ron	Kuiperij 5 N'gein	
Meeuw A. K.	Verkekehoortil 229 N'gein	
S. Martis		
M I Retollido	Sonatelacan 42	
B. A. S. S. S.		

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

# PETITION ON THE LUBICON LAKE INDIAN BAND

WHEREAS the Lubicon Lake Indian Band in northern Alberta has never ceded its traditional lands and therefore retains unextinguished aboriginal title to these lands;

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THEREFORE we, the undersigned citizens of the Netherlands. demand that the Canadian Government immediately take any and all actions necessary to ensure that the aboriginal land rights, hunting and trapping rights and mineral rights of the Lubicon Lake Band are protected from further abuse and are properly recognized and respected.

Name

Address

Signature

Name	Address	Signature
Susanne Knispel	Muiderschaans 261 Nieuwegein	Knispel
P. d. Berg	Meerminstede 6 Nieuwegein	
M. Snel	Bosjuraan 1	
H. v. d. Laan	Soest	
P. v. d. Borch	Tuinfluter 1	
A. v. d. Borch	Nijpelsplantsoen 330	
VAN E. HEK	Donkeregaarde 23	Heek
Th. v. d. Grint	Landweerweg 1	Th. v. d. Grint
Ch. v. d. No	Eykendal 168	Ch. v. d. No
Merton	Vaartgaarde 13	Nieuwegein
S. v. d. Laan	Depestraat 131	Nieuwegein
J. v. d. Laan		Nieuwegein
Maartje	Korenblaemstr 3	Nieuwegein
M. v. d. Laan		M. v. d. Laan
Klaas Kippegaas		
J. P. Hiltebrand		
M. Tollenaar	Walravenstr 3	Vianen
B. P. Dijkman		Vianen
Bang	Meerboetsingel 396B	Nieuwegein
S. v. d. Laan	v. Hallaan 13	Nieuwegein
		Utrecht
Th. v. d. Laan	v. d. Laan 5	
M. Lie-Hop-Po	Palmboomstr 26	
PRUZZE T.	STEENAREND 57	Nieuwegein
Priscilla Bliet	Schakelsteede 100	Nieuwegein
Jan Visser	Deemster 12	Nieuwegein
Gooree	Mahler singel 21	Nieuwegein
W. v. d. Laan	Schakelsteede 22	Nieuwegein
Th. v. d. Laan	Bartink 63	Nieuwegein
A. v. d. Laan	Hagestede 18	Nieuwegein

Name

Address

Signature

Bruins Djen Walou Aug 17

Aleumskerh

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Postbus 4266  
9701 EG Groningen  
The Netherlands

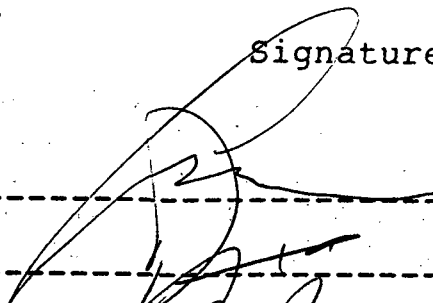
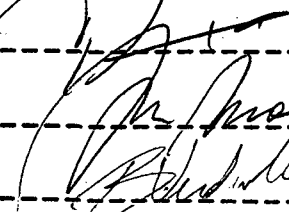
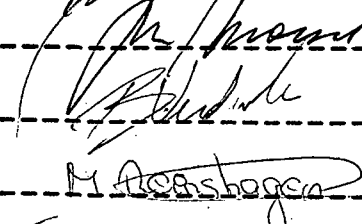
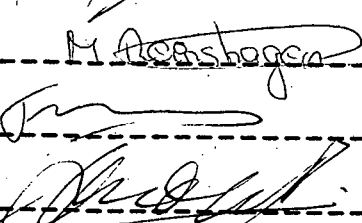
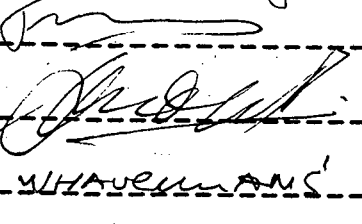
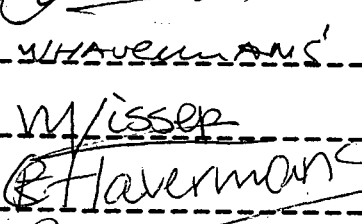
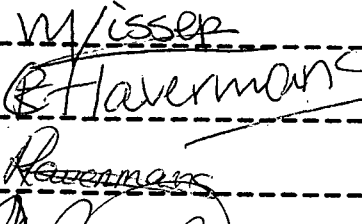
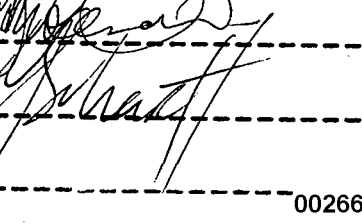
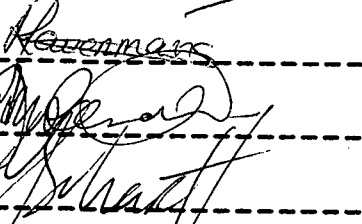
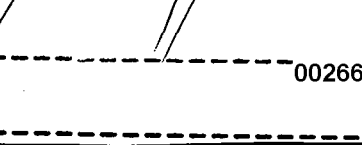
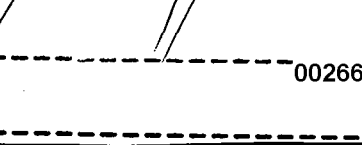
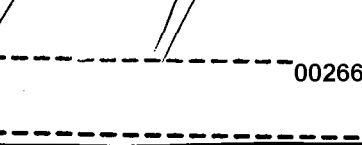
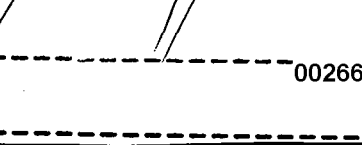
PETITION ON THE LUBICON LAKE INDIAN BAND

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Name Address Signature

Ed Bruin Breeddaglaan 14 1964 ek Heemskerk  
 Ma Bruin-de Ruyter Breeddag 14 Heemskerk  
 Hen en men de Ruyter Maarten v. Heemskerk by Heemskerk  
 Ellen Luycklaan m.v. Heemskerk 67 Heemskerk  
 Ron Luycklaan m.v. Heemskerk 67 Heemskerk  
 G.W. de Ruyter m.v. Heemskerk 69 Heemskerk  
 Jeltien Boon Maerlaan 135 Heemskerk  
 Jan Boon Maerlaan 135 Heemskerk  
 Linda Peetel Don Broccstraat 26 Heemskerk  
 Jacqueline Luycklaan Luycklaan 30 Heemskerk  
 Caroline v.d. Hee Don Broccstraat 153 Heemskerk  
 J. Bruin Thomas M.v. Heemskerkstraat 67 Heemskerk  
 G.A. Bruin Maerlaan 54 Heemskerk  
 A. Bruin Peetel Maerlaan 54 Heemskerk  
 Nera Horvat-Bruin Pirola 5 Casticum  
 H. Bruin Hogeweg 85 Linne  
 A.M.D. Visser Hogeweg 85 Linne  
 A.P.A. Horvat Pirola 5 Casticum  
 Kinche Boon Noorderlaan 49 Velsen Noord  
 Wendy Boon Noorderlaan 49 Velsen Noord  
 Jan Wagmeester Stratingplantsoen 11 Velsen Noord  
 Gerardus Boon Noorderlaan 49 Velsen Noord  
 Sandra Bruin Hogeweg 85 Linne  
 Renata Bruin Hogeweg 85 Linne  
 Yvonne Bruin Hogeweg 85 Linne  
 Linda Horst Pirola 5 Casticum  
 R. Horst Pirola 5 Casticum  
 Irene Boon Noorderlaan 49 Velsen Noord  
 Rick Boon Noorderlaan 49 Velsen Noord  
 Peter Bruin Walenburg 17 Heemskerk  
 Patty Bruin Walenburg 17 Heemskerk  
 Tim Bruin Walenburg 17 Heemskerk

Name	Address	Signature
Cyril Haverdians	Spoorstraat 23 Breda	
PIERRE VAN DER POI	CLEMATISSTRAAT 92 Breda	
Maquieje Maust	Weth. 151 Breda	
Bonita Verdonk	Weth. 133 Breda	
Morgen Roeshagen	Weth. 201 Breda	
Eddy Maust	Weth. Romboutstr. 16 Breda	
Sandra Maust	Weth. 151 Breda	
WIFE HAVERMANS	RADHUISSTRAAT 21	
mevet Visser	Tramsingel 73	
Rhonda Havermans	lelystr. 432 Breda	
Bela Havermans	lelystraat 432 Breda	
Janneke Boud	Weth. Romboutstr. 16 Breda	
Yvonne Schraff	Nwe Boudijk 4 Breda	

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TONY & ANTOINET & JILL DUNN BREDA N.L.  
MARK BENFOIZD SPOORWAAL 208 BREDA  
ADRIAN HUER LOEW HART STR 46 BREDA  
Paul van Iegveld St. Annast 6 Breda  
Henk Bersi Boeschavestraat 106 Breda  
Etienne van de Kelt stannast 3<sup>rd</sup> BREDA  
MAAIKE BECKING ST ANNASTRAAT 6 BREDA. holland  
Canadian Humenody  
Anni Vermeeren Koutmarkt 16<sup>th</sup> Breda  
Witold Komar Baronielaan 7 4810 PA Breda  
R. W. v Santen v Savoyen. Rozeningel 24 4810 Breda  
Annette Sturm Kerkstraat 23B Breda  
Alf Graessner Markt 15 Breda  
Hans van Nieuwamerongen Kerkstraat 11 Oosterhout

Name

Address

Signature

Name	Address	Signature
Jan Marynissen	STANNASTR 1 Breda Holland	[Signature]
Erik Marynissen	HALSTRAAT 9 Breda NETHERLANDS	[Signature]
Nowell Braekhuysen	Zonnebloemstr. 12 Breda Holland	[Signature]
Nico Polak	Vloed 27 BREDA "	[Signature]
Henry van Nieuwamerongen	Magazynstraat 2 Breda	[Signature]
Roel Bisschop	Baronie 267 Breda Holland	[Signature]
Touwe Faller	Kloosterlaan 265 <sup>A</sup> Breda Holland	[Signature]
Just van der Kroef	Zonnebloemstr. 12 4810 Breda Holland	[Signature]
Roman Bosters	Montessoristraat 4 <sup>B</sup> 4812 BP Breda	[Signature]
Lampe DS.	Kerkdijk 29 4927 RA Hooze-Zwaluwe (NL)	[Signature]

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
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The Netherlands



Name	Address	Signature
Buyere Dick	Bogaardestraat 140 9990 Maldegem	[Signature]
De Bocher Paul	Gulterbaan 118 9940 Maldegem	[Signature]
Van Hecke Paul	Stationstraat 66 9990 Maldegem	[Signature]
De Buyere Stefan	Lekekerweg 125 9990 Maldegem	[Signature]
Dameels Katrien	Vliegplein 13 9990 Maldegem	[Signature]
Lorele Kampus	Kraamweg 30 9990 Maldegem	[Signature]
Theo Lippens	Kraamweg 30 9990 Maldegem	[Signature]
Bernadette Van Kooen	Voorjaarstraat 4 9000 Gent	[Signature]
MOOLE STIEM	DOORSTRAAT 23 9400 Eeklo	[Signature]
MIEKE DE FONSEL	SPEYESTRAAT 35 9990 MALDEGEM	[Signature]

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Name

Address

Signature

K. Maïys P. Pothersstraat 166 4501 KB Oostburg  
De loba Peet Adegem dorp 12 9991 Maldegem  
Romy De Pauw St. Traanstraat 79 Maldegem  
EASTON BECEBRIDGE CANADARENEN 4 ADEGEM  
SANT ALEX SPANJAARDSDOEK 29 ADEGEM  
Piet van Den Abeele Brugsesteenweg 178 Maldegem  
De Backer Darline Rode Kruisstraat 20 Maldegem  
Van Haeke Rik Hallendreef 19B 9990 Maldegem Kleit  
Dobbeleir Veronique Vredeweg 72 9990 Maldegem Kleit  
Van de Walke Carlo Vierwegse 35 9991 Adegem  
Vandenberg Robert Speyerbaat 25 9990 Maldegem  
Dobbeleir Hans Maveldst. 33 Maldegem  
VAN LANSCHOT LUC BOGAARDSTRAAT 73  
Van Glabele Peter Veldersstraat 13 Adegem  
Van Leeuwe Annechien Heulendank 13 Adegem  
QUINTYN NATHALIE Zomerzegen  
VAN RIE GERTRUI Maldegem Van Rie Gertrui  
Goethals Ludo Gleringerhof 20 Maldegem Goethals  
Borgers Ingrid Herweg 9 Maldegem  
WITTECKS PAUL BRUGSESTEENWEG 18A MALDEGEM  
VAN RIE PAUL Vakehantstraat 26A Maldegem  
Marc Standaert Noordstraat 62 A Maldegem  
Dobbeleir Rik Bultbaan 118 9990 Maldegem  
Balleger Simone Statuustraat 79 9990 Maldegem  
Beyck Guy Muzed Van Gent 19 Waterhoek  
VAN DE VELDE Mia Schoonstraat 5C 9969 OOSTERLO  
Roets Anita Wangde Gest 22 Waterhoek  
DE PAEPE DANNY GABENSTRAAT 35 9068 ERTVELDE De Paepes Danny  
Hooft Eric Leenstraat 2 8340 Sijde  
JACKY FEVERY MOLENSTRAAT 13317 9900  
Grombeke Freddy Butsuersstraat 2 9990 Maldegem

Name Address Signature

Ester Spaans J.v. gooienstr 265 Den Haag  
Joep Boonse 190 Enschede  
Johan Weikamp Heemsterste 17 Groningen  
Johnny Drent Heerlesste 1 Hengelo  
Jan G. Lodewyk Valste 19 Enschede  
Wally Wilken Werkerstrade 15 Lindern (b)  
Mieke Eekink Weukseweg 87 Urmegen  
Monika Scholten Aeksteeste 2 " " Monika  
Michael Kissnutt Huperkeeste 26 Enschede Michael  
Peter Smith Coendersweg 7 Middelstum Peter

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Name	Address	Signature
Cisca Stom	Multatuliplaats 49 mmegeu	
Meer Stom	lage weide 8 hengelo	
Ester Stom	lage weide 8 hengelo	
Mirjam Assink	Antoniusstr 15 hengelo	
Reykerke Feenstra	" " "	
Geertje de oude	lippekerkestr 26 her euschede	
Harco Zomer	Fazantstr 21 euschede	M. Zomer
Bertie Heckelenfeld	lippekerkestr 26 euschede	
Joop Dam	" " "	
Gabriël Harcken	" " "	
Joline Dam	" " "	Joline dam
Thiel Hoekstra	" " "	
Richard Bosma	" " "	
Paulien Cremer	Da Costakade 158 a'dam	
Sandra Remer	Fazantstr 21 euschede	
Silvia Gründlich	<del>lippekerkestr</del> Stadsstr 25 euschede	
Pene Struik	Alpstr <del>21</del> euschede	Struik
Carolyn Beuk	Hengelostr 22 oldenzaal	
Henk Duin	Hengelostr 22 oldenzaal	
mann mouse	Antoniusstr 15 hengelo	
Hans Busch	Oldenzaalstr euschede	
Hans Ruyjs	euschede	
Henk 'd Zee	Parkweg 29 euschede	
Rein Jelle	" " "	
Gerda 'd Stok	Porengracht A'dam	
Nico troost	Jalkade 21 A'dam	
Josefien Bosma	Da Costakade A'dam	
Jan de Oude	Bornsestraat 57 Hengelo	
Catrien de Oude	Bornsestraat 57 Hengelo	M.C. peters
Jeanette de Oude	Bornsestraat 57 Hengelo	
Rient de Vries	Bornsestraat 57 Hengelo	

Name	Address	Signature
A. Hoer	Huigenbor 740 1102 KA AMSTERDAM	A. Hoer
R. Veen	Hensterhuisstr. 29h3 1065 JS Amsterdam	R. Veen
D. Ruiter	Olympeweg 98 I Amsterdam	D. Ruiter
R. Boelofs	Kalfschotenstr. 221 A'dam	R. Boelofs
J. Huisman	IJselstraat 93 II A'dam	J. Huisman
L. Han Ruyter	Kan. Omerlaan 84 1171 HH Barhoeverdorp	L. Han Ruyter
S. de Graaf	Eemmelaan 16 Spakenburg	S. de Graaf
P. Dopper	Bergmolen 54 A'dam	P. Dopper
M. A. Roemersma	Stachnola 31 Amore	M. A. Roemersma
C. Kraayveld	Speelmanstr. 5 Amsterdam	C. Kraayveld

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Name	Address	Signature
E. Brouwer	Vlierstraat 20 1741 UK Schagen	
A.H. van Hoozen	Plesmanstraat 383 2269 HL Soesterberg	
G.J. van Plas	Mercules 40 2281 ME Katwijk	
H. Woudmeijer	Gemmastraat 12 1211 NG Hilversum	
R.J.N. van Baar	Panorp Heul 400 1403 PA Bussum	
J. van Dam	Nassaustraat 130 2274 AR Katwijk	
Y. Kwant	Roelenbos 21 2136 VA Hoofddorp	
B.H.J. Wouters	Gandhuisstraat 22 Hoofddorp	
M. Yeghroo	Rietvinkstraat 9 1171 TG Breda	
P.E. Haeften	Schorpioen 5 2221 MV Katwijk-Zee	
N.B. v. Tuijthof	Oeverweg 7 Almere	
B. Barends	Diamantkade 132 Leiden	
J. Lee	Beunewijkstr 49 Almere	
A.P. Sonneveld	Rionplein 191 Alphen N/B Rijn	
M.S.A.F. Wijnands	Vlinderkamp 26 2211 OW Noordwijkhout	
C. Buys	Krommestierweg 452 2141 AP Vly/huis	
A.W. Pilon	Weegbreestraat 48 Nieuw-Vennep	
P. Rommenholler	Kon. Emmaal. 12 Ouderkerk-Amstel	
C. Heffert	Ten Hooge 5 II Amsterdam	
E.D. Hubers	Mussenplaats 32 Leiden	
H. Tisseur	HERCENSINGEL 205 Haarlem	
H. HAVELOORS	BEETHOVENLAAN 212 DELFT	
E.U. STEEN	M.L. KINGSTR 29 Hoofddorp	
C.v.d. Weerd	Distelweg 75 Amsterdam	
G. Coes	Rembrandtplein 129 Cisse	
M.A. van Esmad	WGB noedmanln 54 de Kwakel	
B. Lathig	Pietersterbloemweg 57 Dordrecht	
A. Ingelise	Dennelaplaan 277 IJmuiden	
B. van Tol	Kagerhuinen 108 2142 XE Zossenheim	
D. Ranson	Eutenlaan 44 3645 GE Vinkeveen	
D. Ouwelbrecht	Friskhofweg 152 3315 VL Dordrecht	

Name	Address		Signature
B. Stuyzenberg	Lalingsingel 37	Ulp	[Signature]
D. Stuyzenberg	Lalingsingel 37	Ulp	[Signature]
M. Stuyzenberg	Lalingsingel 37	Ulp	[Signature]
W. de Vries	hagemanswei 101	Ulp	[Signature]
P. de Vries	hagemanswei 101	"	[Signature]
H. de Vries	hagemanswei 101	"	[Signature]
E. de Vries	hagemanswei 101	"	[Signature]
R. Boswell	verloofdehof 55	aanham	[Signature]
E. de Vries	Kapelstraat 45	"	[Signature]
L. de Vries	hagemanswei 101	aanham	[Signature]

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

# PETITION ON THE LUBICON LAKE INDIAN BAND

WHEREAS the Lubicon Lake Indian Band in northern Alberta has never ceded its traditional lands and therefore retains unextinguished aboriginal title to these lands;

AND WHEREAS the Canadian Government has not recognized and protected the aboriginal land rights of the Lubicon Lake Band by failing to establish the Reserve which was promised to the Band in 1939 and by transferring the traditional lands of the Band, without first rightfully obtaining them, to the Province of Alberta;

AND WHEREAS the Province of Alberta has failed to recognize and protect the aboriginal land rights of the Lubicon Lake Band by allowing dozens of oil companies unrestricted access to the oil resources in the traditional lands of the Band;

AND WHEREAS the mineral developments by dozens of oil companies on the traditional lands of the Lubicon Lake Band have disrupted the traditional economy of the band to the point where now its very existence as a society of aboriginal people is in serious jeopardy;

THEREFORE we, the undersigned citizens of the Netherlands. demand that the Canadian Government immediately take any and all actions necessary to ensure that the aboriginal land rights, hunting and trapping rights and mineral rights of the Lubicon Lake Band are protected from further abuse and are properly recognized and respected.

Name Address Signature

R.W. vanden Dam	Paul Krugerstraat 55 Oosterbeek	<i>R.W. vanden Dam</i>
H. Hennisson	Paul Krugerstraat 55 Oosterbeek	<i>H. Hennisson</i>
W. Kleinigjer	Parallelweg 38 Oosterbeek	<i>W. Kleinigjer</i>
H. J. J. da	PAUL KRUGERSTRAAT 55 OOSTERBEEK	<i>H. J. J. da</i>
W. d. Dam	Paul Krugerstraat 55 Oosterbeek	<i>W. d. Dam</i>
E. d. van den Dam	Paul Krugerstraat 55 Oosterbeek	<i>E. d. van den Dam</i>
H. Kleinigjer	Parallelweg 38 Oosterbeek	<i>H. Kleinigjer</i>
E. E. Mulder	Sophiastraat 23 Arnhem	<i>E. E. Mulder</i>
G. L. Mulder	Nassaustraat 19 Arnhem	<i>G. L. Mulder</i>
J. G. Mulder	Nassaustraat 19 Arnhem	<i>J. G. Mulder</i>
J. L. Mulder	Nassaustraat 19 Arnhem	<i>J. L. Mulder</i>
A. J. Mulder	Berkenlaan 43 Doornwerth	<i>A. J. Mulder</i>
S. E. mulder	Berkenlaan 43 Doornwerth	<i>S. E. mulder</i>
J. M. Mulder	Berkenlaan 43 Doornwerth	<i>J. M. Mulder</i>
R. J. Mulder	Bredasingel 177 Arnhem	<i>R. J. Mulder</i>
S. Mulder	Bredasingel 177 Arnhem	<i>S. Mulder</i>
A. v. Haeften	Ranonhelstr. 35 Arnhem	<i>A. v. Haeften</i>
J. A. BAETEN	Jln Sulka Arah Roep 215 - Bandung Indonesia	<i>J. A. BAETEN</i>
F. Lijnter	Zuidwal 71E Den Haag	<i>F. Lijnter</i>
F. Mulder	Ranonhelstr 35 Arnhem	<i>F. Mulder</i>
S. v. Veldhoven	Kapelstraat 30 Arnhem	<i>S. v. Veldhoven</i>
S. v. Woude	Kapelstraat 30 Arnhem	<i>S. v. Woude</i>
J. H. v. Woude	Kapelstraat 30 Arnhem	<i>J. H. v. Woude</i>
G. v. Woude	KAPELSTR 30 Arnhem	<i>G. v. Woude</i>
D. v. Woude	Kapelstr 30 Arnhem	<i>D. v. Woude</i>
H. M. v. Woude	Kinderkamp 78 Arnhem	<i>H. M. v. Woude</i>
R. Jacobs	Kinderkamp 78 Arnhem	<i>R. Jacobs</i>
H. H. B. J. B.	KAPELSTR 30 Arnhem	<i>H. H. B. J. B.</i>
R. v. Woude	Krommeniehof 26	<i>R. v. Woude</i>
J. v. Woude	Krommeniehof 26	<i>J. v. Woude</i>
G. H. J. B.	Krommeniehof 26	<i>G. H. J. B.</i>

1er	Zaandam	
Paul Thijssen	Zaandam	
Bernd	Amsterdam	
Paul	Zaandam	
Pieter Byker	Galgensl. 44 Am <sup>*</sup> dam	
Edwin	Amsterdam	
Wout	Den Haag	
<del>Wout</del>	Zaandam	
<del>Wout</del> R. v. d. Plassche	A'dam	
<del>Wout</del> Frank v. d. Haan	K. Doornik 41 Wormerveer 1521 KV	

PETITION ON THE LUBICON LAKE INDIAN BAND

002674

Jahn Martens prijsstraat 110 Zaandam

Peter Huijzinga Thijsselstr 190 Zaandam

De B. Polj.

HAUS POSTEL POELENBURG 200 ZAANDAM 1509 107

Gerhard Dater Jaapstr 100 1504 62 ZAANDAM

Edwin Rutgers Kalkbinder 12 1514 11K Vrijd. d. haren

h.T.U. Zandweg 51 1530 11K Wörner

Name Address Signature

Th. van der Meer 20 Nieuw  
A.M. Kommer Sophiahof 5 IJssel  
F. Buis  
H. Buis Reekhuisdijk 43 IJssel  
J. den Hül  
P. J. J. J. E. Nieuwegin  
Esther de Kemp Nieuwegin  
Nadine v. Marle Norberushof 3 Vianen  
Erica Dankmeijer Ekstraal 80 Nieuw

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

PETITION ON THE LUBICON LAKE INDIAN BAND

WHEREAS the Lubicon Lake Indian Band in northern Alberta has never ceded its traditional lands and therefore retains unextinguished aboriginal title to these lands;

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002677

Name	Address	Signature
Theo Foster	P. Petrusstr. 21 Handel	<i>[Signature]</i>
Sid Bachrach	P. Petrusstr 21 Handel 5423 SV	Sid Bachrach
Thomas Beemel	Treitschkestr. 10 D-4800 Essen Deutschland	Thomas Beemel
Merrien Dekker	P. Petrusstraat 21 Handel	<i>[Signature]</i>
Anne Kübler	Hofraum Sonoy 17 1811 LD Alkmaar	<i>[Signature]</i>
Hendrik van Osch	Smeltanalaan 12 Eindhoven	<i>[Signature]</i>
Nella van der Aart	Paten Petrusstr. 21 5423 SV Handel	Nella van der Aart
Johannes Brudnik	Frankenberg 12 A-8047 Graz Austria	<i>[Signature]</i>
Tom Seepers	P. Petrusstraat 21 Handel	<i>[Signature]</i>
Sjoerd v. d. Loude	J. Heyenlaan 7 1862 CA Bergen (NH)	<i>[Signature]</i>

Opsturen naar: Lubicon Lake Support Group Holland  
Postbus 4266  
9701 EG Groningen  
The Netherlands

→ 302

PETITION ON THE LUBICON LAKE INDIAN BAND

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Änderung von der Wurzel Sta. Ross an den 30. 8. (Sendung) (NL)

Nelly Hermen Heenderweg 131 Eindhoven

Anfänge Perwegen Wachtendonk 904 Uden.

Levin ~~Cap~~ to Ben. Lindemann, is Handel

*C.C. not Bico*  
*James*  
*We may use it*  
*upls*  
*D.P.*  
**ACTION  
SUITE A DONNER**

P R O T E C T E D

FM COPEN YJGR0813 07NOV88

TO EXTOTT LIMH

INFO BONN OSLO BERN STKHM

BH INAHULL/POTTER/WHITAKER DE OCT JUSTOTT/FREEMAN DE OTT

DISTR RWP RWR

---LUBICON LAKE INDIAN BAND

WE HAVE RECVD TODAY LET FROM INNATL WORK GRP FOR INDIGENOUS

AFFAIRS(IWGIA) TEXT OF WHICH READS AS FOLLOWS:

QUOTE IWGIA HAS FOLLOWED THE DEVELOPMENT OF THE LUBICON CREE WITH GREAT CONCERN. THE RECENT AGREEMENT ON A RESERVE IS VERY MUCH APPRECIATED. HOWEVER, NO/NO SOLUTION HAS YET BEEN FOUND IN THE MATTER OF THE BAND MEMBERSHIP QUESTION. IN THE NORTH WEST TERRITORIES IN SEPT THIS YEAR AN AGREEMENT BETWEEN THE FEDERAL GOVT AND DENE AND METIS PEOPLES RESOLVED THEIR MEMBERSHIP STATUS. LUBICON CREE WANT THE SAME APPROACH APPLIED TO THEM. WE URGE YOU TO ENSURE THAT THE LUBICON CREE ARE ABLE TO DETERMINE THEIR OWN BAND MEMBERSHIP IN THE SAME WAY AS ALL INDIGENOUS PEOPLE WHO HAVE NEGOTIATED TREATIES WITH CDA. WE URGE YOU STRONGLY TO SUPPORT THEIR REQUEST. UNQUOTE.

2. LET IS SIGNED BY CHAIRMAN, VICE-CHAIRMAN, AND EXECUTIVE DIR OF IWGIA, PLUS SIGNATURES ON BEHALF OF IWGIA NORWAY, IWGIA DENMARK AND IWGIA SWITZERLAND.

3. WE ARE SENDING REPLY TO IWGIA SIMPLY ACKNOWLEDGING RECEIPT OF LET AND STATING THAT THEIR VIEWS HAVE BEEN PASSED ON TO APPROPRIATE AUTHORITIES IN OTTAWA. HOPEFULLY RECENT PROGRESS ON LUBICON ISSUE WILL KEEP THIS ISSUE ON IWGIAS BACK-BURNER.

CCC/062 071400Z YJGR0813

RECEIVED - REÇU

NOV 7 1988

IMH ACC  
JUSTOTT/FREEMAN DE OTT

FILE

45-00A-13-1-3-*Lubicon*

LOC

07-c

DOSSIER

*Lake Band*

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

TO : Under-Secretary of State for External Affairs  
A (JLC - Ottawa)

File: 45-13-2

NO.  
6962DATE  
4Nov88

UNCLASSIFIED

WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)

QUANTITY  
QUANTITÉ

DESCRIPTION - DESCRIPTION

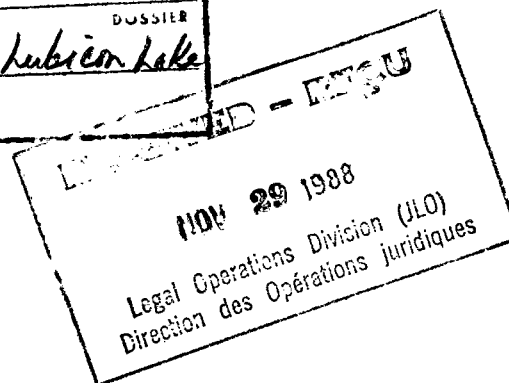
REFERENCE - RÉFÉRENCE

Subject: HUMAN RIGHTS CTTEE:  
COMMUNICATION BY LUBICON LAKE BAND

Ourfax YTGR6961  
4Nov88

Attached is docu referred to in ref fax.

ACC	FILE
DOSSIER	
45-13-1-3-Lubicon Lake	



*BR*  
*JLB*

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

Geneva

DATE

SIGNATURE



External Affairs  
Canada

Affaires extérieures  
Canada

Accession/Référence

File/Dossier

45-CD'A-13-1-3

102 Lubicon Lake Band

MESSAGE

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

SECURITY  
SÉCURITÉ

~~CONFIDENTIAL~~

31 OCT 88 23

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FM EXTOTT IMH1854 31OCT88

TO/À

TO GENEV

INFO

DISTR

INFO FPRO/OACA/CARON/LAFRENIERE/BATT

REF

SUBJ/SUJ

JUST/FREEMAN/HUDSON/LOW/WEISER INAHULL/WHITAKER/POTTER de oci

DISTR JLO IMD

REF YRTEL YTGR5978 60CT; YRFAX YTGR5979 60CT; OURTELS IMH1846  
270CT; IMH1817 240CT

---HUMAN RIGHTS COMMITTEE: COMMUNICATION BY LUBICON LAKE BAND  
LAST COMMUNICATION BY LUBICON BAND CONTAINED IN YR REFFAX IS  
CURRENTLY UNDER REVIEW TO DETERMINE WHETHER FURTHER CDN SUBMISSION  
IS APPROPRIATE. THIS DECISION WILL BE TAKEN IN LIGHT OF AGREEMENT  
RE SIZE OF RESERVE (OUR REFTELS) AND WILL PARTLY DEPEND ON WHETHER  
AGREEMENT CAN BE REACHED ON OTHER MATTERS STILL IN DISPUTE (OUR  
REFTEL 1846).

2. IN YR INFORMAL CONTACTS WITH MOLLER YOU MIGHT WISH TO ~~TELL~~ HIM  
~~OF~~ THE AGREEMENT RE SIZE OF RESERVE AND CONFIRM THAT HIS  
UNDERSTANDING THAT GOVT WD PREFER DOMESTIC SETTLEMENT (YR REFTEL)  
IS CORRECT.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

Sid. Trottier

IMH

992-6664

SIG

DAVERMORE

002682



2/5  
6961

## VAN NESS, FELDMAN, SUTCLIFFE &amp; CURTIS

A PROFESSIONAL CORPORATION

1050 THOMAS JEFFERSON STREET, N.W.

SEVENTH FLOOR

WASHINGTON, D. C. 20007

(202) 224-1800

WRITER'S DIRECT DIAL NUMBER

October 28, 1988

S. LYNN SUTCLIFFE  
HOWARD J. FELDMAN  
WILLIAM J. VAN NESS, JR.  
BEN YAMAGATA  
ROBERT G. SZABO  
GRENVILLE GARRISON  
ROSS B. AIN  
ALAN L. MINTZ  
ROBERT R. NORDHAUS  
CHARLES E. CURTIS  
ADAM WENNER  
PETER D. DICKSON  
GARY D. BACHMAN  
SUSAN TOMASKY  
JACOB J. LEW

LISA A. SHAPIRO  
SYNTHIA INGERSOLL  
JESSICA S. LEFEVRE  
LYNN MINNA  
MARGARET A. MOORE  
DONALD F. SANTA, JR.  
MICHAEL A. SWIGER  
SAM MALEN  
BRUCE S. DEMING  
ANTHONY A. JARGAN  
JOANNE A. GUDLEY  
BENJAMIN L. ISRAEL  
ANTHONY WILSON  
STEPHEN G. FOTIS  
NOREEN M. TANAKA  
  
OF COUNSEL  
HOWARD ELIOT SHAPIRO  
ARTHUR JOHN ARMSTRONG  
NOT ADMITTED IN DISTRICT OF COLUMBIA

Mr. Jakob Th. Moller  
Chief, Communications Unit  
Center for Human Rights  
United Nations Office  
CH-1211 Geneve 10  
Switzerland

RE: Communication No. 167/1984

Dear Mr. Moller:

On behalf of Chief Bernard Ominayak and the Lubicon Lake Band, I am sending this letter for the purpose of providing the Human Rights Committee a brief update on recent events in Alberta, Canada with respect to the status of the Band. The information set forth in this letter has been provided to me by representatives of the Lubicon Lake Band at the direction of Chief Ominayak. Due to the need to expedite this communication, I have not sought Chief Ominayak's signature on this letter. If such verification is requested by the Committee, we will be pleased to provide it.

As I assume you are aware at this point, the Band has asserted jurisdiction over its territory. The Lubicon people were driven to this action as a result of the Federal Government of Canada's failure to provide any hope of a favorable resolution to the situation faced by the Band. The Government of Canada has continued to delay action on the issue, practicing deceit in the media and dismissing advisors who recommend any resolution favorable to the Lubicon people. At the same time, the Band has watched the Province of Alberta continue to grant leases for oil and gas development and now for timber development on the Lubicons' traditional lands. As these events have occurred, the Band has watched its community disintegrate and has seen no evidence that the court system of Canada is prepared to provide redress for this situation.

ALL	DATE
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DOSSIER	
45-CDA-13-1-3-Lubicon Lake Band	

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NONCLASSIFIE**

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GVA _____ / _____ SKM	GVA _____ / _____ CBA	GVA _____ / _____	GVA _____ / _____

**ACTION  
SUITE A DONNER**

FILE/DOSSIER:45-13-2

PAGE 1 OF/DE 5

FM/DE GENEVE YTGR6961 04NOV88

TO/A EXTOTT JLO

INFO <sup>BH</sup> JUSTOTT/FREEMAN/LOW/WEISER/HUDSON PCOOTT/CARON/LAPIERREINAHULL/WHITAKER/POTTER *de ott*

DISTR IMH

REF TRANSMITTAL SLIP 6962 4NOV

---HUMAN RIGHTS CTTEE: COMMUNICATION BY LUBICON LAKE BAND

--- ATTACHED IS FURTHER SUBMISSION BY THE LUBICON LAKE COUNSEL

DATED OCTOBER 28, 1988

2. ORIGINAL FOLLOWS BY BAG.

ACC	AL	DATE
FILE		DOSSIER
45-13-1-3-Lubicon Lake Band		

**RECEIVED - RECU**

NOV 7 1988

Legal Operations Division (JLO)  
Direction des Opérations juridiques

DRAFTER/REDACTEUR

TELEPHONE NBR

APPROVED/APPROUVE

/sss

TC HAMMOND

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10-20-04 10:20 1-484 10:20

022 34 79 19 P.17

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The action taken by the Lubicon Lake Band, while an act of desperation, was nonviolent. The people had no weapons, conducted themselves in the manner typical of peaceful protests, and neither attempted nor threatened any form of violence. Nonetheless, the response of Government officials was to send heavily armed police units, having the appearance of paramilitary personnel, into the area; to arrest the individuals involved, including children; to hold those persons incommunicado for fourteen hours; and to maintain a heavily armed police guard in the area following the arrests.

Despite the unfortunate treatment of the Lubicon Lake people during this protest, the action appears to have elicited a positive response from the Alberta Provincial Government. Alberta Provincial Premier Don Getty negotiated an agreement with Chief Ominayak whereby Alberta will offer to sell to the Federal Government 79 square miles of land with surface and subsurface rights, to be designated as a reserve for the benefit of the Lubicon Lake Band. The Province has agreed to sell an additional 16 square miles of land to the Federal Government with surface rights only, and to make subsurface development on such land subject to Band approval. Thus the total area agreed to by the Province is 95 square miles, the amount to which the Band is entitled, based on its present membership, under Canadian Federal Indian law. The Band and Provincial representatives are continuing to negotiate questions having to do with environmental and wildlife management in the remaining areas of the Band's traditional territory.

By press release, the Federal Government has stated that it is willing to consider the transfer of 79 square miles of land for the benefit of the Lubicon people. However, it has refused to accept the remaining 16 square miles, recommending that such land be transferred to the Band to be held in fee title. The effect of this would be to subject the land in question to taxation and alienation, while reducing the level of Federal obligation to the Lubicon people.

The Federal Government's position with respect to the question of reserve size is consistent with its stated position on Band membership. According to Government representatives, the Federal Government, not the Band, will determine that membership pursuant to the provisions of Section C-31 of the Indian Act of Canada. In contrast, the precedent in Canada is that aboriginal claims,

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VAN NESH, FELDMAN, SUTCLIFFE &amp; CURTIS

-3-

like the Lubicon claim, are based on the Native Band's determination of its own membership. Thereafter, questions arising with respect to individuals claiming membership in that particular Band are determined pursuant to Section C-31 of the Indian Act. As an example of Canada's position generally on this question, the Band has asked one of its representatives to telecopy to Committee staff one of the Federal Government's press releases concerning the recent Dene and Metis settlement in the Northwest Territories. While the Band does not necessarily endorse all provisions of that agreement, it respectfully suggests that the Committee compare the treatment of the membership question in that case with Canada's position on Lubicon Lake Band membership. As will be seen, the participants in that aboriginal claim were held to be entitled to determine their own membership. Yet, Canada inexplicably has taken the position that the Lubicon Lake Band may not determine its own membership.

The result of this position would be to reduce the number of Band members eligible for Federal programs by approximately 30 individuals, to reduce the size of the reserve to which the Band is entitled by 16 square miles, and to treat the Lubicon claim as a treaty rather than an aboriginal claim. The effect of the latter, inter alia, is to reduce the level of self government available to the Lubicon people.

Chief Ominayak and the members of the Lubicon Lake Band are at a loss to explain Canada's position on Band membership and reserve size, especially in light of the fact that this position represents a complete reverse of precedent and that the numbers being discussed at this point are quite small. It is speculated, however, that Canada has decided to make use of the Lubicon claim as a means of reversing precedent in the Provinces, thereby entitling the Government to limit its obligations not only to the Lubicons but to all Native peoples living in the Provinces.

Finally, the Federal Government, contrary to the recommendations of Mr. E. Davie Fulton and to its own previous position, now has stated that it owes no monetary compensation to the Lubicon people for the injuries they have suffered as a result of Canada's failure to provide them a reserve and its subsequent treatment of their claim.

10-28-88 10:28 T-MAN NEWS (MCHP 100 000) PAGE TWO

NESS, PELSMAN, BUTCLIFFE &amp; CURTIS

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-4-

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

Please contact me if you have any questions with respect to this communication.

Yours truly,

*Jessica S. Lefevre*  
Jessica S. Lefevre

cc: Chief Bernard Ominayak



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence <b>577 356</b>
File/Dossier <b>45-00A-13-1-3-</b>
<i>Lubicon Lk Band</i>

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~~

FM/DE

FM EXTOTT IMH1817 270CT88

TO/À

TO BONN

INFO

DISTR

INFO LDN PARIS ROME HAGUE BRU COPEN OSLO STKHM HSNKI VIENN BERNE

REF

GENEV PRMNY WSHDC CNGNY LNGLS CHCGO CNBRA WLGTN SYDNY PRET DUBLN

SUBJ/SUJ

LSBON MDRID PESCO MOSCO BGRAD WDOAS BRSLA VATCN BUCST DPEST PRAGUE

WSAW VCSCE HAVAN PCO/FPRO/CARON/LAFRENIERE/BATT

INAHULL/POTTER/WHITAKER JUSTICE/FREEMAN/HUDSON/LOW/WEISER

DISTR BCB BFD BKD BTD BCP MINA/REDACTED RWP RBP URR TADF RWDN RWR

PGP BCL LGP BCM IMD MINP RBR PSR JLO ~~REDACTED~~ JCD BFE IMU LCR LSR

REF OURTELS IMH1817 240CT; IMH1775 190CT

---LUBICON LAKE INDIAN BAND: FED GOVT AGREES ON RESERVE SIZE BUT NOT ON POPULATION

FURTHER TO REFTTEL 1817, IND AFF MINISTER MCKNIGHT ANNOUNCED ON 260CT THAT FED GOVT WD ACCEPT TERMS OF AGREEMENT BETWEEN ALBERTA GOVT AND LUBICON BAND ON SIZE OF LUBICON RESERVE. MIN INDICATED THAT FED GOVT WD PROVIDE LUBICON WITH RESERVE AND QUOTE FULL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM UNQUOTE AS SOON AS ALBERTA TRANSFERS LAND TO OTTAWA. MIN DESCRIBED PACKAGE AS BEING WORTH QUOTE SEVERAL MILLION DOLLARS UNQUOTE AND INCLUDING SEWERS, ROADS, HOUSING AND SCHOOLS. HE ALSO NOTED THAT SINCE 1945, BAND HAS RECEIVED QUOTE ALL BENEFITS ACCORDED TO TREATY INDIANS, EXCEPT THAT BAND DID NOT HAVE RESERVE UNQUOTE.

.../2

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
<i>[Signature]</i> S. G. Trottier	IMH	992-6664	<i>[Signature]</i> M. FORD





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

PAGE TWO    IMH1846    CONF

12

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2. FED GOVT AND LUBICON CONTINUE TO DISAGREE ON WHO SHD BE CONSIDERED MEMBERS OF BAND FOR PURPOSES OF OBTAINING INDIAN STATUS AND RECEIVING FED GOVT BENEFITS AND SERVICES DERIVED FROM THAT STATUS. AS NOTED IN OUR REFTEL 1775, THERE IS LONGSTANDING DISPUTE CONCERNING NUMBER OF BAND MEMBERS, WITH LUBICON CLAIMING AS MANY AS 478 MEMBERS. LUBICON POSITION IS THAT ALL THEIR CLAIMED MEMBERSHIP SHD BE ACCORDED IND STATUS AND APPROPRIATE BENEFITS.

3. FED GOVT POSITION AS SET OUT BY MINISTER MCKNIGHT IS THAT PROVISION OF PARTICULAR BENEFITS TO STATUS INDIANS ONLY IS ESTABLISHED PRACTICE ACROSS CANADA AND DETERMINATION OF STATUS IS MADE ACCORDING QUOTE TO STATUTES AND LAWS ABOUT WHO IS STATUS INDIAN UNQUOTE. HE STATED THAT LUBICON CAN PUT ANYONE ON THEIR BAND LIST (AND ALLOW THEM TO LIVE ON RESERVE) BUT THAT DOES NOT MAKE THEM STATUS INDIANS ELIGIBLE FOR GOVT BENEFITS AS SUCH. IN DETERMINING WHO IS ENTITLED TO INDIAN STATUS, RELEASE OF GENEALOGY STUDY DONE OF BAND (OUR REFTEL 1775, PARA 6) WOULD BE HELPFUL BUT BAND HAS CONSISTENTLY REFUSED TO EITHER MAKE IT PUBLIC OR EVEN PROVIDE IT TO PROVINCIAL GOVT.

4. LUBICON CHIEF OMINAYAK HAS PROCLAIMED HIMSELF TO BE QUITE DETERMINED THAT BAND POPULATION FIGURES BE ACCEPTED. THERE IS ALSO MATTER OF OUTSTANDING LUBICON DEMAND FOR FURTHER MONETARY QUOTE COMPENSATION UNQUOTE OF AS MUCH AS \$100-MILLION. IT REMAINS TO BE

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▼ PAGE THREE IMH1846 CONF

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SEEN WHETHER BAND WILL ACCEPT RESERVE IN INTERIM WHILE CONTINUING  
TO PRESS THEIR OTHER DEMANDS OR HOLD OUT FOR ENTIRE PACKAGE OF  
DEMANDS. GIVEN ALBERTA AGREEMENT ON SIZE OF RESERVE AND MEDIA  
SYMPATHY FOR THEIR POSITION, BAND MAY CALCULATE THAT IT WOULD BE  
TIMELY TO PURSUE LATTER COURSE. HOWEVER, AS PUBLIC SYMPATHY SEEMED  
TO HAVE BEEN MOST CONNECTED TO THEIR LACK OF LAND, ALBERTA AND FED  
GOVT AGREEMENT ON QUANTUM OF LAND WILL DEPRIVE THEM OF SYMBOLIC  
VALUE OF MAJOR GRIEVANCE. THIS SHOULD ALSO HAVE IMPACT ON FOREIGN  
SUPPORT FOR LUBICON AND ABILITY OF POSTS TO PUT FORWARD CDN CASE IN  
PERSUASIVE MANNER.



# Discours

3-8809

## DÉCLARATION DE

L'HONORABLE BILL MCKNIGHT, C.P., DÉPUTÉ

MINISTRE DES AFFAIRES INDIENNES ET DU NORD CANADIEN

AU SUJET DE

L'ENTENTE DE PRINCIPE CONCERNANT LA BANDE DU LAC LUBICON

EDMONTON (ALBERTA)

LE 26 OCTOBRE 1988

ACC	Kcs	DATE
FILE	DOSSIER	
45-1077-13-1-3-		
Lubicon 1st Band		

MESDAMES ET MESSIEURS, BONJOUR.

LUNDI SOIR, J'AI REÇU LES DÉTAILS PRÉLIMINAIRES DE L'ENTENTE DE PRINCIPE CONCLUE ENTRE LE PREMIER MINISTRE GETTY ET LE CHEF OMINAYAK EN VUE DE RÉGLER LA QUESTION FONCIÈRE DE LA REVENDICATION DE LA BANDE DU LAC LUBICON.

IL Y A EU TELLEMENT DE FAUX DÉPARTS, TELLEMENT D'ESPOIRS DÉÇUS AU COURS DES DERNIÈRES ANNÉES QUE JE VOULAIS ATTENDRE DE VOIR LES DÉTAILS DE L'ENTENTE AVANT DE ME PRONONCER SUR CELLE-CI. JE VOUS REMERCIE DE VOTRE PATIENCE QUI M'A PERMIS D'Étudier L'ENTENTE.

M. GETTY ET LE CHEF OMINAYAK SE SONT ENTENDUS SUR UNE SUPERFICIE DE 79 MILLES CARRÉS DE TERRES AUTOUR DU LAC LUBICON QUI SERA UTILISÉE À DES FINS DE RÉSERVE POUR LA BANDE. À MON AVIS, IL S'AGIT D'UNE SUPERFICIE GÉNÉREUSE POUR LA RÉSERVE, ET DÈS QUE LA PROVINCE TRANSMETTRA CES TERRES AU CANADA, NOUS CRÉERONS UNE RÉSERVE.

J'AI INSTRUIT MES REPRÉSENTANTS DE SE TENIR PRÊTS À RENCONTRER LA BANDE POUR ENTREPRENDRE LES PLANS D'AMÉNAGEMENT D'UNE NOUVELLE COMMUNAUTÉ, DÈS QUE LE SITE SERA FINALISÉ. LE CANADA FOURNIRA UN PROGRAMME COMPLET DE DÉVELOPPEMENT ÉCONOMIQUE ET COMMUNAUTAIRE, Y COMPRIS LES ROUTES, UN RÉSEAU D'AQUEDUC ET D'ÉGOUT, DES INSTALLATIONS DE SANTÉ, DES INSTALLATIONS COMMUNAUTAIRES, ET LE LOGEMENT. NOUS SOMMES PRÊTS À COMMENCER DÈS MAINTENANT. ET J'ESPÈRE QU'IL Y AURA UNE CÉRÉMONIE DE LEVÉE DE TERRE AU LAC LUBICON CE PRINTEMPS.

- 2 -

DEPUIS 1945, LA BANDE A REÇU TOUS LES AVANTAGES ACCORDÉS AUX INDIENS ASSUJETTIS AUX TRAITÉS - SAUF QUE LA BANDE N'AVAIT PAS DE RÉSERVE. LE CHEF A DÉCRIT DE FAÇON ÉLOQUENTE QUE CE TERRITOIRE CONSTITUAIT L'ASPIRATION LA PLUS IMPORTANTE. AVEC LA CRÉATION DE CETTE COMMUNAUTÉ, LA BANDE SERA SUR LE MÊME PIED QUE LES AUTRES BANDES DU CANADA.

UNE BONNE PART DU CRÉDIT REVIENT À M. GETTY. PENDANT DEUX ANS, L'ALBERTA A REFUSÉ DE CONSIDÉRER PLUS DE 25,4 MILLES CARRÉS ET LA BANDE REFUSAIT DE NÉGOCIER SI LA PROVINCE ÉTAIT À LA TABLE DES NÉGOCIATIONS. AU COURS DE LA DERNIÈRE ANNÉE, J'AI CRU QU'UN RÈGLEMENT NE SERAIT POSSIBLE QUE SI LA PROVINCE ET LA BANDE POUVAIENT TRAVAILLER ENSEMBLE. LE PREMIER MINISTRE EST INTERVENU POUR QUE CELA SOIT POSSIBLE; IL A SURMONTÉ LES PROBLÈMES TECHNIQUES; ET IL A CONCLU UNE ENTENTE EN VERTU DE LAQUELLE LA BANDE DU LAC LUBICON RECEVRA LE TRAITEMENT JUSTE ET ÉQUITABLE QU'ELLE RECHERCHAIT.

LE PROCESSUS DE CRÉATION D'UNE RÉSERVE NE DOIT PAS NÉCESSAIREMENT ÊTRE LONG. LA BANDE DEVRA TENIR UN RÉFÉRENDUM POUR ACCEPTER L'ENTENTE ET LA RÉSERVE. LES MEMBRES DE LA BANDE POURRONT OPTER DE VIVRE DANS LA RÉSERVE OU DE DEVENIR PROPRIÉTAIRES DE LEURS PROPRES TERRES. ILS DEVRONT FAIRE CE CHOIX ET LES DOCUMENTS DE CESSION HABITUELS DEVRONT ÊTRE RÉDIGÉS. LES TERRES DEVRONT ÊTRE ARPENTÉES, LES INTÉRÊTS DES TIERCES PARTIES DEVRONT ÊTRE RÉGLÉS ET DES DÉCRETS EN CONSEIL TRANSFÉRANT LES TERRES AU CANADA ET CRÉANT UNE RÉSERVE DEVRONT ÊTRE PASSÉS.

- 3 -

CERTAINES QUESTIONS DEVRONT ÊTRE RÉGLÉES AVEC LA PROVINCE AFIN QUE L'ENTENTE SE FASSE EN VERTU DE LA LOI CONSTITUTIONNELLE DE 1930 ET DES LOIS CANADIENNES. UNE DE CES QUESTIONS PORTE SUR LES DROITS DES TIERCES PARTIES. CEUX-CI DEVRONT ÊTRE RÉGLÉS AVEC LA PROVINCE ET LES TIERCES PARTIES.

IL FAUT ÉGALEMENT ABORDER LA QUESTION DE LA PARCELLE ADDITIONNELLE DE 16 MILLES CARRÉS SITUÉE À L'EXTÉRIEUR DE LA RÉSERVE. COMME MINISTRE, JE NE PEUX ACCEPTER OU TENIR DES TERRES, SAUF À DES FINS DE RÉSERVE. SELON UNE DES SUGGESTIONS MISES DE L'AVANT, LA BANDE POURRAIT ÉTABLIR UNE SOCIÉTÉ. LA PROVINCE POURRAIT DONNER LES TERRES À CETTE SOCIÉTÉ, UN PEU DE LA MÊME FAÇON QUE LE CANADA AVAIT DONNÉ LES TERRES À LA PROVINCE.

PERMETTEZ-MOI D'INSISTER QUE CES ÉTAPES ET CES ÉLÉMENTS MINEURS NE SONT QUE DES QUESTIONS DE PROCÉDURES; ILS NE CONSTITUENT PAS DES OBSTACLES.

L'ALBERTA A PRÉSENTÉ UNE OFFRE GÉNÉREUSE À LA BANDE, ET DÈS QUE LA PROVINCE AURA TRANSMIS CES TERRES, J'ÉTABLIRAI UNE RÉSERVE. JE SUIS DISPOSÉ À ENTREPRENDRE IMMÉDIATEMENT LA PLANIFICATION DES ROUTES ET DES RÉSEAUX AINSI QUE LA CONCEPTION DES INSTALLATIONS ET DES MAISONS QUI DONNERONT À LA BANDE DU LAC LUBICON LA COMMUNAUTÉ ET LES RACINES AUXQUELLES ELLE ASPIRE DEPUIS SI LONGTEMPS.





# Speech

3-8809

**STATEMENT BY**

**THE HONOURABLE BILL MCKNIGHT, P.C., M.P.**

**MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT**

**ON**

**THE LUBICON LAKE AGREEMENT-IN-PRINCIPLE**

**EDMONTON, ALBERTA**

**OCTOBER 26, 1988**

GOOD MORNING.

ON MONDAY NIGHT, I RECEIVED PRELIMINARY DETAILS OF THE AGREEMENT-IN-PRINCIPLE, REACHED BETWEEN PREMIER GETTY AND CHIEF OMINAYAK TOWARDS A LAND SETTLEMENT FOR THE LUBICON BAND.

THERE HAVE BEEN SO MANY FALSE STARTS. SO MANY CASES OF HOPES BEING RAISED AND THEN DASHED DURING THE LAST COUPLE OF YEARS, THAT I WANTED TO WAIT UNTIL WE HAD SEEN THE DETAIL OF THE AGREEMENT BEFORE OFFERING A DEFINITIVE RESPONSE. I THANK YOU FOR YOUR PATIENCE IN ALLOWING ME THIS TIME.

MR. GETTY AND CHIEF OMINAYAK HAVE AGREED ON 79 SQUARE MILES SURROUNDING LUBICON LAKE TO BE USED AS A RESERVE FOR THE BAND. IN MY VIEW, THIS IS A GENEROUS APPROPRIATION FOR A RESERVE, AND, AS SOON AS THE PROVINCE CONVEYS THAT LAND TO CANADA, WE'LL CREATE A RESERVE.

I HAVE INSTRUCTED MY REPRESENTATIVES TO BE READY TO MEET WITH THE BAND TO BEGIN PLANNING THE DEVELOPMENT OF A NEW COMMUNITY ON THIS LAND AS SOON AS THE SITE IS FINALIZED.

CANADA WILL PROVIDE A FULL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAM, INCLUDING ROADS, A WATER AND SEWAGE SYSTEM, HEALTH FACILITIES, COMMUNITY FACILITIES, AND HOUSING. WE ARE READY TO BEGIN NOW. AND I HOPE THERE CAN BE A GROUND-BREAKING CEREMONY AT LUBICON LAKE THIS SPRING.

- 2 -

SINCE 1945, THE BAND HAS RECEIVED ALL THE BENEFITS ACCORDED TO TREATY INDIANS - EXCEPT THAT THE BAND DID NOT HAVE A RESERVE. THE CHIEF HAS BEEN ELOQUENT IN DESCRIBING THIS AS THE BAND'S SINGLE MOST IMPORTANT ASPIRATION.

WITH THE CREATION OF THIS MODERN COMMUNITY, THE BAND WILL BE ON THE SAME FOOTING AS OTHERS ACROSS THIS COUNTRY.

A GOOD MEASURE OF THE CREDIT MUST GO TO PREMIER GETTY. FOR TWO YEARS, ALBERTA REFUSED TO CONSIDER ANYTHING MORE THAN 25.4 SQUARE MILES AND THE BAND REFUSED TO NEGOTIATE WITH ALBERTA AT THE TABLE.

FOR THE PAST YEAR, I HAVE BELIEVED A SOLUTION WAS ONLY POSSIBLE IF THE PROVINCE AND THE BAND COULD SIT DOWN TOGETHER. THE PREMIER INTERVENED TO MAKE THAT POSSIBLE; HE OVERCAME THE TECHNICAL PROBLEMS; AND HE CONCLUDED AN AGREEMENT THAT WILL PROVIDE THE LUBICON WITH THE FAIR AND EQUAL TREATMENT THEY HAVE SOUGHT.

THE PROCESS OF CREATING A RESERVE FOR THE LUBICON DOESN'T HAVE TO BE LENGTHY. THE BAND WILL HAVE TO HOLD A REFERENDUM ACCEPTING THE AGREEMENT AND THE RESERVE. BAND MEMBERS HAVE A CHOICE OF TAKING THEIR LAND AS PART OF THE RESERVE OR AS THEIR OWN PROPERTY.

- 3 -

THEY WILL HAVE TO MAKE THAT CHOICE AND THE USUAL RELEASES WILL HAVE TO BE PREPARED. THE LANDS WILL HAVE TO BE SURVEYED, THIRD PARTY INTERESTS DEALT WITH AND ORDERS-IN-COUNCIL PASSED, CONVEYING THE LANDS TO CANADA AND ESTABLISHING A RESERVE.

THERE ARE ALSO A COUPLE OF ITEMS TO BE WORKED OUT WITH THE PROVINCE, TO SHAPE THE AGREEMENT SO THAT IT FALLS UNDER THE CONSTITUTION ACT OF 1930 AND THE LAWS OF CANADA. ONE IS THE TREATMENT OF THIRD PARTY RIGHTS. THAT WILL BE WORKED OUT WITH THE PROVINCE AND THE THIRD PARTIES.

THE 16 SQUARE MILE PARCEL OUTSIDE THE RESERVE AREA ALSO NEEDS A LITTLE WORK. AS MINISTER, I CANNOT ACCEPT OR HOLD LANDS EXCEPT AS A RESERVE. ONE SUGGESTION HAS BEEN THAT THE BAND ESTABLISH A CORPORATION. THE PROVINCE COULD GIVE THE LAND TO THE CORPORATION IN MUCH THE SAME WAY AS CANADA GAVE THE LANDS TO THE PROVINCE.

LET ME EMPHASIZE THAT THESE PROCEDURES AND MINOR POINTS ARE SIMPLY PROCESS; THEY ARE NOT IMPEDIMENTS.

ALBERTA HAS OFFERED THE BAND A GENEROUS RESERVE AND AS SOON AS THE LAND IS CONVEYED, I WILL CREATE A RESERVE. I AM PREPARED TO BEGIN IMMEDIATELY PLANNING THE ROADS AND SYSTEMS AND DESIGNING THE FACILITIES AND HOMES THAT WILL GIVE THE LUBICON THE COMMUNITY AND THE ROOTS TO WHICH THEY HAVE SO LONG ASPIRED.

J.f.

P R O T E C T E D

FM PRET WPGR8325 25OCT88

TO EXTOTT IMH

INFO BONN LDN PARIS CNBRA PCOOTT/BRADLEY CIDA HULL/MINE

DISTR GGBS GGB INP MINA MINP BCM BCB DMC

---SAFRICA:CDA DOES IT TOO

TO NO ONES SURPRISE SAFRICAN BROADCASTING HAS BEEN QUICK TO  
PICK UP ON LUBICON PREDICAMENT. WIDELY HEARD (AND GOVT  
INFLUENCED) SABC MORNING PROGRAM HAS GIVEN REASONABLY  
BALANCED REVIEW FOCUSING ON RCMP DISMANTLING OF BARRIERS  
AND ARREST OF TWENTY-SEVEN PEOPLE, BUT PLACING DIFFICULTY  
IN CONTEXT OF CONTINUING DISPUTE WITH BOTH ALBERTA AND  
FEDERAL GOVTS AND REFERRING FACTUALLY TO TENTATIVE SETTLEMENT.

2. WE EXPECT SETTLEMENT WILL LESSEN INTEREST IN SAFRICA.

WHITE SAFRICANS WILL NONETHELESS SEIZE ANY OPPORTUNITY TO  
REASSURE THEMSELVES THAT CDA, THOUGH IN FOREFRONT OF WHAT  
THEY SEE AS CAMPAIGN AGAINST THIS COUNTRY QUOTE ENJOYS  
SOMETHING LESS THAN PERFECT RECORD IN ITS DEALINGS WITH  
THEIR OWN NATIVE PEOPLE UNQUOTE.

CCC/138 260540Z WPGR8325

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ACTION  
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45-COA-13-1-3-

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UNCLASSIFIED

FM VIENN ULFC5599 25OCT88

TO EXTOTT IMH

INFO GENEV PRMNY BONN INAHULL/POTTER/WHITAKER JUSTOTT/FREEMAN/HUNDSON/  
LOW/WEISER

BH FPROTT/OACA/CARON/LAFRENIER BATT DE OPM

DISTR IMD RWR RWP BCM BFE MINA MINP

REF YOURTEL 1777 20OCT

---LUBICON DISPUTE:PLANNED VIENN DEMONSTRATION

LUBICON DEMONSTRATION TOOK PLACE ON FRI, OCT21, LATE AFTERNOON, IN A  
PUBLIC PARC CLOSE TO THE EMB AND VIENN UNIVERSITY. THERE WERE ABOUT  
100 PEOPLE PRESENT. THE DEMONSTRATION WAS MORE DISCREET THAN THE ONE  
HELD A YEAR AGO IN FRONT OF THE EMB AND ATTRACTED VERY LITTLE ATTN.  
AS OPPOSED TO LAST YEAR, ORGANISERS DID NOT/NOT MAKE ANY ATTEMPT TO  
MEET EMB REPS.

2. LEAFLETS ABOUT LUBICON CASE WITH HEADING QUOTE WE NEED HELP. CDN  
LUBICON CREE INDIANS MOWED DOWN BY OIL COMPANIES UNQUOTE.

3. THERE WAS NO/NO MEDIA COVERAGE ON THE DEMONSTRATIONS.

UUU/258 250910Z ULFC5599



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence A
File/Dossier 45-CD-13-1-3 Lubicon LK Bond

SECURITY SÉCURITÉ	U N C L A S S I F I E D	24 OCT 88 12 06z	10
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TO/À	TO GENEV VIENN		
INFO			
DISTR	INFO BONN		
REF	DISTR IMD RWR RWP BCM BFE MINA MINP		
SUBJ/SUJ	REF BONNTEL ZQFC3059 24OCT		
<p>---LUBICON DISPUTE: REQUEST FOR VISIT TO BONN</p> <p>BONN REQUESTED IN REFTL (NOT COPIED TO GENEV VIENN) WHETHER LIVERMORE VIENN VISIT COULD BE EXTENDED TO INCLUDE BONN STOP-OVER FOR PURPOSE OF PROVIDING LUBICON BRIEFING AS POST QUOTE COULD ARRANGE WORTHWHILE BRIEFING SESSION FOR EMB STAFF AS WELL AS GERMAN GROUPS ACTIVE IN NATIVE ISSUES UNQUOTE.</p> <p>2. THOUGH SUCH A VISIT SEEMS UNLIKELY GIVEN TIGHT SCHEDULE AND OTHER COMMITMENTS, WE SUGGEST THAT LIVERMORE CONTACT BONN DIRECTLY RE POSSIBILITY OF SUCH VISIT.</p>			

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
 J. Trotter	IMH	992-6664	 M. FORD





External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence <b>576 928</b>
File/Dossier <b>45-CA-13-1-3-</b> <b>Lubicon Lake Band</b>

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DISTR	INFO LDN PARIS ROME HAGUE BRU COPEN OSLO STKHM HSNKI VIENN BERNE	
REF	GENEV PRMNY WSHDC CNGNY LNGLS CHCGO CNBRA WLGTN SYDNY PRET DUBLN	
SUBJ/SUJ	LSBON MDRID PESCO MOSCO BGRAD WDOAS BRSLA <sup>IT</sup> VATCN <sup>ARM</sup> BUCST DPEST PRAGUE WSAW VCSCE HAVAN PCO/FPRO/CARON/LAFRENIERE/BATT <sup>261</sup> INAHULL/POTTER/WHITAKER/ <sup>Coulter</sup> JUSTICE/FREEMAN/HUDSON/LOW/WEISER DISTR BCB BFD BKD BTD BCP MINA <del>MINA</del> RWP RBP URR TADF RWDN RWR PGP BCL LGP BCM IMD MINP RBR PSR JLO IFB JFB JCD BFE IMU LCR LSR REF BONN TEL ZQFC3058 21SEPT; OUR TELS IMH1806 21OCT; 1775 19OCT ---LUBICON LAKE INDIAN BAND: TENTATIVE SETTLEMENT WITH ALBERTA RE LAND <b>FOR RESERVE</b> FURTHER TO OUR REFTEL 1806, TALKS BETWEEN LUBICON BAND AND ALBERTA GOVT WERE RESUMED AT INVITATION OF PREMIER FOLLOWING RCMP DISMANTLING OF LUBICON ROADBLOCKS (PURSUANT TO INJUNCTION OBTAINED BY ALBERTA GOVT). TENTATIVE SETTLEMENT WAS REACHED BETWEEN BAND AND PROVINCE ON 22OCT AFTER 7/7 HOURS OF NEGOTIATIONS BETWEEN CHIEF OMINAYAK AND PREMIER GETTY. DEAL REPORTEDLY PROVIDES BAND WITH FULL CONTROL OVER 204.5 SQ KM OF LAND AND SURFACE RIGHTS OVER FURTHER 40.5 SQ KM. DISCUSSIONS DID NOT DEAL WITH NON-LAND ISSUES SUCH AS SHARE OF PROVINCIAL REVENUE FROM OIL AND GAS EXTRACTED FROM UP TO 10000 SQ KM OF WHAT LUBICON REFER TO AS THEIR QUOTE TRADITIONAL .../2	

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TERRITORY UNQUOTE.

2. AGREEMENT IS SUBJECT TO APPROVAL OF FED GOVT. INA MINISTER  
MCKNIGHT'S SPOKESPERSON HAS INDICATED <sup>TO PRESS</sup> THAT MINISTER WILL MAKE NO  
COMMENT ON AGREEMENT UNTIL HE IS PROVIDED BY PARTIES WITH DETAILS  
OF AGREEMENT. FED GOVT WILL ALSO WISH TO KNOW WHETHER BAND WILL  
ABANDON CONCURRENT CLAIM REGARDING QUOTE TRADITIONAL UNQUOTE LANDS  
PURSUANT TO QUOTE ABORIGINAL TITLE UNQUOTE IF AGREEMENT FOR RESERVE  
IS FINALIZED. ON THIS POINT, CHIEF OMINAYAK HAS REPORTEDLY STATED  
THAT HE DID NOT KNOW IF BAND WOULD QUOTE GO AS FAR AS SURRENDERING  
ABORIGINAL TITLE, BECAUSE WE FEEL IT IS AN INHERENT RIGHT UNQUOTE.

3. MAJOR ADVANTAGE OF TENTATIVE AGREEMENT IS THAT IT DEALS WITH  
WHAT IN OUR VIEW HAS BEEN CORE OF DISPUTE I.E. QUANTUM OF LAND FOR  
RESERVE (OUR REFTEL 1775 PARA 4) AND OVERCOMES MAJOR ROADBLOCK TO  
SETTLEMENT WHICH HAS BEEN INABILITY TO ARRANGE NEGOTIATIONS BETWEEN  
PROVINCIAL GOVT AND BAND.

4. TENTATIVE AGREEMENT SHOULD TAKE WIND OUT OF SAILS OF FOREIGN  
PROTESTERS AT LEAST FOR TIME BEING (PENDING FED DECISION ON LAND  
DEAL AND OUTCOME OF FUTURE DISCUSSION ON NON-LAND ISSUES) AND  
DEFUSE POTENTIAL FOR RENEWED CONTROVERSY ON THIS ISSUE AT  
INTERNATIONAL LEVEL. GENEV, PRMNY: FURTHER TO OUR REFTEL 1806,  
QUEBEC CREE INDICATED ON 21OCT (BEFORE TENTATIVE SETTLEMENT WAS  
REACHED) THAT THEY WERE PLANNING TO PROCEED WITH COMPLAINT RE

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PAGE THREE IMH1817 CONF 12 10

LUBICON SITUATION PURSUANT TO 1503 PROCEDURE. SUCH ACTION INITIALLY  
OF DUBIOUS UTILITY (EXCEPT FOR SHOW) AND EFFECT (IN LIGHT OF  
EXISTING LUBICON COMPLAINT PURSUANT TO OPTIONAL PROTOCOL) BECOMES  
EVEN MORE SO IN LIGHT OF TENTATIVE SETTLEMENT; HOWEVER WE WOULD  
STILL APPRECIATE ANY INFO YOU OBTAIN ON THIS LATEST PROCEEDING.  
5. BONN: THANKS FOR INFO IN YR REFTEL RE YR MEETING WITH SOCIETY  
FOR ENDANGERED PEOPLES.

**ACTION**  
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**OCT 24 1988**

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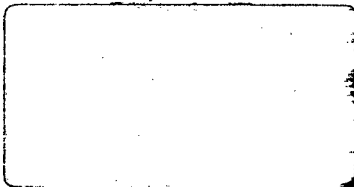
REF YRTEL IMH1777 20OCT

---LUBICON DISPUTE: PLANNED VIENNA DEMONSTRATION

GRATEFUL YOU CONSIDER EXTENDING LIVERMORE VIENNA VISIT TO INCLUDE  
BONN ON ITINERARY. WE COULD ARRANGE WORTHWHILE BRIEFING SESSION FOR  
EMB STAFF AS WELL AS GERMAN GROUPS ACTIVE IN NATIVE ISSUES.

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External Affairs  
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Affaires extérieures  
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MESSAGE

Accession/Référence

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Lubicon Lake Band

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SECURITY  
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INFO LDN PARIS ROME HAGUE BRU COPEN OSLO STKHM HSNKI VIENN BERNE

REF

GENEV PRMNY WSHDC CNGNY LNGLS CHCGO CNBRA WLGTH SYDNY PRET DUBLN

SUBJ/SUJ

LSBON MDRID PESCO MOSCO BGRAD WDOAS BRSLA VATCN BUCST DPEST PRAGUE

WSAW VCSCE HAVAN PCO/FPRO/CARON/LAFRENIERE/BATT

INAHULL/POTTER/WHITAKER/ROUTER JUSTICE/FREEMAN/HUDSON/LOW/WEISER

DISTR BCB BFD BKD BTB BCP MINA/NORQUAY RWP RBP URR TADF RWDN RWR

PGP BCL LGP BCM IMD MINP RBR PSR JLO IFB JFB JCD BFE IMU LCR LSR

REF OUR TELS IMH1775 190CT; 1740 140CT

---LUBICON LAKE INDIAN BAND: BARRICADES FALL, TALKS TO RESUME

FURTHER TO OUR REFTELS, ON 200CT RCMP APPROACHED MAIN LUBICON

ROADBLOCK TO SERVE INJUNCTION (ORDERING LUBICON TO CEASE

OBSTRUCTING ACCESS TO DISPUTED TERRITORY) OBTAINED BY PROVINCE OF

ALBERTA. WHEN THOSE MANNING BARRICADE REFUSED TO OBEY COURT ORDER,

RCMP DISMANTLED BARRICADE WITH CHAINSAW AND ARRESTED 27/27 PEOPLE

INCLUDING BAND LAWYER, AMERICAN ADVISER, 2/2 QUAKERS AND 2/2 WEST

GERMAN SUPPORTERS. THERE WAS NO VIOLENCE. THOSE ARRESTED HAVE SINCE

BEEN RELEASED PENDING FURTHER COURT PROCEEDINGS.

2. CHIEF OMINAYAK WAS NOT ARRESTED AND HAS NOW AGREED TO PREMIER

GETTY'S OFFER OF RENEWED NEGOTIATIONS (DESPITE PUBLIC STATEMENT BY

BAND LAWYER ADVISING AGAINST ACCEPTING OFFER); OFFER WAS MADE AS

.../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J. Trotter

IMH

992-6664

SIG

B. LIVERMORE

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PAGE TWO IMH1806 UNCLAS

SOON AS PREMIER HEARD BARRICADE WAS DOWN AND PREMIER HAS INDICATED WILLINGNESS TO PROVIDE BAND WITH QUOTE BEAUTIFUL RESERVE AT ADVANTAGEOUS LOCATION UNQUOTE. REPORTS INDICATE THAT GAP BETWEEN LUBICON AND PROVINCIAL POSITIONS RE QUANTUM OF LAND FOR RESERVE HAS CONSIDERABLY NARROWED. OTHER INDIGENOUS REPRESENTATIVES WHO HAD GATHERED AT SITE IN SHOW OF SOLIDARITY (WHILE EXPRESSING ANGER AT RCMP MOVE) SEEMED TO HAVE ADOPTED QUOTE WAIT AND SEE ATTITUDE UNQUOTE TO SITUATION PENDING OUTCOME OF PLANNED TALKS.

3. IN RELATED DEVELOPMENT, ON 20OCT FED GOVT MOVED TO CONTINUE ITS OWN COURT CASE WHICH IT HAD STARTED IN EFFORT TO OBTAIN JUDICIAL FINDING THAT LUBICON ARE ENTITLED TO RESERVE AND A JUDICIAL DETERMINATION OF SIZE (OUR REFTL IMH1775 PARA 7). IN LINE WITH BAND'S PREVIOUS DECISION NOT TO RECOGNIZE JURISDICTION OF CDN COURTS, BAND WAS NOT REPRESENTED IN COURT AND COURT DECIDED TO APPOINT LAWYER TO REPRESENT BAND'S INTERESTS. CASE WAS THEN ADJOURNED PENDING APPOINTMENT BY JUDGE OF QUOTE PROMINENT UNQUOTE LAWYER WITH NO PREVIOUS TIES TO MATTER TO ACT ON BEHALF OF LUBICON. HEARING IS SCHEDULED TO RESUME 3NOV. (OF COURSE, CASE WOULD BE PREEMPTED IN CASE OF SETTLEMENT AGREEABLE TO ALL PARTIES.)

4. PRMNY, GENEV: GRAND COUNCIL OF CREE OF NORTHERN QUEBEC HELD PRESS CONF 21OCT TO ANNOUNCE THAT THEY WOULD MAKE COMPLAINT ABOUT CANADA TO UN SEC-GEN RE TREATMENT OF LUBICON. GIVEN EXISTING

.../3



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PAGE THREE IMH1806 UNCLAS

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10

LUBICON COMMUNICATION BEFORE HRC PURSUANT TO OPTIONAL PROTOCOL AND  
VAGUENESS OF CREE STATEMENT, EXACT FORM OF CREE COMPLAINT TO UN IS  
UNCLEAR. PLS ADVISE IF YOU RECEIVE ANY INFO RE CREE COMMUNICATION  
TO SEC-GEN.



OCT 21/88

Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

TELEX / DEX COMMUNICATION FORM  
FORMULAIRE DE COMMUNICATION POUR DEX / TELEX

Priority  
Priorité ☒ High  
Élevée ☐ Medium  
Moyenne ☐ Low  
Faible

Page of  
de

To - A James Trotter  
External Affairs  
Tower C-7  
125 Sussex Drive  
OTTAWA, Ontario

IMH

Fax no: 996-9103

From - De Marilyn Whitaker

Branch - Direction  
Policy & Implementation

Division:  
Constitution

Program Code - Code de programme

Director General - Directeur général  
Ian Potter

Director - Directeur  
Marilyn Whitaker

Return to room no. - Retourner à la pièce

FURTHER TO OUR DISCUSSION FRIDAY AND THIS MORNING, I AM SENDING YOU A  
COPY OF THE PRESS CONFERENCE TRANSCRIPT AND THE BRIEFING NOTE.

ACC	KEY	DATE
FILE	DOSSIER	
45-CDA-13-1-3-		
Lubrin LK		

If further space is required please use a second page - Si cet espace est insuffisant veuillez utiliser une deuxième feuille

Message prepared by - Message rédigé par  
Cinette Malboeuf

Telephone no. - N° de téléphone  
994-7444 002709

Signature of person authorizing message - Signature de la personne autorisant l'envoi du message  
Marilyn Whitaker

Date  
October 21, 1988

Marilyn Whitham 2059

UNEDITED TRANSCRIPT

TRANSCRIPTION NON REVUE

SUBJECT: Quebec Cree  
Press Conference

SUJET : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: October 21, 1988

DATE : \_\_\_\_\_

PLACE: Ottawa

ENDROIT : \_\_\_\_\_

Media Relations Division  
Communications Branch

Division des relations avec les médias  
Direction générale des communications

QUEBEC CREE-PRESS CONT. SUPPORT OF LUBICON (21/10/88)

My name is Matthew Coomcomb, I'm the Grand Chief of the Cree Nation of James Bay. And with me is Chief Ted Moses who is our Cree Ambassador of the International level.

The grand council of the Crees of Quebec and non-governmental organizations in consultative status with economic and social council of the United Nations learned yesterday of the arbitrary arrests and forcible removal and the imprisonment of Cree Indians, including children, their legal and technical advisors and others from the aboriginal territories and the vicinity of Little Buffalo, Alberta. These arrests were made in spite of pending action before the United Nations Human Rights Committee and in spite of an explicit -- by the United Nations from any further action that would endanger the lives and human rights of these people. As a non-governmental organization of the United Nations the Grand Council of the Crees has the duty to defend and protect human rights. Furthermore, the Grand Council of the Crees of Quebec has the responsibility to inform indigenous people about their international rights and to provide information about the United Nations itself. The United Nations is particularly concerned that it be informed of situations where there are consistent patterns of gross violation of human rights and fundamental freedoms. The point of the Lubicon people shows a consistent pattern of gross violation of their human rights and the fundamental freedoms. They have been deprived of their means of subsistence and their very survival is in question. The developments of the past few days now required that we inform the United Nations of these human rights violations and ask on an urgent basis that the U.N. investigate the plight of these people before it is too late. We are therefore sending the following telegram to the United Nations Secretary General Mr. Perez de Cuellar and to the chairman of the third committee of the United Nations general assembly and ambassador (inaudible).

- 2 -

We intervene under economic social council resolution at 1503 where there is consistent pattern of gross violations. The Grand Council of the Crees of Quebec has direct knowledge of the following human rights violation and they are the following:

Under the international covenant on the civil and political rights Part I, Article I, Paragraph 2, pertaining to the privation of means of subsistence. Under article 9, no 2, no 3; under article no 10-2B; article 14, no 3 A,B,F; article no 4; which pertain to the food supply utilized by these indigenous people has been destroyed. The right to freely dispose of their natural wealth and resources has been summarily aggregated. The continuous physical survival of these indigenous people is at serious risk. Under the universal declaration of Human Rights, Article 3, Deprivation of Life, Liberty and Security; Article 5 Cruel, Inhuman and Degrading Treatment; Article 7, Discrimination and Equal Protection -- Discrimination; Article 8, Effective Remedies by competent national tribunals for Constitutional Rights; Article 9, Arbitrary Arrest or Detention; Article 10, -- Hearing by an Independent and Impartial Tribunal; Article 11, Para 2, Guilt under International Law; Article 12, Arbitrary Interference with Privacy, Family, Home attached on honour and reputation; Article 17, Paras 1 & 2, Rights to Own Property, Arbitrary Deprived of Property; Article 20, Para 1, Freedom of Assembly; Article 22, Economic, Social and Cultural Development; Article 23, Right to Work and Just Conditions of Work; Article 25, Right to an adequate Standard of Living and Health and Well Being including both Foods and Housing and Medical Care; Article 26, Right to Education; Article 29, Para 2, Exercise of Rights and Freedoms without undue Limitations.

We ask that -- be established to investigate Human Rights abuses against these people and to report to the Commission on Human Rights. That the very least a special reporter be assigned to investigate and report on the situation of these people. That the situation of the Lubicon people is very critical and it requires an immediate and urgent action. That the Human Rights abuses against the Lubicon people are part of a consistent pattern of gross violations of the Human Rights on fundamental freedom of indigenous people of Canada of which we have direct knowledge and to which we can attest.

- 3 -

We have provided the information to the United Nations without political motivation at the responsible non-governmental organization interested in the defence of the Human Rights. We bare no malice to where our Canadian governments and indeed the 1503 procedure does not result in contamination or censure. Its purpose is consolation and the facilitation of constructive remedies. We asked the government of Canada to waive its right to object to a visit by the U.N. investigative committee.

Question: Has the Canadian government ever objected before to a visit by U.N. officials?

I can't really recall at this time but they certainly probably could do it. There is before the Human Rights Commission a study on Treaties. Canada has objected to a visit by a special reporter even though the Treaty hasn't officially been approved.

Question: What I would translate what you are doing today as doing almost nothing because it takes months. Is it your way of saying to those Indians: "We are helping you but we don't want to get too involved, so we are calling the United Nations"? How would you answer that, I know that I am provoking.

I think in a rich country like Canada, it's unacceptable, an unjust to treat with such violation of basic Human Rights and to deprive people of their basic needs, of adequate education, of facilities and the right for the people to survive and their basic rights of subsistence --. And the action of the federal government and the provincial government is unacceptable. And a country like Canada where people, it's a crying shame, where people are only interested in cruelty to animals, where people are killing babies and here we're talking about the basic survival of basic human rights -- to people like Lubicon and the Canadian public and the Canadian Federal Government are doing nothing about it. And we feel that this matter be dealt with an International instrument could be used as an international oversight because it's clear that a federal and provincial government are not doing anything about it. And therefore, I think we need an international pressure and we're the only native  
X group in Canada that has an ~~Indian~~ <sup>Native</sup> status and I think we have the right to err the -- concerns of our aboriginal brothers who are directly affected.

- 4 -

We are lodging a complaint under procedure 1503 of the United Nations in which we expressed to the international community onto the United Nations. The urgency of the situation of the Indian people in Canada which is not only being articulated by Indian people but being supported by well respected groups like the Canadian International Bar Association where they have come out with a report which calls upon the government to do something about the Native people. We are also trying to inform the international committee on the United Nations that even though Canada would like to proudly demonstrate to the international community that it is a leader among human rights. That human rights are being violated within the country of Canada.

Question: Chief Cooncomb, what exactly is it that you expect of the U.N. to do about this, is it intended to embarrass the Canadians government? What would come of the U.N.'s study of the Lubicon case?

I think it's clear that there needs to be an international oversight in this government, where the provincial government or the federal government have to respect international laws. Their basic rights that are presently infringed upon and understand that Lubicon Indians are deprived even the right to legal council when their legal council is thrown in jail.

The intent is not to embarrass the Canadian government but to bring out certain facts that exist in Canada with respect to the rights of the Indian people. Canada goes to forms of the United Nations like the Human Rights commission and the Sub-commission on the prevention of discrimination and protection of minorities and working group on indigenous populations than reports. This is what we're doing to our Indian people. This is what we intend to do. These are the programs that we have set aside. This is the money that we put forth for the Indian people to develop and prosper in Canada which their representation is not accurate and we are calling upon the U.N. to send an independent, a special reporter that can look at the situation and report independently of the actual situation of the indigenous people in Canada.

Question: And what would come of that report?

The international committee would be aware of the situation of the indigenous people in Canada. We hope that report will contribute towards the standard setting exercise in the elaboration of rights of indigenous people that would hopefully have a universal application.

- 5 -

Question: Gentlemen, on Wednesday next week the Canadian Government is hoping to get a cease on the council ... (inaudible). Do you intend to use that situation in New York to highlight the problems and concerns of the Lubicon?

As Grand Chief Cooncomb has stated in his opening statement. We are not trying to create a big political issue out of it. I think we're acting as a non-governmental organization, a responsible non-governmental organization which as a part of a functions of a non-governmental organization is to inform the United Nations and other bodies of the U.N. and other Ingios with respect to the rights of indigenous people, not just indigenous people but the rights of humanity. And any violation of rights as a responsible Ingio, I think we have the right to point out these violations to the U.N.

Question: Do you think that this might have any effect on the election? The election of the U.N.?

That depends, I do not control the votes of other countries. But if Canada wants to be seen and not contested with, considered as champions of human rights, they have an opportunity to do something in their own backyard, to address the grievances and concerns of native people across Canada. I need to have a particular situation that's unique where what's happening in Lubicon. The government isn't doing anything about it. And I think if they did something about it then they would really have a good record.

Thank-you very much.



**BRIEFING FOR:** The Minister

**PURPOSE:** For Information

**TOPIC:** Grand Council of the Cree request for an investigation by the United Nations of Canada's Treatment of the Lubicon

**ISSUE:** What should be the Canadian government response, if any, to the call by the Grand Council of the Cree for an investigation by the United Nations of Canada's treatment of the Lubicon?

**BACKGROUND:**

1. The Lubicon have had a complaint against Canada under the optional protocol of the Covenant on Civil and Political Rights. The United Nations Human Rights Committee (HRC) has ruled that this complaint is admissible. Since that ruling, Canada has explained further the situation in Canada and efforts to reach a settlement with the Lubicon. Further consideration of that complaint has not been given by the HRC and it is thought unlikely that the HRC will deal with the Lubicon case at its meeting which begins October 24, 1988. Cases before the HRC are supposed to be treated in a confidential manner.
2. The Grand Council of the Cree in writing to the Secretary General of the United Nations are not following a formal complaint procedure. Thousands of similar letters are sent to the Secretary General every year so that it is not always possible for such letters to receive an acknowledgement.

**ANALYSIS:**

3. The Lubicon have already made the United Nations aware of their situation through a formal complaint procedure. The letter by the Grand Council of the Cree will not contribute to United Nations' attention to this case.

.../2

- 2 -

**RECOMMENDATION:**

It is recommended that:

- . no formal comment be made by the Canadian government to this statement by the Grand Council of the Cree;
- . it could be noted that the Lubicon have already brought a case before the United Nations' Human Rights Committee and that no final decision on their case has been made.

Approved: Simon McInnes

Approved: Richard Van Loon

Originator: M. Whitaker  
Branch: Policy &  
Implementation  
Program: Self-government  
Phone: 994-7437  
Date: October 21, 1988



Direction générale des communications  
Unité de surveillance des médias

Communications Branch  
Media Monitoring Unit

Publication

**CANADIAN PRESS**

Date **OCT. 21, 19**

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PM Quebec-Cree, 0482  
WITH Little Buffalo, Alta., Lubicon 621

OTTAWA (CP) - The federal government has violated United Nations human rights provisions in its dealings with Alberta's Lubicon Indians and the UN will be asked to investigate, Cree from northern Quebec said Friday.

Matthew Coon-Come, chief of the Grand Council of the Crees of Quebec told a news conference the council has sent a telegram to the secretary general of the UN about the Lubicon situation. The council has status at the UN as a non-governmental organization.

On Thursday night, a judge ordered the release of 27 people who were arrested earlier in the day by the RCMP. One of those arrested, Montreal lawyer James O'Reilly, is also legal counsel for the Quebec Cree.

The release of the 27 may clear the way for a resumption of land talks between the Alberta band and the Alberta government. The Lubicons, who have been trying to get land set aside for a reserve for several years, had declared themselves a sovereign nation and set up blockade last Saturday.

Police removed the blockade and Alberta Premier Don Getty is expected to fly to Peace River for a meeting with Lubicon chief Bernard Omine.

Coon-Come said the arrests were arbitrary. They occurred, he said, "despite Canadian action before the UN human rights committee and in spite of an explicit prohibition by the UN from any further action that would endanger the lives and human rights of these people."

The Quebec Cree are the only Canadian native group with official status at the UN.

"The plight of the Lubicon people shows a consistent pattern of gross violation of their human rights and fundamental freedoms (by the Canadian government)," he told reporters.

"The developments of the past few days require that we inform the UN of these human rights violations and ask on an urgent basis that the UN investigate the plight of these people before it is too late."

Former grand chief Ted Moses listed a long series of UN human rights guarantees he said the federal government has violated, including a provision of the universal declaration of human rights on deprivation of life, liberty and security.

Moses said the Quebec Cree want the UN to set up a committee to investigate human rights abuses against the Lubicon and report to the UN committee on human rights.

Coon-Come said the information is being provided to the UN without political motivation and that the Quebec Cree "bear no malice toward the Canadian government."

The procedure being used by the Quebec Cree to bring the Lubicon situation to the UN's attention would not necessarily result in official censure by the UN, Moses added.

The Cree also asked the Canadian government to waive its right to object to a visit by a UN investigative committee.



External Affairs  
Canada

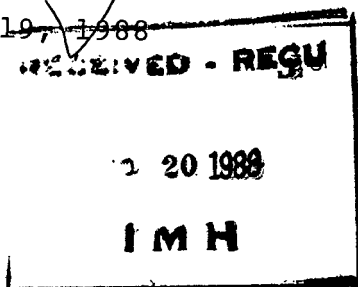
Affaires extérieures  
Canada

Assistant Deputy Minister    Sous-ministre adjoint

To: IMH

O/IFB

September 19, 1988



ACC	NO.	DATE
FILE	DOSSIER	
45-007-13-1-3-		
Lubicon Lake Band		

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## Amériques

Un premier accord sur la « restitution » des terres

# Les Indiens du Canada veulent faire reconnaître leur identité

campagne présidentielle

## s d'une balançoire

annelles indignes (il s'est même comparé à une victime du macabre des années 50), a décidé de contre-attaquer, en s'en prenant sur un ton très dur à M. Bush et à son entourage, qu'il malmène désormais à longueur de discours.

Dans le même temps, plusieurs organes de presse ont « sorti » plusieurs affaires centrées sur un même thème : il y a des antisémitismes dans l'entourage du candidat républicain. Un petit périodique juif de Washington a d'abord dénoncé la présence, parmi un groupe de militants chargés de ce qu'on appelle ici les groupes « ethniques » (Italiens, Européens de l'Est, etc.), d'un certain Jerome Brentar, coupable d'avoir pris la défense de John Demianuk, entre-temps condamné à mort par un tribunal israélien pour des crimes commis au camp de Treblinka, mais qui a toujours affirmé qu'il était victime d'une méprise. La chaîne CBS a donné une importance considérable à cette « révélation », et M. Brentar a aussitôt été congédié par l'équipe Bush.

Peu après — dimanche 12 septembre, — le Washington Post racontait en détail, photocopie d'archives à l'appui, comment un haut responsable du Parti républicain, M. Frederic Malek avait, en 1971, enquêté sur le nombre de juifs travaillant au bureau des statistiques du travail. M. Malek, alors chef du personnel de la Maison Blanche, avait obtenu par ordres répétés et insistants de Richard Nixon, qui s'estimait victime d'une « cabale » juive au sein de ce bureau (dont certaines responsables avaient contredit ses propos).

Après avoir apparemment tardé à s'exécuter, M. Malek a fini par produire une petite note selon laquelle treize des trente-cinq principaux membres du bureau étaient juifs. Deux d'entre eux furent quelques temps plus tard affectés à d'autres fonctions. Dès dimanche soir, M. Malek démissionnait, tout en rejetant fermement les accusations d'antisémitisme. M. Bush était entre-temps intervenu pour sa défense, mais certains dans l'entourage du candidat républicain n'ont pas caché leur soulagement de voir l'affaire « réglée » avant qu'elle n'ait eu le temps de prendre trop d'ampleur. Déjà certains associés de M. Dukakis s'en étaient emparés.

### Un choix négatif

L'effet « électoral » de ces deux affaires qui ne touchent M. Bush lui-même que très marginalement est difficile à évaluer, mais elles prennent en tout cas à contre-pied le candidat républicain, qui avait déployé de grands efforts ces derniers temps pour séduire l'électorat juif (entre autres en affirmant une opposition déterminée à tout Etat palestinien). Une chose est certaine : M. Bush se retrouve à son tour sur la défensive, et cela pourrait suffire à faire tourner le vent.

Si le vent est à ce point variable, c'est qu'un grand nombre d'électeurs ne sont que très faiblement convaincus par les mérites de l'un ou de l'autre des candidats. Comme le montre une longue enquête publiée dimanche par le Washington Post, et fondée sur de nombreux entretiens avec diverses catégories de la population, le choix, à ce stade de la campagne, semble essentiellement négatif, fondé sur le rejet d'un candidat ou de ses positions.

JAN KRAUZE.

(Mardi 13 septembre.)

Pour faire valoir leurs droits et protéger leurs intérêts économiques, les Indiens du Canada ont repris le sentier de la guerre. Non sans succès : une première série d'accords ont été conclus, le lundi 5 septembre, entre leurs chefs et le gouvernement fédéral canadien sur la « restitution » de terres indiennes.

Mais, pour les premiers habitants du Canada, le plus dur reste à faire : obtenir la « restitution » de certains droits ancestraux qui constituent leur identité.

MONTRÉAL

de notre correspondante

« S'il advenait qu'un grand malheur menace les nouvelles générations, alors celui qui est capable de grimper au sommet de l'arbre aux longues feuilles regardera dans toutes les directions. S'il aperçoit un danger approcher, il appellera le peuple de la confédération des six nations iroquoises. » De chaque côté de la frontière canado-américaine, les quelque 50 000 Mohawks, Oneidas, Onondagas, Cayugas, Senecas et Tuscaroras, ont déposé un extrait de la « grande loi de la paix » pour mieux préparer la guerre. Le 1<sup>er</sup> juin dernier, les 6 000 Mohawks de la réserve de Kahnawake, située aux portes de Montréal, sur la rive sud du Saint-Laurent, ont été pris par surprise. Deux cents agents de la gendarmerie royale du Canada (GRC) ont fait irruption, mitrailleuse au poing, dans une douzaine de magasins de ce petit territoire, 415 hectares coincés entre le chemin de fer, la voie maritime, le pont et les autoroutes des Blancs.

Dans cette banlieue peu ordinaire, les gendarmes ont prestement arrêté dix-sept Mohawks et saisi des milliers de cartouches... de cigarettes américaines, considérées comme du « matériel de contrebande ». Un vol de 450 millions de dollars (plus de 2 milliards de francs), disent les Mohawks, qui n'ont pas de mots assez forts pour condamner cette « invasion brutale » de leur territoire, cette « violation de leur souveraineté ».

« La loi est la même pour tous les Canadiens, Amérindiens compris, et les commerçants de Kahnawake se livraient à un trafic illégal », ont rétorqué les autorités.

Dispensés de taxes et de droits de douane sur tous les produits américains destinés à leur propre consommation et vendus dans la réserve, les Mohawks ne sont toutefois pas autorisés à revendre ces

marchandises aux Blancs, en toute franchise.

C'est précisément le commerce qu'ils ont osé entreprendre ces derniers temps, en se fournissant chez leurs frères d'Akwesasne, dont la réserve est à cheval sur les frontières du Québec, de l'Ontario et des Etats-Unis. Les Mohawks, dont les ancêtres étaient autrefois les alliés de Peter Stuyvesant (le gouverneur hollandais de la Nouvelle-Amsterdam) et les ennemis jurés des Français, ont proposé un rabais d'environ 1 dollar sur le paquet de cigarettes — vendu 3,35 dollars ailleurs — aux banlieusards et aux Montréalais, toujours plus nombreux à profiter de l'aubaine.

Satisfaits d'avoir trouvé un créneau pour faire des affaires avec les Blancs, les Mohawks rêvaient de transformer leur réserve en une « nouvelle Andorre ».

Ces fiers Indiens, à qui les conquérants reprochent depuis des lustres de n'être que des chômeurs vivant aux crochets de la société développée, avaient créé trois cents emplois et finançaient indirectement les nouveaux équipements de leur communauté en reversant 70 cents par cartouche vendue dans la cagnotte de la nation mohawk. Tout le monde y trouvait son compte, sauf le fisc.

### Les incidents se multiplient

Les Mohawks ont vivement réagi au raid-surprise de la gendarmerie. Avec des tonnes de terre et de gravier, ils ont bloqué le pont reliant leur rive à Montréal, provoquant d'énormes embouteillages. Les barrages ont été levés au bout de trente heures, mais rien n'est résolu pour autant.

Dans la réserve, le trafic des cigarettes a repris de plus belle. Sur les onze commerçants finalement inculpés, dix ont refusé de se présenter en cour fin juin, en expliquant qu'ils ne reconnaissent pas la juridiction des tribunaux canadiens sur leur territoire. De nouveaux mandats d'arrestation ont aussitôt été émis. Depuis, la réserve est en état d'alerte. Il est clair qu'une nouvelle intervention de la GRC dégènera en confrontation violente.

Kahnawake est loin d'être le seul endroit du Canada où les tensions sont vives entre les Amérindiens et le pouvoir blanc. D'un bout à l'autre du pays, les incidents se sont multipliés au cours des derniers mois. Les Ojibways de l'Ontario et les Algonquins du Québec, à l'étroit dans leurs réserves, ont établi à plusieurs reprises des campements et des barrages pour empêcher les bûcherons des grandes compa-

gnies d'effectuer de nouvelles coupes à blanc dans des forêts qu'ils considèrent comme leurs.

Plus à l'ouest, dans l'Alberta, les Indiens Cris du lac Lubicon, victimes d'un véritable génocide, selon le Conseil mondial des Eglises, tentent de préserver les dernières miettes de leur territoire ancestral de la convoitise des compagnies pétrolières. Au bord du Pacifique, les Haidas ont été les seuls à faire reculer provisoirement les Blancs : ils ont récemment réussi, après des mois de lutte, à dissuader les exploitants forestiers de saccager leurs îles, dont la faune et la flore constituent de véritables trésors écologiques.

### Le rappel des « guerriers »

Les signes d'un réveil indien ne se limitent pas à ces seuls exemples. Les quelque 500 000 descendants des premiers habitants du Canada, tenus à l'écart dans 2 200 réserves créées à la fin du dix-neuvième siècle, sont las d'être méprisés, las de constituer le quart monde de ce pays riche. Près de 70 % d'entre eux sont dépendants d'une forme ou d'une autre d'assistance sociale. Les taux de mortalité et de maladie sont chez eux deux à quatre fois plus élevés que la moyenne nationale. Leur espérance de vie, hypothéquée par l'alcool et la drogue, ne dépasse guère quarante-cinq ans.

« Depuis la conquête, reprochent-ils aux Blancs, vous nous avez laissé le choix entre l'assimilation (par missionnaires interposés), l'émigration vers les villes ou l'assistance de l'Etat. Cessez de vous approprier nos terres et reconnaissez nos droits à nous gouverner selon nos propres lois. » Les plus virulents réclament leur indépendance.

Pour désamorcer cette contestation, trois conférences constitutionnelles ont été organisées autour de la question du « droit des autochtones à l'autonomie gouvernementale ». La dernière s'est terminée en mars 1987 par un échec, le premier ministre, M. Brian Mulroney, n'ayant pas réussi à obtenir le consensus nécessaire (l'accord de sept des dix provinces canadiennes) sur ce dossier.

« Canada, vous jouez avec le feu. Nous sommes sûrement la dernière génération de dirigeants prêts à négocier pacifiquement avec vous. La prochaine étape, imminente, est celle de la violence. » Cet avertissement lancé en juin dernier par le chef George Brasmus de l'Assemblée des premières nations (375 000 Indiens) n'a pas été pris à la légère.

De plus en plus de jeunes Indiens désabusés veulent imposer la souveraineté de force « au lieu de la mendier ».

Les Mohawks de Kahnawake jouent à cet égard un rôle d'avant-garde. En l'espace d'une vingtaine d'années, ils ont créé leur propre police dans leur réserve et, après les décès d'un des leurs, suite à une bavure d'un policier québécois en 1979, chassé celle des Blancs. Ils ont ouvert leurs propres écoles et collèges (où l'on enseigne aussi bien la langue mohawk que l'informatique), construit leur propre hôpital et pris en charge leurs services sociaux.

Aujourd'hui, toutefois, les modérés de la réserve sont débordés par les jeunes, qui veulent aller plus vite et plus loin. Ce sont eux qui ont battu le rappel des « guerriers », autrefois chargés de défendre la communauté, pour riposter à la demande de la GRC. Ce sont eux qui ont organisé les barrages routiers, prenant de court le chef de la police de la réserve, qui a démissionné, mettant au pied du mur le chef Joseph Norton du « conseil de bande ».

### Le consensus ancestral

Imposée par les Blancs au début du siècle au sein des réserves, cette dernière structure (comparable à un conseil municipal élu au suffrage universel) est contestée par les jeunes « traditionalistes », qui voudraient revenir à la règle ancestrale du consensus pour la désignation du chef et la prise des décisions.

Joseph Norton a momentanément réussi à calmer les esprits en obtenant du gouvernement fédéral une nouvelle promesse de négociations sur l'autonomie économique de la réserve. Il a néanmoins approuvé la démarche des « traditionalistes », qui se sont rendus en août à Genève pour déposer une plainte devant la Commission des droits de l'homme des Nations unies, suite à l'« agression paramilitaire » de la GRC. Les sept membres de la délégation ont voyagé avec leur passeport iroquois établi par la Confédération des six nations et reconnu dans quelques pays, dont la Suisse et Cuba.

« Nous ne nous sommes jamais considérés comme des citoyens du Canada ou des Etats-Unis. Les frontières que les Blancs ont tracées ne nous concernent pas », disent ces Mohawks. A plus d'un titre, ils incarnent la détermination du « nouvel Indien » qui vient de naître en cette fin de siècle.

MARTINE JACOT.

(Jeudi 8 septembre.)

## Les droits des minorités

Un pas a été franchi vers la reconnaissance des droits des Amérindiens du Canada, au moment où l'inspiration ne cesse de grandir dans leur communauté.

Le gouvernement canadien a en effet signé, le lundi 5 septembre, une entente de principe avec les quelque 15 000 Indiens Dénés et métiés de la région de Yellowknife et de la vallée de Mackenzie (nord-ouest du Canada).

Ces derniers vont devenir propriétaires d'un territoire de 10 000 kilomètres carrés et obtiendront des droits de chasse et de pêche sur 170 000 autres kilomètres carrés qui resteront propriété de la Couronne, moyennant le versement d'une compensation de 500 millions de dollars canadiens (2,5 milliards de francs) à partir de 1990.

Aux termes d'un autre accord, conclu au début de cet été avec les Indiens Yukon, ceux-ci vont se voir attribuer près de 25 000 kilomètres carrés de terres ainsi que 200 millions de dollars d'indemnités. Mais le plus important des « traités » à

CHILI : la préparation du plébiscite

## L'opposition multiplie les manifestations hostiles au régime

SANTIAGO-DU-CHILI  
de notre correspondant

L'heure est aux réunions publiques et aux manifestations. Dopée par ses succès, l'opposition occupe le terrain, alors que le régime marque le pas et ne parvient à rassembler, malgré les moyens mis en œuvre, qu'un faible nombre de partisans. A Concepcion, la troisième ville du pays, trente mille opposants ont participé au plus grand rassemblement que la ville ait connu depuis 1973. A Santiago, il ne se passe guère de jour sans que la Coordination pour le non ou un organisme de défense des droits de l'homme ne manifeste sa présence dans la rue.

Dimanche 11 septembre, plusieurs milliers de personnes se sont

La coalition Gauche unie, formée par les communistes, les socialistes de Clodomiro Almeyda, le MIR, la gauche chrétienne et une fraction radicale, a été autorisée à effectuer son premier rassemblement public le 10 septembre. Plusieurs dizaines de milliers de personnes se sont réunies sur une esplanade de la población la Bandera, dans la banlieue sud de la capitale, à l'endroit même où le pape s'était adressé aux déshérités en avril 1987. Les manifestants ont réservé une longue ovation aux exilés rentrés ces derniers jours, dont plusieurs étaient présents à la tribune.

Après le succès de la manifestation des forces d'opposition, réalisée le 4 septembre dans la capitale, et dont la dissolution avait donné lieu à de violentes schéaffourées, le gou-

l'homme », que les associations de parents des victimes de la répression entendaient effectuer le 9 septembre.

### Des pierres contre Pinochet

Malgré la libéralisation de la vie publique, la violence est donc loin d'avoir disparu. Des affrontements, parfois très violents, opposent chroniqueurs partisans du oui et du non. A l'université catholique, une bataille rangée, à laquelle ont pris part des centaines d'étudiants des deux bords, s'est soldée par une dizaine de blessés.

Mais ce sont surtout les déplacements du chef de l'Etat qui donnent lieu à de violents incidents.

bre en fin d'après-midi, lorsque ce dernier assistait à une réunion du comité local pour le oui. Les manifestants lancèrent des pierres sur la caravane présidentielle et élevèrent des barricades. L'escorte fit usage de ses armes, blessant gravement plusieurs personnes. Le matin, une voiture piégée avait été découverte dans une rue proche de l'édifice Diego-Portales, siège de la junte militaire, où le général Pinochet allait prononcer son discours.

Le climat pourrait se détériorer davantage le 15 septembre. La centrale unitaire des travailleurs organise une journée de protestation si deux de ses dirigeants, dont son président, M. Manuel Bustos, sont déportés dans une localité de province. Les deux syndicalistes ont été condamnés en première instance à dix-huit mois de résidence surveillée pour avoir organisé la manifestation.

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Canada

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MESSAGE

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Accession/Référence
File/Dossier
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SECURITY SÉCURITÉ	U N C L A S S I F I E D
FM/DE	FM EXTOTT IMH1781 20OCT88 BY FASCIMILE DEL BY 210900
TO/A	TO BONN
INFO	INFO VIENN PARIS GENEV <i>PRMNY</i>
DISTR	DISTR IMD BCL BFE RWR RWP BCM
REF	REF OURTEL IMH1775 19OCT
SUBJ/SUJ	
---LUBICON LAKE INDIAN BAND DISPUTE	
FURTHER TO OUR REFTEL.PLEASE FIND FOR YR INFO COPY OF STORY IN GLOBE AND MAIL ON 20OCT.	
<del>(COMCENTRE PLEASE FAX THE ATTACHED 2/2 PAGES)</del>	
2. WE HAVE JUST LEARNED THAT RCMP HAVE DISMANTLED BARRICADES. SITUATION IS REPORTED TO BE PEACEFUL BUT 15 PERSONS WERE REPORTEDLY ARRESTED AT BARRICADE; THOSE ARRESTED INCLUDE BAND LAWYER, 2 QUAKERS AND 2 WEST GERMAN SUPPORTERS. CHIEF OMINAYAK WAS NOT ARRESTED AND HAS NOW AGREED TO PREMIER GETTY'S OFFER OF RENEWED NEGOTIATIONS; OFFER WAS MADE AS SOON AS PREMIER HEARD BARRICADE WAS DOWN.	
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DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
<i>J. F. Frotter</i> SIC Frotter	IMH	992-6664	<i>R. Moore</i> SIC Moore

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NON CLASSIFIÉ

3/3

## Ottawa

### ● From Page One

other northern Alberta bands signed Treaty 8 and received reserves before the Second World War. It has been promised a reserve since 1940.

Since establishing their blockade on Saturday the Indians and about 100 supporters have controlled access to a heavily forested area about 100 kilometres east of the town of Peace River. Meanwhile, just outside the makeshift barricades, 20 RCMP officers are awaiting instructions about how to handle the dispute.

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In Ottawa, Ivan Whitehall, senior general counsel for the Department of Justice, said: "If Mr. O'Reilly wishes to speak in rhetoric, that's his view. In my view there is a problem. The band is entitled to a reserve. The sooner a reserve is established the sooner the problem is resolved."

Mr. Whitehall said that whatever the band's views about sovereignty, "the Lubicons, like everyone else in Canada, are subject to Canadian jurisdiction. The Canadian way to resolve disputes that cannot be resolved around the negotiating table is to resolve them before the courts.

"You just can't ignore the courts."

The date of today's hearing was set before the Lubicons declared themselves a sovereign nation, he said.

The Canadian government is pressing the court action about the land quantum because it doesn't know if and when it will be able to negotiate this with them otherwise," Indian Affairs spokesman Kenneth Colby said yesterday from Calgary.

A lawyer familiar with court procedures said he presumes Mr. Justice Moore has three choices. He could deny the federal application, rule that the case can proceed immediately, or decree that it could proceed after an order of *amicus curiae*, appointing a friend of the court to represent the band's interests in its absence.

Premier Donald Getty said he is prepared to give the Lubicon Indians at least 60 square miles (about 155 square kilometres) of provincial Crown lands for a reserve, but he will not discuss the offer with the band until it removes its checkpoints and allows people to move freely through the disputed area.

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Mr. Whitehall, of the Justice Department, said he views the federal court action as a housekeeping measure.

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2/3

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# Ottawa seeks right to proceed in case over Lubicon claim

BY MATTHEW FISHER  
The Globe and Mail

EDMONTON

20/10/88

This morning in a Calgary courtroom the federal government will make its first legal move since the Lubicon Lake Indians set up barricades last weekend and claimed sovereignty over a 10,000-square-kilometre tract of oil-rich wilderness in northern Alberta.

Ottawa will ask Justice Kenneth Moore of Alberta Court of Queen's

## Tired of the talk Page A7

Bench to rule that its suit, pending for five months against Alberta and the Lubicon Lake Indians over the size of a reserve for the Cree band, may proceed without the Indians' participation.

Two weeks ago the band announced that it no longer recognizes the authority of Canadian courts, and that as a sovereign nation it will only negotiate directly with Ottawa and Alberta for a reserve.

"The court can decide what it wants, but that won't resolve the issue," said James O'Reilly, the band's lawyer, in an interview yesterday. He was speaking from the hamlet of Little Buffalo, in the middle of the disputed territory about 550 kilometres north of Edmonton.

"The courts of Canada have no jurisdiction over the Lubicons so they have no authority to act. There can be no resolution of this issue without the Lubicons."

The band, which says it has 478 members, was overlooked when

OTTAWA — Page A2



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SECURITY  
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INFO

DISTR

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REF

DISTR IMD BCL BFE RWR RWP BCM

SUBJ/SUJ

REF OURTEL IMH1775 190CT

---LUBICON LAKE INDIAN BAND DISPUTE

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DIVISION/DIRECTION

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SIC Trotter

IMH

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SIC

APPROVED

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MESSAGE

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File/Dossier

45-Cdo-13-1-3-

Lubicon LK Band

SECURITY  
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TO VIENN

INFO

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INFO GENEV PRMNY BONN FPROOTT/OACA/CARON/LAFRENIERE/BATT

REF

INAHULL/POTTER/WHITAKER JUSTOTT/FREEMAN/HUDSON/LOW/WEISER

SUBJ/SUJ

DISTR IMD RWR RWP BCM BFE MINA MINP

REF YRTEL ULGR5593 17OCT; YRFAX ULGR5594 17OCT; OURTEL IMH1775  
19OCT

---LUBICON DISPUTE: PLANNED VIENNA DEMONSTRATION

THANKS FOR YR REFTEL AND REFFAX. PLS USE YR JUDGMENT IN DETERMINING  
APPROPRIATE RESPONSE TO MAKE TO ANY REQUEST FOR MEETING YOU MAY  
RECEIVE. PLS REFER TO OUR REFTEL FOR GUIDANCE IN ANY MTG WHICH DOES  
OCCUR. FOR YR INFO, LIVERMORE/IMH WILL BE IN VIENN FOR UNFAC MTG  
FROM 27-28OCT (ARR VIENN 26OCT IN PM), IS WELL INFORMED ON LUBICON  
SITUATION AND WILLING TO MEET WITH OUTSIDE PARTIES IF YOU BELIEVE  
THIS WOULD BE USEFUL. PLS ADVISE, COPIED TO GENEV/HYNES.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

Le Trottier

IMH

992-6664

SIG D LIVERMORE

002727



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence <b>579165</b>
File/Dossier <b>45-CD-13-1-3-</b>
<b>Lubicon Lake Band</b>

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SUBJ/SUJ	WSAW VCSCE HAVAN PCO/FPRO/CARON/LA <sup>F</sup> REMIERE/BATT INAHULL/POTTER/WHITAKER JUSTICE/FREEMAN/HUDSON/LOW/WEISER DISTR BCB BFD BKD <sup>B</sup> STD BCP MINA/NORQUAY RWP RBP URR TADF RWDN RWR PGP BCL LGP BCM IMD MINP RBR PSR JLO IFB JFB JCD BFE IMU LCR LSR REF YR TEL ZQFC3043 17OCT; OUR TEL IMH1740 14OCT ---LUBICON LAKE INDIAN BAND DISPUTE: UPDATE AND BACKGROUND FURTHER TO YR REFTTEL, FOLLOWING PROVIDES UPDATE ON EVOLVING LUBICON LAKE INDIAN BAND SITUATION, OVERVIEW OF DISPUTE AND RECOMMENDATION REGARDING APPROACH AND PERSPECTIVE YOU AND OTHER POSTS SHD ADOPT IN ANY MEETING WITH INTERESTED PARTIES. 2. AS NOTED IN OUR REFTTEL, THERE WERE UNSUCCESSFUL LAST MINUTE NEGOTIATIONS BETWEEN BAND AND ALBERTA GOVT IMMEDIATELY PRIOR TO 15OCT, DATE WHICH LUBICON HAD IDENTIFIED AS DAY WHEN THEY WOULD BLOCK ACCESS TO THEIR QUOTE TRADITIONAL UNQUOTE LANDS OF ABOUT 10,000 SQUARE KM. ALBERTA GOVT CLAIMS THAT LUBICON REFUSED TO NEGOTIATE SERIOUSLY DURING LAST WEEK'S MEETINGS AND CONTINUALLY INCREASED THEIR DEMANDS. ALTA PREMIER ALSO QUESTIONED WHETHER SOME .../2		

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



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PAGE TWO IMH1775 ~~SECRET~~ UNCLAS

121

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OF BAND ADVISERS WERE REALLY INTERESTED IN SETTLEMENT. (THIS IS  
LEGITIMATE POINT AS SOME OF THOSE INVOLVED IN THIS AND OTHER  
INDIGENOUS DISPUTES APPEAR TO BELIEVE THAT CONFRONTATION IS MORE  
ADVANTAGEOUS THAN SETTLEMENT IN ADVANCING LARGER POLITICAL  
AGENDAS.) TALKS WERE EVENTUALLY BROKEN OFF WITHOUT SETTLEMENT AND  
BARRICADES WENT UP MANNED BY BAND MEMBERS AND VARIOUS SUPPORTERS.  
(ROADBLOCKS HAVE BEEN DESCRIBED AS QUOTE ROPE STRUNG ACROSS FOUR  
DIRT ROADS LEADING INTO AREA UNQUOTE.) RCMP HAVE MAINTAINED  
SURVEILLANCE OF ROADBLOCKS BUT HAVE MADE NO ATTEMPT TO INTERVENE.  
VIRTUALLY ALL OIL COMPANIES DRILLING IN THE CONTESTED AREA HAVE  
WITHDRAWN; TO DATE ONLY ONE OF BAND'S \$300 PERMIT FEES HAS BEEN  
PURCHASED.

3. SINCE 150CT, BOTH PROVINCIAL AND BAND REPRESENTATIVES HAVE  
INDICATED SOME WILLINGNESS TO RESUME TALKS AMID REPORTS THAT THEIR  
POSITIONS RE SIZE OF RESERVE PER SE ARE NOT THAT FAR APART. RE  
OTHER POINTS IN DISPUTE, ALTHOUGH PREMIER GETTY HAD CHARACTERIZED  
AS QUOTE ABSOLUTELY IMPOSSIBLE UNQUOTE PURPORTED LUBICON DEMANDS  
(I.E. FOR 10 PER CENT OF ALL PAST PROVINCIAL REVENUES FROM OIL, GAS  
AND FORESTRY IN THE 10,000 SQ KLM BLOCK (TOTALLING \$100 MILLION)  
AND ULTIMATE CONTROL OVER LANDS, WILDLIFE AND ENVIRONMENT IN THAT  
BLOCK TOGETHER WITH FREEDOM FROM PROVINCIAL LAWS) BAND REPS HAVE  
LATELY INDICATED THAT ALL THEIR NON-LAND DEMANDS ARE NEGOTIABLE.

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PAGE THREE IMH1775 ~~CONF~~ UNCLAS

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OBSTACLE TO RESUMPTION OF TALKS HAS BEEN LUBICON INSISTENCE THAT BARRICADES STAY UP WHILE TALKS GO ON WHILE PROVINCE HAS INSISTED THAT BARRICADES FIRST COME DOWN. RECENTLY, LUBICON CHIEF OMINAYAK HAS BECOME MORE CONCILIATORY, INDICATING SOME READINESS TO ACCEPT PROVINCIAL PRE-CONDITION FOR RESUMPTION OF TALKS IF HE CAN BE GIVEN SOME ASSURANCE OF PROVINCIAL QUOTE SERIOUSNESS UNQUOTE. CHIEF OMINAYAK HAS ALSO INDICATED THAT IF TALKS ARE NOT SUCCESSFUL, ROADBLOCKS WILL GO UP AGAIN. FOR THEIR PART PROVINCIAL REPRESENTATIVES HAVE INDICATED THAT INJUNCTION FROM COURTS REMAINS OPTION FOR PROVINCE.

4. THERE HAS BEEN FAIRLY PROMINENT AND STEADY MEDIA COVERAGE OF BLOCKADE WITH MANY EXPRESSIONS OF SYMPATHY FOR LUBICON. HOWEVER FED GOVT HAS MANAGED TO KEEP DISTANCE FROM DISPUTE. (LAST WEEK IND AFF MIN MCKNIGHT SAID THAT FED GOVT WD NOT NEGOTIATE WHILE BARRICADES WERE IN PLACE.) FOCUS OF MEDIA ATTENTION IN THIS LATEST ROUND OF DISPUTE HAS BEEN ON BAND AND PROVINCIAL GOVT AND ON THEIR DISAGREEMENT REGARDING QUANTUM OF LAND FOR RESERVE. THIS HAS HAD ADVANTAGE (FROM FED GOVT VIEWPOINT) OF CORRECTLY HIGHLIGHTING (A) THAT FUNDAMENTAL ISSUE IN DISPUTE IS ONE OF QUANTUM OF LAND FOR RESERVE (WHICH HAS BEEN FEDERAL CONTENTION ALL ALONG) AND (B) THAT MAIN BARRIER TO SETTLEMENT HAS BEEN CONTINUED INABILITY OF BAND AND PROVINCIAL GOVERNMENT TO COME TO AGREEMENT. THIS IS CONSISTENT WITH

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PAGE FOUR IMH1775

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POSITION CDA HAS ADOPTED THROUGHOUT THIS DISPUTE (SEE PARA 5 OF OUR REFTEL) AND SHD BE HIGHLIGHTED TOGETHER WITH TALKING POINTS IN PARA 5 OF OUR REFTEL (PARTICULARLY POINT THAT CANADA ACCEPTS LUBICON HAVE LEGITIMATE CLAIM TO RESERVE AND CANADA IS COMMITTED TO SEEKING FAIR AND JUST RESOLUTION) IN DISCUSSIONS YOU HAVE WITH YOUR INTERLOCUTORS.

5. FURTHER ALONG THESE LINES, YOU SHD PUT DISPUTE IN FOLLOWING PERSPECTIVE. CANADA IS FEDERAL STATE AND LAND IN QUESTION IS OWNED BY PROVINCE. CANADA CANNOT FORCE PROVINCE TO AGREE TO SETTLEMENT BUT CAN ONLY MAKE PROPOSALS AND THIS IS EXACTLY WHAT CDA HAS DONE. (SOCRATIC METHOD MAY BE APPROPRIATE HERE. I.E. WHAT WOULD INTERLOCUTORS HAVE US DO IN ABSENCE OF PROVINCIAL AGREEMENT?) EARLIER THIS YEAR, CDN GOVT MADE A FORMAL REQUEST TO ALBERTA FOR LANDS FOR RESERVE AND FOR INTERIM RESERVE OF 25.4 SQ MILES ON QUOTE WITHOUT PREJUDICE BASIS UNQUOTE. (FORMAL REQUEST FOR LAND FOLLOWED IMPASSE CAUSED BY REFUSAL OF PROVINCE TO NEGOTIATE ANY OF FED PROPOSALS WITHOUT BAND BEING PRESENT AND BAND REFUSAL TO NEGOTIATE IF PROVINCE WAS PRESENT.) REQUEST FOR LAND FROM ALBERTA WAS BASED UPON COMMONLY ACCEPTED FORMULA (FOR OTHER ALBERTA BANDS) OF 128 ACRES FOR EACH PERSON REGISTERED OR ENTITLED TO BE REGISTERED AS INDIAN ON INDIAN REGISTRY AS MEMBER OF BAND ON 16MARCH87. (QUITE REASONABLY, INDIVIDUALS WHO ARE MEMBERS OF OTHER BANDS WOULD NOT BE

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COUNTED FOR PURPOSES OF CALCULATION (LUBICON OBJECT TO THIS EXCLUSION) AND, TO AVOID DUPLICATE PAYMENT, LAND OR SCRIP WHICH HAS ALREADY BEEN SET ASIDE AND RESERVED OR ISSUED IN RESPECT OF PARTICULAR BAND MEMBERS ~~WOULD~~ BE DEDUCTED FROM TOTAL ACREAGE. TOTAL ESTIMATED SIZE OF PROPOSED RESERVE WAS 45 SQUARE MILES. PROVINCE DID NOT AGREE TO FEDERAL PROPOSAL.

6. AS IS EVIDENT FROM ABOVE, QUANTUM OF LAND FOR RESERVE IS DIRECTLY LINKED TO DISPUTE REGARDING SIZE OF POPULATION. BAND HAS IN ITS POSSESSION GENEOLOGICAL STUDY OF LUBICON BAND. THIS SHOULD ASSIST IN IDENTIFYING NUMBER OF PEOPLE ELIGIBLE FOR LAND CLAIM SETTLEMENT. PROVINCE'S POSITION HAS BEEN THAT IT WISHES GENEOLOGICAL EVIDENCE MADE AVAILABLE TO IT. BAND HAS REFUSED TO PROVIDE THIS EVIDENCE TO PROVINCE DESPITE BAND'S CONTENTION THAT STUDY SUPPORTS ITS CLAIM TO LARGER POPULATION THAN FED GOVT IS WILLING TO ADMIT. (CANADA CANNOT RELEASE STUDY ON ITS OWN AS THERE IS AGREEMENT BETWEEN LUBICON AND FED GOVT THAT NEITHER PARTY WILL RELEASE STUDY UNILATERALLY.)

7. AT SAME TIME AS IT WAS ATTEMPTING TO REACH SETTLEMENT WITH PROVINCE, CDA ALSO MADE OFFER OF INTERIM RESERVE TO LUBICON TOGETHER WITH PROPOSAL FOR BILATERAL NEGOTIATIONS ON ALL NON-LAND ISSUES WHICH MAKE UP BALANCE OF BAND'S CLAIM. RE THIS LAST POINT, CANADA OFFERED TO DISCUSS WITH ALBERTA MATTER OF SHARE OF PAST OIL

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AND GAS REVENUE. ON 29FEB BAND REJECTED NEGOTIATIONS ON NON-LAND ISSUES AND ON 11MARCH BAND REFUSED OFFER OF INTERIM RESERVE. IN LIGHT OF LUBICON REJECTION OF ALL PROPOSALS AND OF PROVINCE'S FAILURE TO AGREE ON SIZE OF LAND, FEDERAL GOVT PUT ISSUE IN HANDS OF COURT IN MAY88 TO RESOLVE DISPUTE.

8. SHD ISSUE ARISE DURING YR DISCUSSIONS, CLAIM BY LUBICON TO SOVEREIGNTY SHD BE VIEWED IN LIGHT OF ABOVE. NOT ONLY IS SUCH A CLAIM WITHOUT FOUNDATION IN CDN OR INTERNATIONAL LAW (SEE OUR REFTTEL PARA 4), IT IS NOT SERIOUS DEMAND OF BAND BUT ATTEMPT BY BAND TO INCREASE BAND'S BARGAINING STRENGTH RE FUNDAMENTAL ISSUE OF QUANTUM OF LAND. THIS WAS VIRTUALLY CONCEDED BY BAND LAWYER IN TV INTERVIEW WHERE HE SAID THAT MAIN POINT WAS TO GET SETTLEMENT REGARDING RESERVE.

9. IN EVENT THAT MATTER IS RAISED BY YR INTERLOCUTORS, YOU SHD BE AWARE THAT LUBICON ALSO HAVE MADE PARALLEL AND INCONSISTENT ASSERTION THAT THEY ARE NOT BOUND BY TREATY 8 (WHICH COVERS <sup>MOST</sup> ALBERTA INDIANS AND UPON WHICH LUBICON CLAIM TO RESERVE RESTS) AT ALL BUT HAVE SEPARATE CLAIM TO 7000 SQ MILES OF NORTHERN ALBERTA PURSUANT TO ABORIGINAL TITLE. CANADA'S POSITION IS THAT THEY ARE IN FACT AND IN LAW BOUND BY TREATY 8. IN ANY CASE, IN LIGHT OF BAND'S INTERMITTENT PURSUIT OF COURT ACTIONS REGARDING THIS CLAIM AND ITS OTHER ACTIVITIES DESIGNED TO INCREASE ACREAGE OF RESERVE (PURSUANT

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PAGE SEVEN IMH1775 <del>CONFIDENTIAL</del> UNCLAS	12	10
<p>TO TREATY 8), THIS CLAIM REGARDING ABORIGINAL TITLE SHD ALSO BE VIEWED AS (EITHER DELIBERATE OR INADVERTENT) CONFUSION OF KEY ISSUE OF ACREAGE FOR RESERVE.</p> <p>10. WE LEAVE TO DISCRETION OF ALL POSTS NATURE OF MEETINGS THEY WISH TO HAVE WITH VARIOUS GROUPS. IN SOME CASES POSTS MAY CHOOSE TO MERELY ACCEPT REPRESENTATIONS AND AGREE TO PASS ON TO OTT, HOWEVER SHD POST BE OF VIEW THAT MORE SUBSTANTIVE DIALOGUE WOULD BE APPROPRIATE, WE BELIEVE THAT CANADA HAS GOOD CASE TO BE MADE AND THAT ABOVE POINTS SHD BE MADE IN FORTHRIGHT MANNER WITH CANADA PRESENTED IN FAMILIAR ROLE OF HONEST BROKER BETWEEN PROVINCE AND LUBICON.</p>		



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Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence
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PAGE 1 OF 2

SECURITY SÉCURITÉ	UNCLASSIFIED	BY FAX	12	10
FM/DE	FM VIENN ULGR5594 17OCT88	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>ACTION</b>  <b>SUITE A DONNER</b> </div>		
TO/A	TO EXTOTT <u>IMH</u>			
INFO	INFO PCOOTT/FPRO/CARON/LAFRENIERE/BATT INAHULL/POTTER/WHITAKER			
DISTR	JUSTOTT/FREEMAN/HUDSON/LOW/WEISER			
REF	REF OURTEL ULGR5593 OF OCT 17	DE OTT		
SUBJ/SUJ	<p>--- LUBICONS: DEMONSTRATION IN VIENNA</p> <p>FOLLOWING IS TEXT OF LETTER RECEIVED FROM QUOTE AUSTRIAN ASSOCIATION FOR ENDANGERED PEOPLES UNQUOTE.</p>			
<div style="border: 1px solid black; padding: 5px;"> <p>RECEIVED - RECU</p> <p>OCT 18 1988</p> <p>IMH</p> </div>		<div style="border: 1px solid black; padding: 5px;"> <p>ACC</p> <p>FILE</p> <p>DATE</p> <p>DOSSIER</p> <p>US-CDR-13-1-3-</p> <p>Lubiconk Band</p> </div>		
		<p>VNA002/18-OTT</p>		
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DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG HZ	CONCENTRE FILE DIARY CHRON		SIG Y. JOBIN

88-10-18 15:28 CANADIAN EMBASSY VIENNA  
PAGE 2 OF 2 VIENNA  
Document disclosed under the Access to Information Act  
Document divulgué en vertu de la Loi sur l'accès à l'information

# GESELLSCHAFT FÜR BEDROHTE VÖLKER - ÖSTERREICH

Menschenrechtsorganisation für ethnische, rassische und religiöse Gruppen und Minderheiten  
Peter Schwarzbauer, Weissg. 9-13/2/1, 1170

To  
Mr. Jobin  
Canadian Embassy  
Dr. Karl Lueger Ring 10  
1010 Wien

Kleeblattgasse 4  
A-1010 Wien, Austria  
(0 22 2) 66 16 15  
(0 22 2) 53 51 615

Bankverbindung:  
Vereins-Konto: PSK 7238.909  
Kampagnen-Konto: PSK 7239.001

Vienna, Oct. 13.1988

Dear Mr. Jobin!

This is to inform you that the Association for Endangered Peoples will hold a demonstration on Oct. 21.1988 in Votivpark to support the Lubicon Lake Band in the declaration of independency and in the effort to assert jurisdiction on the ground.

Be sure, its not the Lubicon Cree who have blocked the negotiation process. It is the Federal Government - not even the Provincial Government this time - which has stalled everything by implementing unacceptable preconditions:

- the Lubicon people would be split into half (the Feds are only willing to talk to the so-called "Status-Indians"). This is in total contrast to the recently signed agreement in the North-West Territories, where all native people were included in a "Agreement on Principle" for a settlement. The criteria for Indians to be entitiled were the following: canadian citizenship, Lineal descent, residency, community acceptance.  
95% of the problems would vanish if the Federal Government would deal with the Lubicons under the same terms. No one knows, why it does not do it.
- every process which would make the negotiation process, the results and the progress open for public judgement has been denied by the the Feds. You may appreciate that the Lubicons are not interested in a window dressing negotiation process like they have been already. To involve one or several persons as independent observers and maybe mediators has not only been recommended by the Lubicons. It has been suggested by the all-party Standing Committee on Indian Affairs and by Provincial Prime Minister Don Getty.

You should know that several representatives from our group and from other Austrian and European Human Rights Groups have been sent in- to the Lubicon area to function as observers, reporters and to assist the Lubicon people.

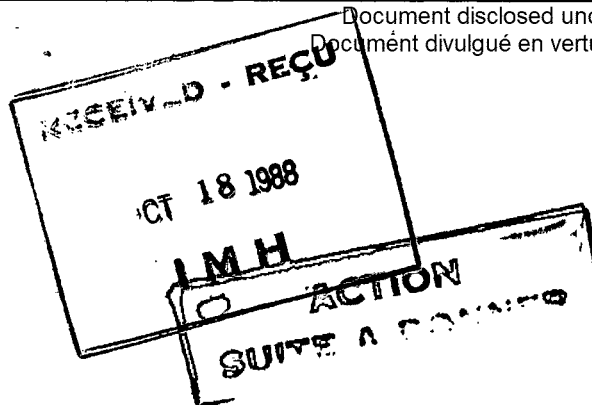
c Chief Bernard Ominayak

Präsident: Prof. Robert Jungk

Ehrenmitglieder: Dr. John Bunzl, Univ.-Doz. Dr. Gerhard Drekonja, Milton Fineran (OGLALA LAKOTA COLLEGE), Georg Gaupp-Berghausen (M. Mario Gonzalez, USA, Dr. Georg Grünberg, Dr. Alfred Janata, Javier Armato (Yukpa-Venezuela), Birgit Kils-Straight (Lakota Treaty Council), Pater Dr. Manfred Kneiwasser (CARITAS), Ailion Krenak (UNI-Brasilien), Univ.-Prof. Dr. Anton Felinka, Ingrid Reusch (AMNESTY INTERNATIONAL), Univ.-Prof. DDr. Charlotte Teuber, Peter Turrini, Univ.-Prof. Dr. Erika Weinzierl.

Sincerely Yours

*Peter Schwarzbauer*  
Peter Schwarzbauer, 1170  
Weissg. 9-13/2/1, 45-33-51 or  
34-25-00/315 ext.



P R O T E G E

DE VIENN ULGR5593 17OCT88

A EXTOTT IMH

INFO PARIS LDN BONN ROME HAGUE BRU COPEN OSLO STKHM HSNKI BERN  
GENEV PRMNY WSHDC PCOOTT/FPRO/CARON/LAFRENIERE/BATT

BH INAHULL/POTTER/WHITAKER DE OCI JUSTOTT/FREEMAN/HUDSON/LOW/  
WEISER DE OTT

DISTR IMD RWR RWP BCM <sup>ℓ</sup>BER MINA MINP URR PSR JLO

---LUBICONS:MANIFESTATION A VIENNE

DR SCHWARZBAUER,DE CIT ASSOCIATION AUTRICHIENNE POUR PEUPLES  
MENACES FINCIT,NOUS A ECRIT POUR NOUS ANNONCER QUE ASSOCIATION  
TIENDRA MANIFESTATION NON LOIN DE AMBASSADE CE VENDR 21OCT CIT  
TO SUPPORT THE LUBICON LAKE BANK IN THE DECLARATION OF  
INDEPENCY(SIC)AND IN THE EFFORT TO ASSERT JURISDICTION ON  
THE GROUND FINCIT.CONTRAIREMENT A CE QUI FUT LE CAS POUR  
MANIFESTATION DE L AN DERNIER,LETTRE NE FAIT TOUTEFOIS PAS  
ETAT DE PETITION AU GOUVT CDN NI DE DEMANDE DE RECONTRE AVEC  
REPRESENTANT DE ABM.

2.NOUS VOUS FERONS RAPPORT SUR AMPLEUR ET DEROULEMENT DE  
MANIFESTATION SUITE A CELLE-CI.

3.TEXTE DE LETTRE SUIT PAR FAX,POUR VOTRE INFO.

CCC/006 171526Z ULGR5593

ACC	REI	DATE
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45-Cda-13-1-3-Lubicon		
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45-CDP-13-1-3-  
Lubicon Lake Band

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INFO LDN BONN ROME HAGUE BRU COPEN OSLO STKHM HSNKI VIENN BERNE

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GENEV PRMNY WSHDO (ISFX) (CNGNY LNGLS) CHCGO CNBRA WLGTN SYDNY PRET DUBLN

SUBJ/SUJ

LSBON MDRID PESCO COPEN OSLO STKHM HSNKI MOSCO BGRAD WDOAS BRSLA

VATCN BUCST BPEST PRAGUE WSAW VCSCE HAVAN SYDNY

PCO/FPRO/CARON/LAFRENIERE/BATT INAHULL/POTTER/WHITAKER

JUSTICE/FREEMAN/HUDSON/LOW/WEISER

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IMU LCR LSR RBR

---ASSERTION OF INDEPENDENCE BY LUBICON LAKE INDIAN BAND

FURTHER TO OUR REFTEL, FOLLOWING WILL PROVIDE ALL POSTS WITH UPDATE

ON LATEST DEVELOPMENTS IN ON-GOING DISPUTE BETWEEN LUBICON LAKE

INDIAN BAND OF NORTHERN ALBERTA AND GOVERNMENTS OF CANADA AND

ALBERTA. AS NOTED IN OUR REFTEL, ON 60CT88, REPRESENTATIVE OF

LUBICON BAND DECLARED THAT, EFFECTIVE 150CT88 QUOTE LUBICON NATION

INTENDS TO ASSERT AND ENFORCE ITS ABORIGINAL RIGHTS AND ITS

SOVEREIGN JURISDICTION AS AN INDEPENDENT NATION WITH ITS OWN COURT

SYSTEM UNQUOTE. LUBICON ALSO ANNOUNCED INTENTION TO BLOCK ROADS

LEADING TO ITS QUOTE TRADITIONAL UNQUOTE HUNTING, FISHING AND

TRAPPING GROUND IF NO SETTLEMENT IS REACHED BY OCTOBER 15. BAND

.../2

DRAFTER/RÉDACTEUR

J. Trottier

DIVISION/DIRECTION

IMH

TELEPHONE

992-6664

APPROVED/APPROUVÉ

M. FORD

SIG

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INTENDS TO REQUIRE WORKERS OF OIL COMPANIES AND OTHER FIRMS TO PURCHASE \$300 BAND-ISSUED PERMITS TO GAIN ACCESS TO BLOCKADED LAND. THERE IS INFORMATION THAT SOME FOREIGN AND DOMESTIC SUPPORTERS MAY JOIN LUBICON ON ROADBLOCKS. FOLLOWING LUBICON DECLARATION, THERE HAVE BEEN TALKS BETWEEN ALBERTA GOVT WHICH OWNS LAND IN DISPUTE AND BAND BUT AS OF NOW NO SETTLEMENT HAS BEEN REACHED. (LAST MINUTE TALKS BETWEEN PROVINCE AND BAND ARE NOT WITHOUT IRONY; IN PAST PROVINCE HAS REFUSED TO NEGOTIATE RE FED PROPOSALS WITHOUT BAND BEING PRESENT AND BAND HAS REFUSED TO NEGOTIATE RE FED PROPOSALS IF PROVINCE WAS PRESENT.)

2. LUBICON DECLARATION IS LATEST GAMBIT IN SERIES OF UNSUCCESSFUL EFFORTS TO PRESSURE CANADIAN GOVERNMENT TO ACCEDE TO LUBICON DEMANDS. IN PARTICULAR, THERE HAS BEEN ATTEMPT TO MAKE MATTER INTO INTERNATIONAL ISSUE IN ORDER TO GENERATE PRESSURE ON CDN GOVT. MOST NOTABLE EXAMPLE OF THIS WAS THEIR LARGELY UNSUCCESSFUL EFFORT TO ORGANIZE ~~A~~ BOYCOTT OF "SPIRIT SINGS" EXHIBIT HELD IN CONJUNCTION WITH 1988 WINTER OLYMPICS. LUBICON COMPLAINT AGAINST CANADA PURSUANT TO OPTIONAL PROTOCOL OF CIVIL AND POLITICAL COVENANT SHOULD ALSO BE VIEWED IN SAME LIGHT. THIS MATTER IS STILL AT THE ADMISSIBILITY STAGE. THERE WAS PRELIMINARY DETERMINATION ON ADMISSIBILITY BY THE U.N. HUMAN RIGHTS COMMITTEE IN 1987; CANADA HAS SOUGHT REVIEW OF THIS DETERMINATION. SUBSTANCE OF LUBICON

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COMPLAINT IS UNLIKELY TO COME UP FOR SUBSTANTIVE DISCUSSION FOR SOME TIME, PARTLY BECAUSE HUMAN RIGHTS COMMITTEE IS AWARE OF ONGOING DOMESTIC COURT PROCESS AND WOULD PREFER TO HAVE MATTER DEALT WITH IN CANADA, AND PARTLY BECAUSE LUBICON CONTINUE TO MAKE NEW SUBMISSIONS. AS RESULT, PUBLICITY GENERATED BY COMPLAINT HAS BEEN MINIMAL. FACT THAT COMMUNICATIONS TO ~~THE~~ COMMITTEE ARE CONFIDENTIAL HAS ALSO HELPED IN THIS REGARD.

3. OUR POLICY HAS BEEN TO TREAT MATTER AS DOMESTIC DISPUTE. IN LINE WITH THIS, IT IS IMPORTANT THAT INDIAN AFFAIRS CONTINUES TO ACT AS LEAD DEPARTMENT. THEREFORE DOMESTICALLY, MEDIA INQUIRIES ON SUBSTANCE OF CLAIM ARE BEING REFERRED TO IND AFF SPOKESPERSON. POSTS SHOULD REFER TO INFO IN PARA 5 BELOW (SUPPLEMENTED WHERE APPROPRIATE BY INFO PROVIDED TO YOU IN PAST) IN HANDLING INQUIRIES ON SUBSTANCE OF CLAIM.

4. EXTERNAL AFFAIRS HAS DEVELOPED PRESS LINE TO DEAL WITH QUESTIONS RELATED TO INTERNATIONAL LEGITIMACY OF LUBICON STATEMENT. IT READS AS FOLLOWS QUOTE 1) THE LUBICON DECLARATION (AS CITED IN PARA 1 ABOVE) HAS NO FOUNDATION IN CANADIAN OR INTERNATIONAL LAW. 2) AS CANADIAN CITIZENS, MEMBERS OF LUBICON BAND REMAIN SUBJECT TO CANADIAN LAW AND FREE TO SEEK CANADIAN REMEDIES, INCLUDING RIGHT TO PURSUE ACTIONS IN CANADIAN COURTS. 3) IN TERMS OF INTERNATIONAL LAW, LUBICON CLAIM TO INDEPENDENCE HAS NO BASIS. 4) IN ESSENCE,

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LUBICON ARE CLAIMING RIGHT TO SELF-DETERMINATION.

SELF DETERMINATION HAS BEEN DESCRIBED BY U.N. GENERAL ASSEMBLY AS RIGHT OF ALL PEOPLES QUOTE FREELY TO DETERMINE, WITHOUT EXTERNAL INTERFERENCE, THEIR POLITICAL STATUS AND TO PURSUE THEIR ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT UNQUOTE 5) HOWEVER, CANADIAN PEOPLE, OF WHICH LUBICON ARE A PART, ALREADY ENJOY RIGHT OF SELF-DETERMINATION. THERE IS NO/NO BASIS IN INTERNATIONAL LAW FOR LUBICON TO CLAIM RIGHT TO SELF-DETERMINATION DISTINCT FROM THAT ENJOYED BY ALL CANADIANS.UNQUOTE

5. FOLLOWING POINTS ARE PROVIDED FOR USE OF POSTS IN RESPONDING TO INQUIRIES RE SUBSTANCE OF LUBICON CLAIM. 1) CANADA ACCEPTS THAT LUBICON HAVE LEGITIMATE CLAIM TO LAND AND CANADA IS COMMITTED TO SEEKING FAIR AND JUST RESOLUTION. 2) WHAT IS IN DISPUTE IS QUANTUM OF CLAIM WHICH IN TURN STEMS FROM DISAGREEMENT CONCERNING POPULATION OF BAND. (FOR YR INFO, BAND'S APPROACH HAS BEEN TO MAKE UNNEGOTIABLE DEMANDS AND SEEK TO GENERATE PUBLIC AND MEDIA PRESSURE FOR POLITICAL SETTLEMENT. IN ADDITION AGREEMENT COULD NOT BE REACHED BY CDN GOVT WITH ALBERTA GOVT. THIS HAS RESULTED IN IMPASSE.) 3) BAND BROKE OFF NEGOTIATIONS IN 1986 DESPITE CDN GOVT'S DESIRE TO NEGOTIATE. BAND HAS PERSISTENTLY REFUSED TO NEGOTIATE WITH FED GOVT. 4) LUBICON BAND STARTED, BUT PURSUED ONLY INTERMITTENTLY, LEGAL ACTION IN CDN COURTS. CDN GOVT, WHILE

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INDICATING ITS PREFERENCE FOR NEGOTIATIONS, URGED BAND TO PROCEED WITH ITS COURT CASES IF BAND DECIDED THAT WAS APPROPRIATE ROUTE TO FOLLOW. 5) CDA MADE EX-GRATIA PAYMENT TO BAND OF (CDN)\$1.5 MILLION IN 1986 TO ASSIST BAND IN COVERING ITS COSTS; THIS INCLUDED (CDN) \$880,000 FOR LEGAL EXPENSES. 6) ON 4 MAY, 1988, IN FACE OF BAND'S REFUSAL TO NEGOTIATE AND INTERMITTENT PURSUIT OF BAND'S OWN COURT CASES AND INABILITY TO COME TO AN AGREEMENT WITH ALBERTA, CANADIAN GOVERNMENT COMMENCED ACTION IN ALBERTA COURT OF QUEEN'S BENCH SEEKING A DECLARATION THAT BAND IS ENTITLED TO RESERVE AND FINDING OF ITS APPROPRIATE SIZE. CDA TOOK THIS ACTION TO MEET ITS LAWFUL OBLIGATIONS TO BAND. 7) AS POINT OF INTEREST, CDN GOVT HAS BEEN PROVIDING \$1.13 MILLION PER YEAR FOR COMMUNITY SERVICES, AND AS OF BEGINNING OF 1988 HAD PAID CUMULATIVE TOTAL OF \$1.5 MILLION FOR HOUSING. *for Lubicon*  
*for band members*

6. WE WILL KEEP YOU POSTED RE FURTHER DEVELOPMENTS. PLS ADVISE OF ANY MEDIA COVERAGE IN YR AREAS.

IMH/J. Trottier/992-6664

TO/À • BCM

FROM/DE • IMH

REFERENCE •  
RÉFÉRENCE

SUBJECT • Assertion of Independence by Lubicon Lake  
SUJET Indian Band

Security/Sécurité
<b>UNCLASSIFIED</b>
Accession/Référence
File/Dossier
45-040-13.1.3 - Lubicon LK Band
Date
October 14, 1988
Number/Numéro
IMH-1739

ENCLOSURES  
ANNEXES

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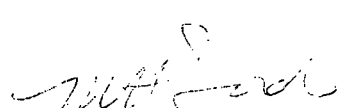
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On October 6, 1988, a representative of the Lubicon Lake Indian Band of northern Alberta stated that, effective October 15, 1988, "the Lubicon Nation intends to assert and enforce its aboriginal rights and its sovereign jurisdiction as an independent nation with its own court system".

2. The substantive issue in dispute between the Lubicon Band and the Canadian and Alberta governments, namely the land claim of the Lubicon Band, is one in which domestic departments have the lead. As indicated by telephone to you on October 7, 1988, all media inquiries concerning the land claim per se should be referred to the spokesperson for Indian Affairs on this matter. The spokesperson is Ken Colby in Calgary; he may be reached by telephone at (403) 269-7006 (office) and (403) 278-9846 (home).

3. In the event that questions arise regarding the international legitimacy of the Lubicon declaration, the attached press line has been developed (in collaboration with JLO) for your use.

  
Margaret Ford  
A/Director  
Human Rights and  
Social Affairs Division

PRESS LINE

- The Lubicon Lake Indian Band announced on 6 October, 1988 that, effective October 15, 1988:

The Lubicon Nation intends to assert and enforce its aboriginal rights and its sovereign jurisdiction as an independent nation with its own court system.

- The Lubicon declaration has no foundation in Canadian or international law.
- As Canadian citizens, members of the Lubicon Band remain subject to Canadian law and free to seek Canadian remedies, including the right to pursue actions in Canadian courts.
- In terms of international law, the Lubicon claim to independence has no basis.
- In essence, the Lubicon are claiming a right to self-determination. Self-determination has been described by the U.N. General Assembly as the right of all peoples "freely to determine, without external interference, their political status and to pursue their economic, social and cultural development".

- 2 -

- However, the Canadian people, of which the Lubicon are a part, already enjoy the right to self-determination. There is no basis in international law for the Lubicon to claim a right to self-determination distinct from that enjoyed by all Canadians.

Department of External Affairs



Canada

JLO/John T. Holmes/996-5407/sf

JLO-1949

Ministère des Affaires extérieures

OTTAWA, Ontario

K1A 0G2

October 13, 1988

FILE	DATE
DOSSIER	
45-Cda-13-1-3-Luksemburg Band	

Dear Sir/Madam:

In late August 1988, you received copies of correspondence from the Permanent Mission of Canada in Geneva concerning Communication No. 206/1986 (Chief Robert Satiacum v. Canada). The correspondence noted that the Human Rights Committee had decided to discontinue its consideration of this case.

For your records, I enclose copies of the original documents received from the Centre for Human Rights in Geneva, concerning the Human Rights Committee's decision.

Yours sincerely,

Robert Rochon  
Director  
Legal Operations Division

See Distribution  
List Attached

c.c. James Trottier/IMH

Distribution List

Mr. Martin Low  
Senior General Counsel  
Human Rights Law Section  
Department of Justice  
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Mr. Martin Freeman  
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Department of Justice  
Room 134, 239 Wellington St.  
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Mr. Fred Caron  
Legal Counsel  
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Constitutional Affairs  
Federal/Provincial Legal Affairs  
Room 206, 59 Sparks Street  
Ottawa, Ontario

Mrs. M. Whitaker  
Senior Policy Advisor  
Department of Indian and  
Northern Affairs  
20th Floor, 10 Wellington St.  
Les Terrasses de la Chaudière  
Hull, Quebec





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SUBJ/SUJ

JUSTICE <sup>OTT</sup> /FREEMAN/HUDSON/LOW/WEISER

**DISTR** IMD RWR RWP BCM BFE MINA ~~MINP~~ MINP

YRTEL WIFC6296 120CT

---COVERAGE OF LUBICON BAND BY LE FIGARO

PRELIMINARY SOUNDINGS WITH IND AFF (WHICH IS LEAD DEPT ON MATTER)

IS THAT MTG FOR LE FIGARO REPORTER CAN BE ARRANGED WITH GOVT

SPOKESPERSON ON LUBICON ISSUE. SPOKESPERSON IS KEN COLBY IN CALGARY

(TEL AT OFFICE (403)269-7006 AND AT HOME 278-9846). GIVEN THAT

REPORTER DEPARTS PARIS ON 13OCT, WOULD YOU PLS ADVISE HIS OFFICE TO

HAVE HIM CALL COLBY UPON ARRIVAL. PLS ADVISE US ASAP OF FLIGHT

ARRIVAL INFO, HOTEL ETC.

2. COLBY CAN PROVIDE REPORTER WITH TELEPHONE NUMBERS OF CHIEF

OMINAYAK, BAND LAWYER STAROZIK AND U OF CALGARY PROF A. DEMPSEY.

3. IND AFF IS CHECKING RE MTG WITH MR. MCKNIGHT BUT GIVEN ELECTION

CAMPAIGN AND FACT REPORTER IS IN ALBERTA, THEY INDICATE SUCH MTG

MOST UNLIKELY. IN ANY CASE COLBY SPKS FOR MINISTER ON THIS MATTER.

TASSE WAS FORMER NEGOTIATOR AND IS NO LONGER IN PICTURE.

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APProuvé
J. Trottier SIG	IHM	992-6664	 M. FORD SIG



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12 10  
PAGE TWO IMH-1732 UNCLAS

4. IT IS UNCLEAR WHETHER REF IN REFTEL TO AVAILABILITY OF  
INTERPRETER IS REGARDING INTERPRETATION OF FRENCH/ENGLISH OR CREE.  
IF LATTER, CHIEF SPEAKS ENGLISH. IF FORMER, WILL BE ABLE TO  
ARRANGE.



External Affairs  
Canada

Affaires extérieures  
Canada

IMH/J. Trottier/992-6664

TO/A • JLO

FROM/DE • IMH

REFERENCE •  
RÉFÉRENCE

SUBJECT • Assertion of Independence by Canadian Indian  
SUJET • Band

Security/Sécurité
<b>CONFIDENTIAL</b>
Accession/Référence
574964
File/Dossier
45-10A-13-1-3-
Lubicon Lk Band
Date
October 12, 1988
Number/Numéro
IMH-1730

ENCLOSURES  
ANNEXES

-1-

DISTRIBUTION

IMD

On October 6, 1988, a representative of the Lubicon Lake Indian Band of northern Alberta made the following statement:

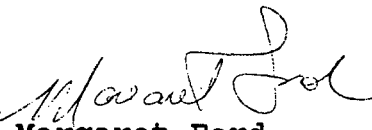
The Lubicon Nation intends to assert and enforce its aboriginal rights and its sovereign jurisdiction as an independent nation with its own court system.

The spokesperson went on to indicate that the above would be effective as of October 15, 1988.

2. The substantive issue in dispute between the Lubicon Band and the Canadian and Alberta governments, namely the land claim of the Lubicon Band, is one in which domestic departments have the lead. Media inquiries concerning the land claim per se are being referred to Indian Affairs by BCM.

3. However, the Lubicon declaration cited above is liable to generate questions to this department on matters of international law. Therefore a press line on this matter will be required for BCM and posts. (Posts have already been provided with material to deal with the substance of the Lubicon land claim.)

4. Attached, please find for your review a draft press line which has been developed utilizing legal opinions obtained from JLO, JLE and Justice in the past on related matters. I would appreciate your comments on this draft together with applicable revisions by October 14, 1988 in order that we may supply the required press line to BCM.

  
Margaret Ford  
A\Director  
Human Rights and  
Social Affairs Division

J. Trottier/IMH/992-6664

OCTOBER 12, 1988

DRAFT PRESS LINE

- THE LUBICON LAKE INDIAN BAND ANNOUNCED ON 6 OCTOBER, 1988 THAT, EFFECTIVE OCTOBER 15, 1988:

THE LUBICON NATION INTENDS TO ASSERT AND ENFORCE ITS ABORIGINAL RIGHTS AND ITS SOVEREIGN JURISDICTION AS AN INDEPENDENT NATION WITH ITS OWN COURT SYSTEM.

- THE LUBICON DECLARATION HAS NO FOUNDATION IN CANADIAN OR INTERNATIONAL LAW.

- AS CANADIAN CITIZENS, MEMBERS OF THE LUBICON BAND REMAIN SUBJECT TO CANADIAN LAW AND FREE TO SEEK CANADIAN REMEDIES, INCLUDING THE RIGHT TO PURSUE ACTIONS IN CANADIAN COURTS.

- IN TERMS OF INTERNATIONAL LAW, THE LUBICON HAVE NO RIGHT TO CLAIM INDEPENDENCE.

- IN ESSENCE, THE LUBICON ARE CLAIMING A RIGHT TO SELF-DETERMINATION. SELF-DETERMINATION HAS BEEN DESCRIBED BY THE U.N. GENERAL ASSEMBLY AS THE RIGHT OF ALL PEOPLES "FREELY TO DETERMINE, WITHOUT EXTERNAL INTERFERENCE, THEIR POLITICAL STATUS AND TO PURSUE THEIR ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT".

- HOWEVER, THE LUBICON, AS PART OF THE CANADIAN PEOPLE, ALREADY EXIST IN A STATE OF SELF-DETERMINATION, AS DO OTHER CANADIANS. THEY HAVE NO RIGHT IN INTERNATIONAL LAW TO CLAIM A DISTINCT RIGHT TO SELF-DETERMINATION.

- THE CANADIAN POSITION (WHICH HAS EXTENSIVE SUPPORT FROM LEGAL SCHOLARS AND INTERNATIONAL PRACTICE) IS THAT AN UNEXERCISED RIGHT TO SELF-DETERMINATION APPLIES GENERALLY TO POPULATIONS IN COLONIAL SITUATIONS RATHER THAN TO GROUPS IN INDEPENDENT, DEMOCRATIC COUNTRIES SUCH AS CANADA.

- THE CANADIAN POSITION IS SUPPORTED BY U.N. GENERAL ASSEMBLY RESOLUTIONS SUCH AS THE 1960 COLONIAL PEOPLES DECLARATION AND 1970 FRIENDLY RELATIONS DECLARATION WHICH PROTECTS THE TERRITORIAL INTEGRITY OF EXISTING STATES.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence
File/Dossier 45-00A-13-1-3-
9 OCT 88 22 25 Lubicon LK 8 am

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SECURITY  
SÉCURITÉ

UNCLASSIFIED

FM/DE

FM EXTOTT IMH 1720 09OCT88

TO/À

TO PARIS DEL 29 100900

INFO

DISTR

INFO LDN BONN ROME HAGUE BRU COPEN OSLO STKHM HSNKI VIENN BERNE

REF

GENEV PRMNY WSHDC CNGNY LNGLS CHCGO CNBRA WLG TN SYDNY PRET

SUBJ/SUJ

PCO/FPRO/CARON/LAFRENIERE/BATT INAHULL/POTTER/WHITAKER

JUSTICE/FREEMAN/HUDSON/LOW/WEISER

DISTR IMD RWR RWP BCM BFE MINA/NORQUAY MINP URR PSR JLO

REF YRTEL WIFC629/ 07OCT; OURTEL IMH0464 06MAR88

---LUBICON LAKE INDIAN BAND DISPUTE WITH CDN AND ALTA GOVTS

FURTHER TO YR REFTEL, LUBICON LAKE INDIAN BAND ANNOUNCED ON 06OCT,

THAT QUOTE LUBICON NATION INTENDS TO ASSERT AND ENFORCE ITS ABORIGINAL ~~RIGHT~~

RIGHTS AND ITS SOVEREIGN JURISDICTION AS AN INDEPENDENT NATION WITH ITS

OWN COURT SYSTEM UNQUOTE. BAND SPOKESPERSON EXPRESSED AN INTENTION TO

WITHDRAW FROM ACTIONS IN CDN COURTS, IN WHICH BAND IS INVOLVED. AS YOU

ARE AWARE, LUBICON BAND HAS BEEN INVOLVED FOR SOME TIME IN DISPUTE WITH

FED AND ALTA GOVTS RE: BAND'S LAND CLAIM.

2. WE WILL PROVIDE YOU WITH FURTHER INFO RE: BAND ACTION AND CDN GOVT

POSITION ASAP. IN INTERIM, IN DEALING WITH MEDIA INQUIRIES, YOU SHD

REFER TO POINTS MADE IN PARA 4 OF OUR REFTEL (WHICH SUPPLEMENTS MATERIAL

PROVIDED TO YOU EARLIER), ~~AND, IN PARTICULAR, YOU SHD EMPHASIZE THAT~~

~~CDN GOVT RECOGNIZES THAT BAND HAS LEGITIMATE LAND CLAIM AND THAT GOVT~~

~~IS COMMITTED TO SEEKING A FAIR AND JUST RESOLUTION.~~ ADDITIONAL POINT

.../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J. TROTTIER

SIG

IMH

2-6664

D. LIVERMORE

SIG

002752



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▼  
~~PAGE TWO~~ IMH-1720 UNCLASS

12|

10

WHICH MAY BE MADE IS THAT CDA HAS ALSO SOUGHT JUDICIAL REMEDY. IN MAY88  
WITH MATTERS AT IMPASSE, CANADA ASKED COURT FOR DECLARATION THAT BAND  
IS ENTITLED TO RESERVE AND FINDING OF ITS APPROPRIATE SIZE. AS OF NOW,  
CANADA INTENDS TO CONTINUE WITH THIS ACTION.

**ACTION  
SUITE A DONNER**

P R O T E C T E D

FM GENEV YTGR5978 26OCT88

TO EXTOTT JLO

INFO PCCOTT/CARON/LAPIERRE

BH JUSTOTT/FREEMAN/LOW/WEISER/HUDSON DE OTT INAHULL/WHITAKER/  
POTTER DE OCI

DISTR IMH

REF OURTEL 5979 26OCT

---HUMAN RIGHTS CTTEE:COMMUNICATION BY LUBICON LAKE BAND

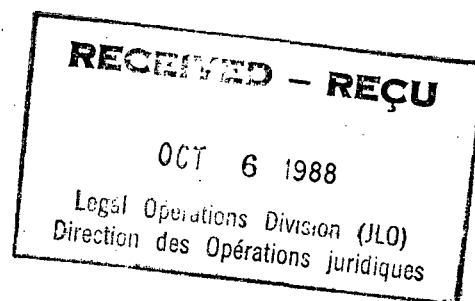
REF FAX CONTAINS COPY OF LATEST SUBMISSION BY LUBICON LAKE COUNSEL,  
A 3 PAGE JULY 25 LETTER DECLARING THAT LATEST STEPS TAKEN BY FEDERAL  
GOVT(SUIT IN ALTA PROVINCIAL COURT)REPRESENT ATTEMPT TO DELAY  
RESOLUTION OF OUTSTANDING ISSUES AND TRANSFER RESPONSIBILITY FOR  
THIS RESOLUTION FROM GOVT TO JUDICIARY.

2.UPON RECEIVING THIS DOCUMENT,WE CONTACTED CENTRE FOR HUMAN RIGHTS  
HEAD OF COMMUNICATIONS,MOLLER,WHO SAID HE WAS QUOTE NINETY-NINE  
PERCENT CERTAIN UNQUOTE CTTEE WOULD TAKE NO/NO ACTION ON LUBICON  
CASE AT OCT24-NOV04 SESSION(COMMUNICATIONS WORKING GROUP MEETS WEEK  
OF 17OCT).THERE WOULD NOT/NOT,HE SAID,BE SUFFICIENT TIME FOR  
TRANSLATING/PRINTING OF LATEST LUBICON SUBMISSION WHICH DID NOT/  
NOT APPEAR IRRELEVANT TO MAJOR ADMISSIBILITY-RELATED ISSUE OF  
EXISTENCE OF MEANINGFUL DOMESTIC REMEDIES.(THOUGH LUBICON LETTER  
WAS RECEIVED IN JULY,CENTRE IS SUFFERING SEVERE BACKLOG IN  
PROCESS OF CTTEE BUSINESS.)

...2

ACC	881006
FILE	DOSSIER
45-COA-13-1-3-Lubicon Lake Band action on	

*JH/OR*  
*I haven't taken any action on this pending clarification of recent Lubicon indep. decl. for your reply - I don't see that Cdn position has evolved.*  
*JK*



NOTED  
RECEIVED A STU2

PAGE TWO YTGR5978 PROTECTED

3.MOLLER ADDED THAT,IN ANY EVENT,BASED ON CDN GOVT ADVICE PRIOR TO JULY SESSION OF CTTEE,IT HAD BEEN HIS IMPRESSION THAT GOVT WAS NOT/NOT ESPECIALLY EAGER TO SEE CTTEE TAKE IMMEDIATE ACTION IN VIEW OF HOPES/EXPECTATIONS THAT FAVOURABLE DEVELOPMETNS MIGHT ENSUE ON DOMESTIC FRONT.WE UNDERTOOK TO ADVISE MOLLER IF THERE WERE ANY EVOLUTION OF GOVT VIEW ON THIS SCORE.WE WOULD WELCOME YOUR ADVICE.

CCC/131 061205Z YTGR5978



*file*

4 5	DATE
DOSSIER	
45-COA-13-1-3-Lubicon Lake Band	

P R O T E C T E D

FM GENEV YTGR5978 26OCT88

TO EXTOTT JLO

INFO PCOOTT/CARON/LAPIERRE

BH JUSTOTT/FREEMAN/LOW/WEISER/HUDSON DE OTT INAHULL/WHITAKER/

POTTER DE OCI

DISTR IMH

REF OURTEL 5979 26OCT

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EXISTENCE OF MEANINGFUL DOMESTIC REMEDIES.(THOUGH LUBICON LETTER  
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...2

PAGE TWO YTGR5978 PROTECTED

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CCC/131 061205Z YTGR5978

Télégrammes: UNATIONS, GENÈVE

Télév: 28 95 95

Téléphone: 80 11 31 02 11

REF. NO: G/SO.215 /51 CANA (38)

3 rappeler dans la réponse: 167/1984

Palais des Nations  
CH-1211 GENÈVE 10

NOY.	DATE
574412	881003
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 acknowledge the receipt of the Permanent Mission's note, dated 20 June 1988, transmitting a further submission of the Government of Canada, dated 17 June 1988, concerning 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.

... The Secretariat also has the honour to transmit herewith, for information and in order to complete the files of the State party, a copy of a further letter from author's counsel dated 5 July 1988.

*MS* 3 October 1988



1988-10-06 13:34 PERMIS\_GENEVE

022-34-79-13 P.01

**UNCLASSIFIED  
FACSIMILE**

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

GVA 04/06	OTT	GVA	NYK	GVA	WDC	GVA	PAR
GVA	TDN	GVA	RRH	GVA	RON	GVA	TKO
GVA	SKM	GVA	CBA	GVA		GVA	

FILE/DOSSIER:45-13-2

PAGE 1 OF/DE 5

FM/DE GENEVA YTGR5979 06OCT88

TO/A EXTOTT *UJO*

INFO JUSTOTT/FREEMAN/LOW/WEISER/HUDSON PCOOTT/CARON/LAPIERRE

INAHULL/WHITAKER/POTTER *de OTT*

DISTR IMH

REF OURTEL YTGR5978 06OCT

---HUMAN RIGHTS CTTEE: COMMUNICATION BY LUBICON LAKE BAND

ATTACHED IS DOCUMENT REFERRED TO IN REFTEL.

**RECEIVED - REÇU**

OCT 7 1988

Legal Operations Division (JLO)  
Direction des Opérations juridiques

DRAFTER/REDACTEUR

s.hynes/oss

TELEPHONE NBR

225

APPROVED/APPROUVE

*L. Hammond*

002759

VAN NESS, FELDMAN, SUTCLIFFE & CURTIS

A PROFESSIONAL CORPORATION

1030 THOMAS JEFFERSON STREET, N.W.

SEVENTH FLOOR

WASHINGTON, D.C. 20007

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OF COUNSEL

HOWARD ELIOT SHAPIRO  
ARTHUR JOHN ARMSTRONG  
\*NOT ADMITTED IN DISTRICT OF COLUMBIA

5 July 1988

Mr. Jakob Th. Moller  
Chief, Communications Unit  
Center for Human Rights  
United Nations Office  
CH-1211 Geneva 10  
SWITZERLAND

RE: Communication No. 167/1984

Dear Mr. Moller:

On behalf of the Lubicon Lake Band, I would like to thank you for your recent acknowledgement of receipt of the Band's Supplement No. 9 to Communication No. 167/1984. In addition, I would like to take this opportunity to inform the Committee, on behalf of the Band, of two events occurring since the Band's submission of Supplement No. 9.

First, in March 1988, Chief Ominayak and the Provincial Premier of Alberta, Don Getty, reached agreement on a procedure for bilateral negotiations between the Band and the Federal Government, which both the Province and the Band could support and adhere to. The proposal calls for the establishment of an independent tribunal to be involved in the bilateral negotiations in an advisory capacity. The tribunal would consist of Mr. E. Davie Fulton, a member appointed by the Federal Government, and a third person selected jointly by Mr. Fulton and the Federal appointee. The Band also proposed that the Province and the Band pursue parallel bilateral negotiations on non-land issues such as wildlife management and environmental protection.

-2-

The proposal for the independent tribunal was rejected by the Federal Government, which instead is pursuing a unilateral solution to the issues without the Band's or the Province's involvement. The question of bilateral negotiations between the Province and the Band on non-land issues remains open.

Second, on 17 May 1988, the Federal Government filed suit in the Alberta Provincial Court of Queen's Bench, seeking a declaratory judgement on the following four points:

- 1) that the Lubicon people have an outstanding land entitlement under Treaty 8;
- 2) that the size of the outstanding treaty land entitlement is to be determined on the basis of a membership formula proposed by the Federal Government;
- 3) that a reserve should be established based on the Federal Government's membership formula; and
- 4) that the Alberta Provincial Government is in breach of the 1930 land transfer agreement by refusing to support the Federal Government's unilateral determination of Lubicon land rights.

Among the many problems with this action are the fact that it completely ignores the Band's aboriginal lands claims; the fact that it seeks a declaratory judgement with respect to Band membership apparently based on the unique and highly controversial approach to the determination of membership that has been discussed in previous submissions; and the fact that the substance of the issues addressed are already before the courts in the existing Lubicon action.

Since the action was filed in the lowest court in Canada, and will entail subpoena or an argument over the extremely lengthy and complex Lubicon genealogical study, as well as appeals from any decision rendered, there is no basis for believing that the action will do anything but delay indefinitely resolution of the Lubicon land issues. In fact, it is the Band's belief that the action is intended to do precisely that, while presumably permitting the Federal Government to take the position that it no longer has responsibility for settlement of the issues, since it has placed them before the court.

The Band provides reference to the above events for the Committee's information, and reserves the right to comment on them in the future.

VAN NISS, FELDMAN, BUTCLIFFE & CURRIE


5/5

-3-

BEST AVAILABLE COPY

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.

Sincerely,

  
Jessica S. Lefevre

PLS COPY  
DOCT  
ATTACHED  
P3



Government of Canada  
Gouvernement du CanadaACTION  
REQUESTFICHE DE  
SERVICE

To - À

Date

Time - Heure

From - De

Telephone No - N° de téléphone

Extension - Poste

☐ Please Call      ☐ Returned your call      ☐ Will call again      ☐ Wants to see you  
Prière d'appeler      Vous a rappelé      Vous rappellera      Désire vous voir

<input type="checkbox"/> Action Donner suite	<input type="checkbox"/> Approved Approbation	<input type="checkbox"/> Note and return Noter et retourner
<input type="checkbox"/> Comments Commentaires	<input type="checkbox"/> Draft reply Projet de réponse	<input type="checkbox"/> Note and forward Noter et faire suivre
<input type="checkbox"/> As requested Comme demandé	<input type="checkbox"/> Signature	<input type="checkbox"/> Note and file Noter et classer

File no. - N° de dossier

Message taken by - Message reçu par

002764



External Affairs  
Canada

Affaires extérieures  
Canada

Accession/Référence

File/Dossier

45-eda-113-103-  
10+ LUBICON  
LF Band

MESSAGE

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SECURITY  
SÉCURITÉ

UNCLASSIFIED

FAX

FM/DE

FM EXTOTT IMH1505 21SEPT88

TO/À

TO PARIS

INFO

DISTR

DISTR IFB IMD RWR RWP BFE

REF

SUBJ/SUJ

--CANADIAN INDIGENOUS SITUATION: LUBICON LAKE BAND

LE MONDE ARTICLE OF 8SEPT CONCERNING CANADIAN NATIVES REFERRED TO  
ALLEGATION OF WORLD COUNCIL OF CHURCHES (WCC) THAT LUBICON LAKE  
BAND WERE VICTIMS OF QUOTE ETHNOCIDE UNQUOTE. PLS FIND ATTACHED  
SOME MATERIAL ON LUBICON LAKE BAND IN ADDITION TO THAT ALREADY SENT  
TO YOU ON PREVIOUS OCCASIONS. PLS NOTE THAT WCC CHARGE IS  
SPECIFICALLY ADDRESSED AT PAGE 3 OF SECOND DOC.

(COMCENTRE PLEASE FAX THE ATTACHED 10 PAGES)

UNCLASSIFIED  
NON CLASSIFIE

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SIG. Trottier

IMH

992-6664

SIG

D. RIVERMORE

002765

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NON CLASSIFIE

1/10

CANADA'S POSITION ON  
THE LAND CLAIM OF THE LUBICON LAKE BAND

Negotiations to provide the Lubicon Lake Band with a reserve have been at an impasse because of failure to resolve the basic issue of how many people should be counted in determining the band's entitlement to land.

The present federal government inherited the longstanding dispute and has attempted to bring it to a conclusion. In 1986, the band was granted \$1.5 million for legal and other costs in addition to previous loans of \$240 thousand it had received to research its claim.

There has been little progress in the 1982 court case launched by the band against the Province of Alberta. Repeated attempts by the federal government to bring the parties to the negotiating table have failed.

The three parties involved -- the Lubicon Lake Band, the Government of Alberta and the Government of Canada -- have been unable to agree on how to settle the claim.

Alberta believes the band's claim can only be resolved by sharing all genealogical information in three-party negotiations, an approach rejected by the band.

The federal government has therefore decided to end the impasse by making a formal request to Alberta for reserve land. The request is based on the present day population of the band, less any lands which have previously been made available to band members or their ancestors.

Should there be no agreement on this request, Canada will seek the assistance of the courts.

What is the basis of the Lubicon Lake Band's Claim?

Members of the Lubicon Lake Band are treaty Indians subject to the provisions of Treaty 8. The federal government recognized the band in 1940 and, after World War II, began providing band members with the benefits all Indians of Canada are entitled to.

In the past year, for example, the federal government has provided about \$1.3 million worth of housing, education, social welfare, health and other services including band support payments for honoraria to the Chief and band councillors and salaries for administrative staff. The band receives additional services from the provincial government.

The federal government recognizes the band's need for a reserve. Until it can be created, economic development projects and the building of the physical community -- roads, water and sewage systems, schools, a health care centre and other facilities -- cannot be permanently established through federal programs.

#### The responsibility of the Province of Alberta

Treaty 8 was signed in 1899 before the Province of Alberta was created. The federal government alone was responsible for Crown Lands, and it set aside reserves for the exclusive use of Indians. Today, under the Constitution Act of 1930, the management and administration of Crown Lands are the responsibility of the province. Therefore, the federal government alone cannot provide lands for the exclusive use of Indians, as it did before 1930. The provincial government has to account to the people of Alberta for the amount of land transferred from provincial to federal jurisdiction.

#### How is a land base calculated under Treaty 8?

A band's right to land is based on the number of entitled band members. Under Treaty 8, a band receives 128 acres of land for each entitled member (one square mile of land for a family of five). This formula was used to create reserves for 35 other Treaty 8 bands.

While the Government of Canada accepts that the number of registered band members should be a major factor, it is only fair to other Canadians that Indians should not be paid twice. If, for example, lands were made available previously to current members of the band or their predecessors, the amount of the band's entitlement may have to be reduced. Also, the number of band members should not be artificially inflated for the purpose of Treaty 8 entitlement.

#### Why won't the governments accept the Lubicon Lake Band's membership list in calculating the land base?

Because the Lubicon Lake Band's list includes members who are not entitled to land.

UNCLASSIFIED  
NON CLASSIFIE

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- 3 -

A band has the authority to include anyone it wishes on its membership list. But before providing a band with a reserve, the family histories of band members are traced to determine who should be counted in the calculation of the band's land entitlement.

Such a genealogy study was completed by the Lubicon Lake Band and the federal government in 1984. It identifies band members or their ancestors who received land (or other benefits instead of land) in earlier settlements. The band will not allow the federal government to share this study with the province.

Where do we go from here?

Canada continues to search for a solution and is therefore making its current request of Alberta. Regrettably, if Alberta cannot agree to this approach, the matter will have to be settled in the courts.

The Honourable Bill McKnight  
Minister of Indian Affairs and Northern Development



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NON CLASSIFIE

4/10

# Information

## LUBICON LAKE BAND LAND CLAIM

### Summary

The outstanding land claim of the Lubicon Lake Indian Band has been recognized by the Governments of Canada and Alberta. The claim remains unresolved, however, despite a number of attempts to come to grips with key issues and principles surrounding it.

Negotiations between the band and Canada have been hindered by the band's insistence that the Government of Alberta had no role in the process. In addition, the band has claimed a membership which it refused to support by releasing its own genealogical study to Alberta.

The Government of Canada has made **repeated offers** to the band to return to the negotiating table. Since the band refused, it was necessary to begin negotiations with the Government of Alberta separately in order to come up with an offer.

The band has devoted much of the past four years to a variety of national and international public relations activities designed to call attention to its grievances, and it has launched legal actions which are still pending. The band has called for a boycott of the 1988 Calgary Winter Olympic Games and a related cultural exhibit to be held at the Glenbow Museum.

### Lubicon Lake Band land claim

The Lubicon Lake Band land claim dates to the 1930s, when 14 Indian families living in the Lubicon Lake area of northern Alberta petitioned for a new reserve on the basis of Treaty 8 of 1899. This treaty, signed between the Government of Canada and the Indians of northern Alberta, provided for the surrender of traditional hunting grounds in exchange for reserves and other privileges, in the interests of recognizing the rights of aboriginal peoples while providing for orderly settlement.

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After the signing of Treaty 8, some Indian bands chose to remain nomadic and delay their acceptance of reserve land to later dates, as in the case of the indigenous populations in and around Lubicon Lake.

In 1940, the Government of Canada agreed in principle to the request for reserve lands for the 127 Indians living at Lubicon Lake and nearby Little Buffalo Lake. At the same time, the Lubicon Lake Band was recognized as a separate group entitled to education and medical assistance in accordance with Treaty obligations and federal government policy.

At that time, the Province of Alberta agreed to transfer 128 acres for each Indian (or a total of 25.4 square miles of Crown land) to the Government of Canada. This territory was to have become a reserve in accordance with the provisions of Treaty 8. Because the transfer of land did not occur, however, the reserve was not established, and in the 1960s the land ceased to be set aside for the purposes of the band.

In April of 1980, the Band filed an action in the Federal Court of Canada, requesting a declaration concerning their land claim, the use thereof and the benefits of the natural resources flowing therefrom. The claim was dismissed on jurisdictional grounds against the Government of Alberta and all oil and gas companies except Petro-Canada. The claim against the Government of Canada and Petro-Canada remains pending, but has been inactive since May of 1981.

In February of 1982 the band filed a Statement of Claim in the Court of Queen's Bench of Alberta against the Government of Alberta and certain corporate entities. It alleges aboriginal title to some 8,500 square miles of land in Northern Alberta and sought \$1 billion in compensation. In 1982 the Band applied for a Court injunction to stop oil and gas exploration in and around Lubicon Lake on lands claimed by the band.

This application was rejected by the Alberta Courts and later the Supreme Court of Canada in 1985. Subsequently this case has been pursued only intermittently by the band and was last amended in March 1987.

#### The band's public relations activities

After its initial attempts to pursue its claim by way of the Canadian court system, the band turned to national and international public relations activities. It invited groups of Canadian church persons and others sympathetic to the Indian cause to visit lands under dispute, and began to allege genocidal policies by Canadian authorities.

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In 1983 and 1984, at the instigation of the band, the World Council of Churches took up the Lubicon Lake Band cause, and wrote to federal and provincial governments with specific complaints. In response to the allegations of the World Council, the Ombudsman of Alberta, Mr. Randall Ivany, was invited to undertake an investigation.

The Ombudsman, an expert totally independent of the provincial government, published his report in August 1984, after direct investigation by his staff. He concluded that the unresolved land claim was "the underlying issue" and hoped that it could be resolved. But, with respect to the specific charges of Canadian groups and the World Council of Churches, he concluded that **"there is no evidence to support most of the charges which have been made"**.

With respect to the serious allegation of cultural genocide, he wrote: "I have not been provided with any evidence, either from the members of the band or from other sources, that could substantiate such a serious accusation."

In 1984 the band also initiated proceedings against Canada in the United Nations Human Rights Committee. Basing its arguments on Article 1 of the International Covenant on Civil and Political Rights, the head of the band, Chief Bernard Ominayak, alleged in a communication that Canada had violated the Lubicons' right to self-determination. In 1987 this communication was heard by the Human Rights Committee, and the argument based on Article 1 was rejected. However, a procedural decision was reached which allowed the communication to stand in respect of other possible grounds for complaint.

The Government of Canada is now requesting reconsideration of the decision on admissibility, and the Committee will not decide on the merits of the substance of the contention for some time.

In 1985 the band also helped to orchestrate the delivery to Lubicon Lake of emergency food aid, following allegations that the Band was in impoverished circumstances and near starvation. The donor group, made up largely of Church persons from Spokane, Washington, in the United States, brought truckloads of food, but did not find the Indian in the condition they expected. Instead, they found substantial dissension between the Lubicon Lake Band members and other natives and non-natives who were embarrassed about the media episode and resentful that the emergency assistance was not destined to the poor and needy.



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One year later, in April and May, 1986, the band announced that it would seek a boycott of the 1988 Calgary Winter Olympic Games and the landmark cultural exhibit associated with the Games at the Glenbow Museum. In the Fall of 1986 and the Spring of 1987, band representatives and non-native advisers travelled to Western Europe to meet support organizations and to rally support of its cause.

Early in 1987 the band also threatened legal action to halt the 1988 Winter Olympics, and suggested the possibility of disrupting the Olympic torch relay across Canada, which passed through a number of Indian reserves. Despite the fact that both the Winter Olympics and the Glenbow exhibition are proceeding as scheduled, the band has decided on a reinvigorated boycott campaign, using the three-year-old slogan "The Last Stand of the Lubicon".

#### Towards a negotiated settlement

The Government of Canada recognizes that the Lubicon Lake Band has a legitimate and outstanding land claim. Because of this recognition, the Government is committed to seeking a fair and just resolution of the claim in accordance with its legal obligations to the band, which flow from Treaty 8. It is the Government's position that the best framework for attaining such a resolution is through negotiations with the band and the Province of Alberta.

In 1985 the Government of Canada appointed the Honourable E. Davie Fulton, a former Minister of Justice and Attorney General, to undertake an inquiry into the Lubicon Lake Band's claim. His final report was submitted to the Governments of Canada and Alberta and the band in February, 1986. At the recommendation of Mr. Fulton, Canada made a payment of \$1.5 million to the band to defray legal and other costs associated with the presentation of its claim.

Later in 1986, the Government of Canada requested negotiations to deal with the outstanding claim, and in June of that year the band agreed to participate in bilateral negotiations with Canada through Canada's negotiator, Mr. Roger Tassé, a former Deputy Minister of Justice.

At that time, the band and Mr. Tassé agreed that he would also undertake parallel negotiations with the Province of Alberta, because, under Canada's constitutional arrangements, Alberta would have to be a party to at least some elements of a final agreement. Mr. Tassé and the band also agreed to use the Fulton Report as a guide to negotiations.

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On July 8, 1986, after only one meeting, the band withdrew from the bilateral negotiations over the question of the amount of land to which the band is entitled under the provisions of Treaty 8. The Government of Canada contended that the band was entitled to 128 acres for each of the 200 Indians registered under the Indian Act.

The band, on the other hand, maintained that, since it had control over its membership as provided for by Bill C-31, it was entitled to 128 acres for each of 457 persons on its membership list, irrespective of whether some of these persons were eligible under the provisions of Treaty 8 for land purposes.

Because the Government of Canada has emphasized that negotiations are the best framework for settling the outstanding land claim, Canada has made repeated efforts to get the band to the negotiating table.

The Minister of Indian Affairs and Northern Development, the Honourable Bill McKnight, publicly urged the band in 1986 to resume negotiations, and in 1987 he wrote to the Chief of the band with a formal request to reopen the disrupted talks.

With respect to a negotiated settlement, the position of the Canadian Government has been clear for the past two years. Canada believes that a framework is in place which will permit productive negotiations leading to a solution.

Canada has taken the lead in urging a return to the bargaining table, and the government is prepared to negotiate at any time with the band or its representatives.

#### Present socio-economic situation of the band

While the band has endeavoured to portray itself as impoverished and near extinction, this is hardly the case. The Government of Canada now provides to, or pays on behalf of the band, about \$1,300,000 annually for the delivery of social services to band members.

Among the services provided are the following:

- social assistance, education, housing, band governance and administration, including community maintenance, economic development, and adult training.

The level of social services delivered to band members is comparable to those provided to other Indians in Canada and is comparable to those available to all Canadians.

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For instance, social assistance payments to band members are the same as those available to all residents of the Province of Alberta, both Indian and non-Indian. Also the 48 school age members of the band are offered the same standards of education as non-Indian Albertans.

As Indians, members of the Lubicon Lake Band also have access to other federal social programs not generally available to other Canadians. These include free medical and dental care and free post-secondary education.

It should also be noted that band members also have full access to all social programs universally available to all Canadians.

These in part include:

- family allowance payments, unemployment insurance benefits, old age pensions, the Canada Pension Plan and, where applicable, Veteran's benefits.

#### Recent developments

In the Fall of 1987, J. Brian Malone, a Calgary lawyer, was appointed as federal negotiator. After repeated efforts to bring band negotiators back to the table, Mr. Malone began negotiations with the Province of Alberta regarding the creation of a reserve for the Lubicon Band.

On December 22, 1987 the Honourable Bill McKnight met with the Honourable J. Horsman, Attorney-General for Alberta with a proposal for an interim settlement of the band's claim for a reserve. This proposal would have been without prejudice to the band's right to further its claim either through negotiations or its existing court actions. In early January 1988, Alberta advised that an interim settlement was not possible because it felt that tripartite negotiations and sharing of geneological information were necessary for its participation in any agreement.

Also on December 22, 1987, Mr. McKnight indicated to the media that since Mr. Fulton has already given his written opinion on the resolution of this dispute, Mr. Fulton could not properly be considered as an impartial mediator.

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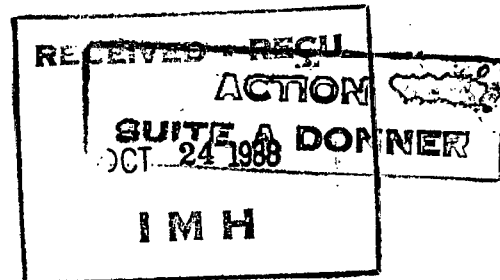
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- 7 -

On January 18, 1988, Mr. McKnight wrote to the band suggesting that the three parties resume negotiations or that the band allow the federal government share all genealogical information with Alberta. (The federal government and the band completed a genealogical study in 1984. It identified band members or their ancestors who had already received land or money in lieu of land in earlier settlements.) The band refused the Minister's request on January 21, 1988.

On February 3, 1988, Mr. McKnight delivered a letter to the Province of Alberta requesting land for a reserve noting that the absence of a positive response would result in the matter being referred to the courts.

ADD. 21/29/88



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TO EXTOTT/IMH

INFO PARIS LDN ROME HAGUE BRU COPEN OSLO STKHM HSNKI BERN VIENN GENEV  
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INAHULL/POTTER/WHITAKER JUSTOTT/FREEMAN/HUDSON/LOW/WEISER

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DISTR RWP RWR BFE BCM IMD BFR MINA MINP URR PSR JLO

REF OURTEL ZQFC3048 19SEP YOURTEL IMH1775 19OCT88

---MTG WITH SOCIETY FOR ENDANGERED PEOPLES RE LUBICON LAKE BAND  
DISPUTE

COUNSELLOR PUBAFFS KORN MET WITH FOUR REPS FROM SOCIETY AND ONE REP  
FROM OFFICE OF GREEN PARTY M.P. PETRA KELLY.

2. GROUP ASKED THAT FOLLOWING REPRESENTATION BE FORWARDED TO CDN  
GOVT: A) THAT SOCIETY FOR ENDANGERED PEOPLES SUPPORTS THE LUBICON, B)  
THAT SOCIETY WISHES TO SEE THAT LAND CLAIMS BE SETTLED IN ORDER TO  
ENSURE THE SURVIVAL OF THE LUBICON C) THAT LUBICONS SHOULD BE  
ALLOWED TO FREELY DETERMINE OWN ECONOMIC DEVELOPMENT D) THAT  
BLOCKADES SHOULD BE TOLERATED UNTIL A LEGAL SOLUTION HAS BEEN FOUND  
E) THAT NO CHARGES SHOULD BE LAID AGAINST MEMBERS OF BAND.

3. YOUR INPUT HAS BEEN MOST TIMELY AND USEFUL AND EXTRACTS WERE  
DISTRIBUTED TO SOCIETY IN GERMAN DURING MEETING.

4. HAVE SINCE RECEIVED TELEX FROM SOCIETY ASKING THAT PROTESTERS NOT  
BE PROSECUTED. WE HAVE ACKNOWLEDGED RECEIPT OF SOCIETY S TEL AND SAID  
THAT PROTESTERS WILL BE DEALT WITH ACCORDING TO CDN LAW.

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Lubicon Lake Band	

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TO EXTOTT/IMH

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PRMNY WSHDC PCOOTT/FPRO/CARON/LAFRENIERE/BATT

INAHULL/POTTER/WHITAKER JUSTOTT/FREEMAN/HUDSON/LOW/WEISER

DISTR RWP RWR BFE BCM IMD BFR MINA MINP URR PSR JLO

REF YOURTELS IMH1721 09OCT88 IMH464 16MAR88 OURTEL ZQFC3043 17SEP

---LUBICON LAKE INDIAN BAND DISPUTE WITH CDN AND ALTA GOVTS

FOLLOWING IS REPEAT OF OURRETEL GIVING WIDER DISTRIBUTION: HAVE BEEN  
APPROACHED BY SOCIETY FOR ENDANGERED PEOPLES (GESELLSCHAFT FUER  
BEDROHTE VOELKER) FOR MEETING AT EMBASSY ON FRIDAY 21OCT ON QUOTE CDN  
GOVT POSITION ON LUBICONS UNQUOTE. ON SAME DATE, SOCIETY PLANNING  
INFORMATION STAND ON BONN MARKET PLACE TO BRING PUBLIC ATTENTION TO  
THIS ISSUE. REQUEST LATEST POSITION OF NEGOTIATIONS AND ANY FURTHER  
INSTRUCTION BEYOND WHAT YOU HAVE PROVIDED IN REFTEL.

UUU/777 191600Z ZQFC3048

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

**RECEIVED - REÇU**

**OCT 18 1988**

**IMH**

UNCLASSIFIED

FM BONN ZQFC3043 17SEP88

TO EXTOTE/IMH

INFO PARIS LDN

DISTR RWP RWR BFE BCM

REF YOURTELS IMH1721 09OCT88 IMH464 16MAR88

---LUBICON LAKE INDIAN BAND DISPUTE WITH CDN AND ALTA GOVTS  
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ATTENTION TO THIS ISSUE. REQUEST LATEST POSITION OF NEGOTIATIONS AND  
ANY FURTHER INSTRUCTION BEYOND WHAT YOU HAVE PROVIDED IN REFTTEL.  
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FILE	DOSSIER
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Lubicon LK Band	

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5 July 1988

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United Nations Office  
CH-1211 Geneve 10  
SWITZERLAND

ACC	588874	DATE	880705
FILE	45-Cla-13-1-3-Lubicon Lake Band		
DOSSIER			

RE: Communication No. 167/1984

Dear Mr. Moller:

On behalf of the Lubicon Lake Band, I would like to thank you for your recent acknowledgement of receipt of the Band's Supplement No. 9 to Communication No. 167/1984. In addition, I would like to take this opportunity to inform the Committee, on behalf of the Band, of two events occurring since the Band's submission of Supplement No. 9.

First, in March 1988, Chief Ominayak and the Provincial Premier of Alberta, Don Getty, reached agreement on a procedure for bilateral negotiations between the Band and the Federal Government, which both the Province and the Band could support and adhere to. The proposal calls for the establishment of an independent tribunal to be involved in the bilateral negotiations in an advisory capacity. The tribunal would consist of Mr. E. Davie Fulton, a member appointed by the Federal Government, and a third person selected jointly by Mr. Fulton and the Federal appointee. The Band also proposed that the Province and the Band pursue parallel bilateral negotiations on non-land issues such as wildlife management and environmental protection.



VAN NES, FELDMAN, SUTCLIFFE & CURTIS

-2-

The proposal for the independent tribunal was rejected by the Federal Government, which instead is pursuing a unilateral solution to the issues without the Band's or the Province's involvement. The question of bilateral negotiations between the Province and the Band on non-land issues remains open.

Second, on 17 May 1988, the Federal Government filed suit in the Alberta Provincial Court of Queen's Bench, seeking a declaratory judgement on the following four points:

- 1) that the Lubicon people have an outstanding land entitlement under Treaty 8;
- 2) that the size of the outstanding treaty land entitlement is to be determined on the basis of a membership formula proposed by the Federal Government;
- 3) that a reserve should be established based on the Federal Government's membership formula; and
- 4) that the Alberta Provincial Government is in breach of the 1930 land transfer agreement by refusing to support the Federal Government's unilateral determination of Lubicon land rights.

Among the many problems with this action are the fact that it completely ignores the Band's aboriginal lands claims; the fact that it seeks a declaratory judgement with respect to Band membership apparently based on the unique and highly controversial approach to the determination of membership that has been discussed in previous submissions; and the fact that the substance of the issues addressed are already before the courts in the existing Lubicon action.

Since the action was filed in the lowest court in Canada, and will entail subpoena of and argument over the extremely lengthy and complex Lubicon geneological study, as well as appeals from any decision rendered, there is no basis for believing that the action will do anything but delay indefinitely resolution of the Lubicon land issues. In fact, it is the Band's belief that the action is intended to do precisely that, while presumably permitting the Federal Government to take the position that it no longer has responsibility for settlement of the issues, since it has placed them before the court.


The Band provides reference to the above events for the Committee's information, and reserves the right to comment on them in the future.

VAN NE. FELDMAN, SUTCLIFFE & CURTIS

-3-

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.

Sincerely,

  
Jessica S. Lefevre

OFFICE DES NATIONS UNIES A GENÈVE

CENTRE POUR LES DROITS DE L'HOMME



UNITED NATIONS OFFICE AT GENEVA

CENTRE FOR HUMAN RIGHTS

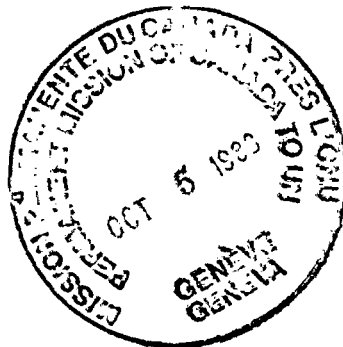
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Téléphone: 34 60 11 3102 11

RÉF. N°: G/SO 215 /51 CANA (38)  
(à rappeler dans la réponse) 167/1984

Palais des Nations  
CH-1211 GENEVE 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, dated 20 June 1988, transmitting a further submission of the Government of Canada, dated 17 June 1988, concerning 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.

... The Secretariat also has the honour to transmit herewith, for information and in order to complete the files of the State party, a copy of a further letter from author's counsel dated 5 July 1988.

3 October 1988



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

TO  
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EXTOTT JLO

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WITHOUT ATTACHMENT(S) / SANS ANNEXE(S)

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FILE: 45-13-R

NO.

DATE

7OCT88

QUANTITY  
QUANTITÉ

DESCRIPTION - DESCRIPTION

REFERENCE - RÉFÉRENCE

RE: HUMAN RIGHTS CTTEE: COMMUNICATION BY LUBICON LAKE BAND  
REF:OUR TEL YTGR5978 AND OUR FAX 5979 6OCT

ATTACHED IS ORIGINAL OF DOCUMENT FORWARDED BY REFFAX.

*BICO.*

RECEIVED - 1988

OCT 19 1988

Legal Operations Division (JLO)  
Direction des Opérations juridiques

RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

RETURN TO / RETOURNER À

19/10/88

DATE

*Sm Smucay*

SIGNATURE

R. Hynes, First Secretary  
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OFFICE DES NATIONS UNIES A GENÈVE

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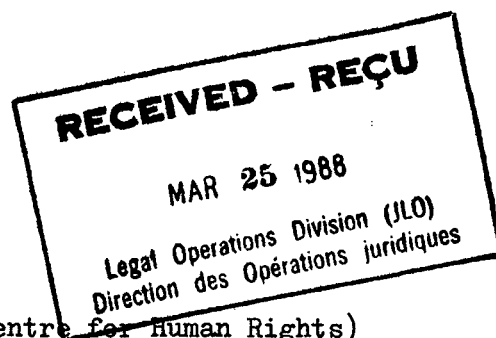
RÉF. N°:

(à rappeler dans la réponse)

G/SO 215/51 CANA (38)  
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 comments of the Government of Canada, dated 3 March 1988 on the submission of Chief Bernard Ominayak, dated 7 October 1987 and 12 January 1988, concerning communication No. 167/1984 (B. Ominayak and the Lubicon Lake Band v. Canada), which is before the Committee under the Optional Protocol to the International Covenant on Civil and Political rights.

A copy of the State party's submission has been forwarded to the author of the communication for information.

ACC	DATE 880308
DOSSIER	
45-Can-1-3-Lubicon Lake Band	

8 March 1988



Quarantième anniversaire de la Déclaration universelle des droits de l'homme 1948-1988  
Fortieth Anniversary of the Universal Declaration of Human Rights 1948-1988

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January 12, 1988

ACE	588871	DATE	880112
FILE	45-Cda-13-13-Lubicon Lake B.		
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Mr. Jakob Th. Moller  
Chief Communications Unit  
Center for Human Rights  
United Nations Office  
CH-1211 Geneve 10  
SWITZERLAND

RE: Communication No. 167/1984

Dear Mr. Moller:

Thank you for transmitting the 24 August and 13 October 1987 notes from the Permanent Mission of Canada to the United Nations, and the Government of Canada's 7 October 1987 Response to the Committee's 22 July 1987 decision.

On behalf of Chief Bernard Ominayak and the Lubicon Lake Band, I have the honor of submitting to the Human Rights Committee the enclosed Supplement No. 8 to Communication No. 167/1984.

On behalf of Chief Ominayak and the Band, I also wish to take this opportunity to express our highest regard 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*  
Jessica S. Lefevre

Enclosure

SUPPLEMENT NO. 8 TO COMMUNICATION NO. 167/1984

SUBMITTED BY CHIEF BERNARD OMINAYAK

AND THE LUBICON LAKE BAND OF ALBERTA, CANADA

12 January 1988

COMMENTS ON RESPONSE OF THE

GOVERNMENT OF CANADA

DATED 7 OCTOBER 1987

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In its decision of 22 July 1987 (CCPR/C/30/D/167/1984), the United Nations Committee on Human Rights found the Complaint of the Lubicon Lake Band ("Band"), submitted to the Committee in Communication No. 167/1984 ("Communication") to be admissible in so far as it raises issues under article 27 or other articles of the International Covenant on Civil and Political Rights ("Covenant"). The Committee also requested, pursuant to rule 86 of its provisional rules of procedure, that Canada take interim measures to avoid irreparable damage to Chief Ominayak and other members of the Lubicon Lake Band. The Committee further requested that in accordance with article 4(2) of the Optional Protocol, Canada submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by it.

By letter dated 4 December 1987, the Chief of the Communications Section of the Centre for Human Rights transmitted to Chief Ominayak and the Band two notes from the Permanent Mission of Canada to the United Nations Office at Geneva, dated 24 August 1987 and 13 October 1987, and a Response from the Government of Canada, dated 7 October 1987.

#### **A. Introduction**

The 7 October 1987 Response by Canada fails to provide any explanation or clarification of the issues relating to the situation of the Lubicon Lake Band. Of even greater concern to the Band, Canada continues to make no attempt to provide a remedy or to comply with the Committee's request pursuant to rule 86.

The stated purpose of Canada's Response is to appeal the Committee's decision on the admissibility of Communication No. 167/1984. In effect, however, Canada's Response is an attack on the competency of the Committee and/or the wisdom of its decision. In its submission of 26 June 1987, Canada itself recognized that the Human Rights Committee had sufficient information before it to make a decision on the issue

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of admissibility (decision of the Committee of 22 July 1987, page 9). Despite this previous position and despite the fact that the Committee fully considered and fairly set out the essential elements of the positions of both parties in its decision of 22 July 1987, Canada now bases its appeal on a restatement of the facts already before the Committee. It seeks, under the guise of elaboration of its previous submissions, to have the Committee reverse its decision without any real new grounds.

Furthermore, in its 7 October 1987 Response, as in its past submissions to the Committee, Canada has once again intentionally misrepresented facts and mischaracterized relevant domestic law in what can only be construed as a continuing attempt to mislead the Human Rights Committee with regard to this matter. In continuing this posture, Canada insists upon committing what amounts to virtual perjury, rather than resolving a very simple issue, which turns upon what is in comparative terms an extremely small area of land.

The only discernible reason for Canada's position is that the Federal and Provincial Governments have become embroiled in a jurisdictional and power struggle over unsurrendered traditional Native lands that are rich in oil. The Lubicon Lake Band has become a pawn in this battle. Through its actions in both the domestic and international arenas, Canada is clearly demonstrating its willingness, the Lubicon Lake Band and public opinion permitting, to abdicate its trust responsibility to the Native people of Canada, and to sacrifice their human rights if necessary, rather than to confront Alberta on these issues.

In its present submission, the Lubicon Lake Band respectfully requests that the Committee consider the merits of the Band's claim based on the facts before the Committee and pursuant to the articles of the Covenant cited in this submission, and that the Committee find Canada in contempt of the Committee's request pursuant to

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rule 86 of the Committee's provisional rules, as set forth in its decision of 22 July 1987, CCPR/C/30/D/167/1984.

**B. The Admissibility of Communication No. 167/1984**

1. In its 22 July 1987 decision, the Committee determined that **Communication No. 167/1984 is admissible based upon the facts and events which the Band, through its submissions, has described to the Committee.**

Canada's first basis for appeal of the Committee's decision is its assertion that the decision is too vague, since the Committee chose to admit the Communication under article 27 or other articles of the Covenant, rather than under article 1, and "did not identify the facts or evidence submitted by the Band that might substantiate a violation of articles of the Covenant other than Article 1." Response of the Government of Canada, 7 October 1987, at page 2. In fact, the Committee clearly indicated that its decision is based upon "the facts as submitted" and the "events which the author has described." CCPR/C/30/D/167/1984, at paragraph 14.4, emphasis added. It is clear from the Committee's decision that Canada is expected to address the matter based upon all of the facts and events as provided to and developed before the Committee to date.

However, given its respect for the Committee and its decisions, as well as its continuing desire to expedite the Committee's consideration of this matter, the Band provides below a discussion of the articles of the Covenant which it believes Canada has violated in this context. The facts supporting reliance upon these articles are already before the Committee in the Band's previous submissions, including Communication No. 167/1984, Supplements to that Communication, the Band's comments on submissions by the Government of Canada, and letters written to the Committee by or on behalf of the Band. All of the information contained in the Band's

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previous submissions is herein incorporated by reference. The following submissions are specifically referred to in the discussion: Communication No. 167/1984; Supplement 1, transmitted 27 March 1985 (herein referred to as "Supplement 1"); Comments on the 31 May 1985 Response of the Federal Government of Canada, originally transmitted 8 July 1985, revised version transmitted 31 July 1985 (herein referred to as "31 July 1985 Comments"); Supplement 2, transmitted 9 April 1986 (herein referred to as "Supplement 2"); Supplement 3, dated 30 June 1986 (herein referred to as "Supplement 3"); Supplement 5, dated 23 February 1987 (herein referred to as "Supplement 5"); Supplement 6, dated 25 February 1987 (herein referred to as "Supplement 6"); Supplement 7, dated 7 October 1987 (herein referred to as "Supplement 7").

**2. Canada has committed specific violations of article 27 and other articles of the Covenant against the Lubicon Lake Band.**

The Lubicon Lake Band maintains that article 1 of the Covenant provides the most accurate and comprehensive statement of the internationally recognized rights and liberties of which the Band, as a people and a community, has been deprived. Nonetheless, and even though the Band falls within the definition of "aboriginal peoples" recognized specifically by section 35 of Canada's Constitution Act, 1982, the Band respects the decision of the Committee with regard to the availability of article 1 under the Optional Protocol. Therefore, the Band hereby requests that the Committee consider the merits of its claim in light of the provisions of the articles set forth below.

As individuals living within the territory of Canada, the people of the Lubicon Lake Band have had several of their rights under the Covenant violated. In particular, they have been and are being denied: their right to have Canada ensure to them the guarantees of the present Covenant and their right to an effective remedy (article 2(1),

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(2), (3)(a) of the Covenant); their inherent right to life (article 6(1) of the Covenant); their right not to be subjected to cruel, inhuman or degrading treatment (article 7 of the Covenant); the right to equality before the courts and tribunals and the right to a fair and public hearing in a suit at law by a competent, independent and impartial tribunal established by law (article 14(1) of the Covenant); the right not to be subject to arbitrary or unlawful interference with privacy, family or home and the right to the protection of the law against such interference or attacks (article 17 of the Covenant); the right to freedom of conscience and religion and to manifest religion in practice (article 18(1) of the Covenant); the protection of the family (article 23(1) of the Covenant); the right to equality before the law and the right without any discrimination to the equal protection of the law (article 26 of the Covenant); and the right as an ethnic, religious or linguistic minority, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion and to use their own language (article 27 of the Covenant). The Committee specifically noted this final article in its decision of 22 July 1987 (CCPR/C/30/D/167/1984, at paragraphs 11.1, 14.4, 14.5).

**a. Article 2(1), (2), (3)(a)**

Article 2(1) of the Covenant requires that Canada ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, "without distinction of any kind, such as race . . . language, religion, political or other opinion, national or social origin, property . . . or other status." As demonstrated in the Band's submissions to the Committee, the people of the Lubicon Lake Band have been deprived of their traditional aboriginal territory, the resources of that territory, and their means of livelihood as a direct result of their racial, social, economic and property status as Native, indigenous or aboriginal people. The Band set

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forth in Communication No. 167/1984, its 31 July 1985 Comments, Supplement 2 and in other submissions the history of events which evidence Canada's disregard for any interests which the Lubicon people have in their homeland and their traditional way of life.

The racial differences here are clear. The social, economic and property distinctions underlying Canada's treatment of the Lubicon people arise from the Band's indigenous community structure, its subsistence economy and its aboriginal interest in its traditional territory -- an interest entailing the right to occupy, possess and use the land and resources of the territory to support its subsistence economy, to carry on a traditional way of life, and to practice a particular Native culture and religion. Canada, through the actions of its Province, executive agencies and judiciary, is proceeding as though these distinctions justify its theft of the homeland, and resulting ruin of the families, community, economy, way of life and spiritual and cultural heritage of these people.

Article 2(2) of the Covenant requires Canada to take necessary steps, in accordance with its Constitution and the provisions of the Covenant, to "give effect to the rights recognized in the present Covenant." Canada stands in violation of this article in that its initial failure, in 1940, to set aside a reserve of land for the Lubicon Lake Band, its continuing refusal to assist these people in obtaining a defined reserve, its unwillingness to protect the Band's aboriginal interest from appropriation by Alberta, and its failure to protect the way of life and livelihood of the Band give rise to violations of a number of provisions of the Covenant, as discussed in this submission. At this point, certain of the human rights violations suffered by the Band can never be remedied. To the extent Canada refuses to resolve those which are still remediable, Canada remains in continuing violation of the requirements of article 2(2).

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Article 2(3)(a) requires that Canada provide an "effective remedy" for violations of rights protected by the Covenant. Canada has failed and continues to fail to provide the Lubicon Lake Band an effective remedy with regard to the Band's rights under the Covenant, as demonstrated in the Band's previous submissions, as recognized by the Committee in its decision, and as discussed again in this submission.

**b. Article 6(1)**

Article 6(1) of the Covenant guarantees every human being the "inherent right to life." While the Government of Canada has not sought, directly, the death of any member of the Lubicon Lake Band, the circumstances deliberately created by Canada through its actions have led, indirectly if not directly, to the deaths of 21 persons and are threatening the lives of virtually every other member of the Lubicon community. Moreover, the ability of the community to replace itself is in serious doubt as the number of miscarriages and stillbirths has skyrocketed and the number of abnormal births generally has gone from near zero to near 100 percent.

It is a fact well documented in both anthropological and sociological literature that the destruction of the economic base of small-scale societies and communities leads inevitably to the deterioration of a community's political and social structure. With the collapse of political and social institutions, including the breakdown of the family, communities experience dramatic increases in suicides, fatal accidents, homicides, alcohol and drug abuse, abnormal births and the illnesses associated with poverty and alcohol and drug abuse.

The Band has documented for the Committee several of the tragedies experienced in the Lubicon community in recent years; tragedies which are the human reality of the fear, despair and pain underlying such a sociological profile; tragedies which were previously unprecedented in the Band's history. Please see, in particular, Appendix No. 6 to Communication 167/1984 and Supplement 2, pages 4-5.



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The Band's loss of its economic base and the breakdown of its social institutions, including the forced transition from the physically demanding hunting and trapping way of life to a sedentary welfare existence, has also led to a deterioration in the health of the Band members. In addition, the diet of the people has undergone dramatic change with the loss of their game, their forced reliance on less nutritious processed foods, and the spectre of alcoholism -- the final refuge of the hopeless -- previously unheard of in this community and which is now overwhelming it. Furthermore, the systems by which the community organized and managed some of its most basic needs, including its health and sanitary needs, has collapsed. A few years ago, the Lubicon Lake Band was a robust and thriving community that relied upon traditional medicines and that had never had running water or modern sanitary facilities and had no need of them. At this point, however, the community's traditional systems of water and sanitary management have all but disappeared.

As a result of these drastic changes in the community's physical existence, the basic health and resistance to infection of community members has deteriorated dramatically. The lack of running water and sanitary facilities in the community, needed to replace the traditional systems of water and sanitary management, combined with the declining health of community members, is leading to the development of diseases associated with poverty and poor sanitary and health conditions. This situation is evidenced by the astonishing increase in the number of abnormal births and by the recent outbreak of tuberculosis, which now affects approximately one-third of the community. The Band notified the Committee of the tuberculosis outbreak in its Supplement 7.

Initially, Canada's handling of this matter might not have constituted a violation of article 6(1). However, at this point, the Government of Canada is fully aware of the

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increasing rate of illness and death in the community. Therefore, Canada's refusal to offer a resolution of this situation, that would permit a reversal of the precipitous decline of this community, must be found to constitute a knowing and even deliberate deprivation of the inherent right to life of members of the Lubicon Lake Band.

**c. Article 7**

Article 7 of the Covenant prohibits the infliction of "cruel, inhuman or degrading treatment." The appropriation of the Band's traditional lands without its consent, the destruction of its way of life and livelihood and the devastation wrought to the community, described in the Band's submissions, constitute cruel, inhuman and degrading treatment for which Canada is responsible.

Moreover, as is pointed out in the preceding section, the intentional destruction of a community, as in the case of the Lubicon Lake Band, can devastate the physical health of individual members of the community. The intentional subjection of a people to conditions of life resulting in such a rapid loss of physical health and increase in the rate of disease and death certainly constitutes cruel, inhuman and degrading treatment.

Furthermore, such destruction of a community involves wrenching social dislocation and loss of individual identity, as the social roles which gave identity and meaning to the lives of community members disappear. The anguish and suffering of the people who must sit helplessly by and watch their families and community disintegrate is overwhelming.

An analogy in modern western culture is the devastation wrought by a crippling depression, such as that of the 1930's. The differences here are crucial, though. The Lubicon Lake Band has experienced not only crushing economic disaster, but is facing its own death as individuals and as a community. Furthermore, the causes here are not blind market forces, but deliberate and calculated actions by specific individuals in the

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Provincial and Federal Governments. Therefore, the suffering of the Band is not only degrading, it is cruel and inhuman to the extent that it is deliberate, it was avoidable and as pointed out in the Band's submissions to the Committee, it was predictable.

As the Band has noted in its past submissions, in recognition of the overwhelming cruelty and inhumanity of the suffering wrought by the deliberate destruction of communities, the United Nations, in its Convention on the Prevention and Punishment of the Crime of Genocide, included such destruction within its definition of genocide. Please see Supplement 1, page 8; the Band's 31 July 1985 Comments, pages 16-18, 27-32; Supplement 2 pages 6-7; Supplement 3, pages 3-4; Supplement 5, page 17.

**d. Articles 14(1) and 26**

Article 14(1) of the Covenant guarantees that in the determination of a party's "rights and obligations in a suit at law" everyone shall be entitled to a "fair and public hearing by a competent, independent and impartial tribunal established by law." Article 26 expands upon the guarantees of article 14(1) by guaranteeing that "all persons are equal before the law" and requiring states to provide "effective protection" against discrimination on any basis, including "race . . . religion, political or other opinion, national or social origin, property . . . or other status."

It is a fundamental principle of jurisprudence that the assurance of an impartial forum is essential in proceedings where the political and/or economic power of one party greatly outweighs that of the other party -- as in an action involving a state government and an aboriginal people. In such an action, a biased tribunal may cost an entire people its very existence by depriving its members of their homeland and means of livelihood.

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The domestic court proceedings instituted by the Band are founded on aboriginal rights and title in land and challenge certain of the state's asserted powers and jurisdiction. They are thus inherently susceptible to precisely the types of abuses articles 14(1) and 26 are intended to guard against.

In fact, the biases of the Canadian courts have presented a major obstacle to the Band's attempt to protect its land, community and livelihood; the fundamental biases of the tribunals arising from distinctions based on race, political, social and economic status. Moreover, the economic and social biases confronting the Band within the Canadian courts, especially within the Provincial court system in Alberta, have been greatly magnified by the fact that several of the judges rendering the decisions of these courts have had clear economic and personal ties to the parties opposing the Band in the actions. Please see Communication 167/1984, pages 4-6; Supplement 1; the Band's 31 July 1985 Comments, pages 23-27; Supplement 6, pages 5-7.

In addition to the problems the Band has encountered in the Canadian courts, Canada continues to refuse the Band an impartial forum for purposes of negotiation. The Band has provided the Committee a history of the attempts at negotiation in: Supplement 2, pages 7-9; Supplement 3, pages 2-3; Supplement 5, pages 2-15; Supplement 6, pages 7-10; Supplement 7, pages 3-4.

As is discussed in greater detail below at page 21, the Band has requested that Mr. E. Davie Fulton be reinvolved in the negotiation process as an independent mediator, and that the proceedings be subject to Parliamentary oversight by the Standing Committee on Aboriginal Affairs and Northern Development. In this way, the negotiation process would gain the benefit of a mediator who has already demonstrated his impartiality with regard to the issues, and who would thus be in a position to break deadlocks between the parties.

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In addition, it is hoped that the oversight of the Standing Committee would provide the public scrutiny necessary to permit citizens of Canada and the U.N. Committee on Human Rights to monitor the conduct of these negotiations, especially in light of both Federal and Provincial negotiators' tactic of publically misrepresenting their true position when closed door negotiations have been held. Since meaningful negotiations cannot occur without such safeguards against bias and abuse of the forum, Canada's refusal to agree to them places it in continuing violation of the requirements of articles 14(1) and 26 with regard to the negotiation process.

**e. Articles 17 and 23(1)**

Articles 17 and 23(1) provide for protection of the family and home. In contravention of the proscriptions of these articles, Canada is knowingly permitting the Lubicon Lake Band to be subjected to conditions which are resulting directly in the destruction of the families and homes of its members. In an indigenous community, the entire family system is predicated upon the spiritual and cultural ties to the land and the exercise of traditional activities. When these are destroyed, as in the case of the Lubicons, the essential family component of the society is irremediably damaged.

Members of the Band have been personally threatened that their homes would be destroyed by bulldozer if they did not accept Provincial jurisdiction over their land and effectively relinquish their aboriginal land rights. Furthermore, Canada's terms for negotiation rest upon retroactive application of the Canadian Indian Act prior to its amendment by Bill C-31, in violation of article 27 (Sandra Lovelace v. Canada, case No. 24/1977). Application of this law literally would result in a situation where some members of a family would be entitled to federal recognition as "Indians" and other members of the same family would not. Please see Supplement 5, pages 3-6.

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It is also vital to take account of the fact that the traditional territory that has been taken from these people is their "home." It is where they have lived as a community for countless generations. In their social practices and spiritual belief system, as with most indigenous peoples, the territory in which the family and community reside is no less sacred, no less their home, no less a part of them than is the enclosed dwelling to which they retire at night. In fact, in many respects, the territory of the community is infinitely more important and more sacred than a mere dwelling.

**f. Article 18(1)**

Article 18(1) guarantees the right of religious freedom. With the taking and destruction of their land, the people of the Lubicon Lake Band have been robbed of the physical realm to which their religion — their spiritual belief system — attaches. Again, as with other indigenous peoples, the traditional territory of the community encompasses the physical aspect of the community's spiritual life. With the loss or destruction of the territory, the only temple in which worship has meaning for these people is lost.

**g. Article 27**

Article 27 guarantees protections for ethnic, religious and linguistic minorities. The Lubicon Lake Band, as an indigenous or aboriginal people who have never entered a treaty with or ceded territory to Canada, is a social and political entity distinct and separate from the social and political system of Canada, rather than a minority group of Canadian society.

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Nonetheless, in terms of size, the Band is clearly a minority within the territory controlled by Canada; its minority status resting on several factors, including ethnic, religious and linguistic differences. The Committee has already upheld Canada's obligation to provide protections for the indigenous peoples of Canada. Sandra Lovelace v. Canada. Canada has completely failed in any way to fulfill this obligation with respect to the Lubicon Lake Band. Further, as is pointed out above, it has even attempted to subject Band members, retroactively, to the pre-C-31 Indian Act, the very law which the Committee held to be in violation of article 27 in the Lovelace case. Also, please see Supplement 5, pages 3-6, where it is pointed out that based upon the retroactive application of this statute, Canada has taken the position that no land or resources are to be provided to or for the benefit of more than one-half of the Lubicon people.

#### **C. Exhaustion of Domestic Remedies**

The question of the Band's exhaustion of its available and effective domestic remedies has been argued at length before the Committee by both parties. The arguments offered by Canada in its 7 October 1987 Response do not cover new ground, except to the extent Canada asserts that the parties are pursuing negotiation within a negotiation process established by law. This assertion rests upon a less than accurate portrayal of relevant law and a blatantly false statement of relevant facts.

For the sake of clarification, the Band will address each of the points raised by Canada in turn, once again referring to materials already before the Committee.

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1. **The failure of the Canadian courts to grant the Lubicon Lake Band an interim injunction has resulted in the complete destruction of the Band's economic base and way of life, as corroborated by E. Davie Fulton in his investigation on behalf of the Federal Government of Canada.**

Canada attempts to argue that its courts provided the Lubicon Lake Band a full and fair hearing of the Band's application for an interim injunction to halt oil development in the area until the land title question could be settled. In previous submissions, the Band has addressed the interim injunction decisions, as well as the ties of judges making these decisions to the defendants in the action. Please see, in particular, Supplements 1 and 6, and the Band's 31 July 1985 Comments, pages 10-11, 23-27.

As is demonstrated by the court decisions, provided to the Committee by Canada, and by Canada's own discussion of the decisions, in attempting to protect its economy and livelihood through the Canadian court system, the Band found itself in a "catch 22." The Court of Queens Bench, despite substantial, uncontested evidence presented on behalf of the Band, determined that it was not clear that the Band's lifestyle was in fact threatened. Therefore, injunctive relief was denied. Fourteen months later, on appeal, the Court of Appeal found that to the extent the Band had lost its hunting and trapping way of life, there was nothing left to protect through injunction, and that the threat of any additional loss was once again too speculative.

The Court of Appeal also tried to construct an argument that there was no clear correlation between the development activities in the area and a decline in the Band's livelihood. In his nearly year-long personal investigation of the situation at Lubicon Lake, Mr. E. Davie Fulton concluded that "the weight of evidence is that the decline in harvesting from hunting and trapping is . . . due to the impact of development which is an established fact which coincided with the onset and continuance of the decline . . . ." Fulton Discussion Paper, sec. 5(b)(i), at page 54. As the Band has already



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informed the Committee, the decision of the Court of Appeal was appealed to the Supreme Court of Canada twice, and review was twice refused.

Canada and the Band clearly disagree as to whether the courts, in deciding upon the Band's application for an injunction, gave careful consideration to all of the evidence presented and to the probable outcome of the matter. As the facts now stand, however, the Lubicon Lake Band's "highly speculative" claim that its economy and livelihood were in mortal danger in 1983, has given way to the concrete reality that its economy and livelihood are dead. Canada recognizes this reality in the figures set forth at pages 24-25 of its 7 October 1987 Response. A self sufficient community has no need of the massive welfare support the Lubicon Lake Band now requires.

**2. A trial on the merits offers the Lubicon Lake Band no recourse against the Federal Government of Canada and no redress for the loss of its economy and way of life.**

The Band continues to try to pursue an action on the merits of its aboriginal land title claim. In Canada's view, this action affords the Band adequate opportunity for protection of its interests and compensation for its losses. In adopting such a position, Canada would have the Committee decide that human rights violations may be rectified through the payment of money — i.e., that human dignity, security, happiness and even life may be bought for whatever purpose the state desires. The reality of the present situation is that a trial on the merits can no longer present an avenue for protection of the Band's economy and way of life. Even if compensation were available through the Canadian courts, it could never replace what has been lost. Please see Supplement 6, pages 1-7, 13-14.

The Band's economy and way of life are gone. Their destruction has been documented by well known and highly respected individuals within Canada and the international community. The physical evidence is there for any observer who wishes

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to make the journey. Please see, for example, 31 July 1985 Comments, pages 28-32; Supplement 3, pages 3-4; Discussion Paper prepared by Mr. E. Davie Fulton. In spite of this undeniable fact, Canada continues to argue to the Committee that "the Band's way of life, livelihood and means of subsistence have not been irreparably damaged, nor are they imminently threatened." 7 October 1987 Response of the Government of Canada, at pages 10-11. A trial on the merits will not undo what has been done.

Furthermore, a trial on the merits is no longer available against the Federal Government of Canada. In October 1986, the Supreme Court of Canada held that aboriginal land rights within Provincial boundaries involve Provincial land rights and must therefore be adjudicated before the Provincial courts. Therefore, on 30 March 1987, the Band applied to the Alberta Court of Queens Bench for leave to amend its Statement of Claim before that court to add the Federal Government of Canada as a defendant.

The decision of the Court of Queens Bench, handed down on 22 October 1987, was to deny the Band's application. Thus, despite the fact that the Canadian Constitution vests exclusive jurisdiction for all matters concerning Indians and Indian lands in Canada with the Federal Government, as matters now stand the Lubicon Lake Band has no recourse against the Federal Government on issues pertaining to these very questions in any court in Canada.

**3. The negotiation process discussed by Canada in its 7 October 1987 Response has not been applied to the Lubicon Lake controversy.**

At page 12 of its Response, Canada describes its processes for negotiating aboriginal claims. Three points are in order with regard to this discussion. First, the policy statement quoted at page 12 pertains only to the Comprehensive Claims process, which Canada refuses to make available to the Lubicon Lake Band.

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Secondly, in all settlements of aboriginal and other Native claims to date, including the Fort Chipewyan settlement cited by Canada, the membership lists used for calculating reserve land have been those existing at the time of the first survey of reserve land. Nonetheless, the Federal Government of Canada has informed the Lubicon Lake Band that its recognized membership would be revised according to the formula set forth in Supplement 5 at pages 4-5, a formula never used in Canadian history. Canada's position concerning the Lubicon Lake Band membership would not only have the effect of denying the aboriginal rights of more than half of the Lubicon people, it would have the effect of treating the Lubicon people in a way that is different, unequal and discriminatory when compared with the treatment of all other Native people throughout Canada's history.

Finally, at page 14 of its Response, Canada describes the Lubicon Lake negotiations as proceeding pursuant to the Specific Claims process. This is completely untrue. The Band did not seek negotiation under the Specific Claims process. Rather, given that its claims are based on traditional use and occupancy and are unextinguished by treaty — i.e., are aboriginal in nature — the Band filed a Comprehensive Claim. This is consistent with the approach the Band has taken in its court actions. To date, Canada has refused to permit the Band to proceed under the Comprehensive Claims process. As a result, no process for negotiation has been agreed to by the parties.

The negotiation proceedings that have taken place thus far between the Band and Canada resulted from the parties' agreement to proceed, without prejudice, to attempt to establish the elements that a settlement might entail. These proceedings have broken down at several points, described for the Committee in previous submissions. Please see Supplement 2, pages 7-9; Supplement 3, pages 2-3; Supplement 5, pages 3-6, 10-15.

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4. Canada has made no settlement offer to the Band and refuses to consider the Band's settlement proposal or to engage in negotiations based on the Fulton Discussion Paper, with Mr. Fulton as an impartial mediator and with provision for public scrutiny.

A number of comments are in order with regard to Canada's enumeration, at pages 14-20 of its Response, of alleged reasons for the breakdown of negotiations.<sup>1/</sup> First, at page 14 of its Response, Canada misstates the judgment sought by the Band in its aboriginal rights action, filed in 1980. Through this action, the Band seeks: (1) a declaration of aboriginal title to its traditional territory and royalties in the amount of one-eighth of the revenues gained from resource development in the territory; or (2) a declaration of the Band's treaty rights and damages in the amount of \$1 billion.

Secondly, any issues pertaining to the interests of other Native people in the area were addressed and clarified by Mr. Fulton in his Discussion Paper. As indicated there, such issues do not present an obstacle to settlement of the Lubicon Lake Band's claims.

Thirdly, Canada continues to raise the issue of Alberta's involvement in the negotiations as though it were a major point hindering settlement. The Band has never refused to have Alberta involved in the negotiations. Rather it has refused to deal directly with the Province, for two reasons. First, in their past involvement during attempts at tripartite negotiations, officials of the Provincial government demonstrated such bad faith, including abuses of the media, that it became clear to the Band that direct negotiations with the Province were futile and even counter-productive. Please see Supplement 5, pages 13-15. Following his year-long investigation, Mr. E. Davie Fulton also recommended bilateral negotiations between the Lubicon people and the Federal Government.

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<sup>1/</sup> The question of Band membership, raised by Canada here, is discussed above, at page 18.

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The second reason the Band wishes to deal directly with Canada is that, as has been pointed out, the Federal Government of Canada is the party responsible, under the Canadian Constitution, for matters involving Indian people and Indian land in Canada. The Canadian courts have also held that the Federal Government is the only body empowered to deal with the surrender of aboriginal land rights.

At page 16 of its Response, Canada refers to the 25.4 square mile settlement offered by Alberta. Among the many difficulties with this proposal are: its complete disregard of the claims put forth by the Band; its complete disregard of the recommendations of Mr. Fulton, made four days prior to release of this proposal; and Alberta's stipulation that the settlement be in resolution of all of the Band's claims.

Canada next provides a factually incorrect discussion of its own "settlement" proposal. Among the facts misstated here is Canada's assertion, at page 16 of its Response, that the Band demanded that a final offer be put forward at the Little Buffalo Lake meeting. No such demand was made and no final offer was put forward. The Band in fact requested that the parties attempt to reach agreement as to the principles of negotiation. This meeting and its failure are discussed in the correspondences contained in Appendix E of Canada's Response, and Attachment 1 of this submission.

The proposal which Canada describes as its settlement offer, and from which it quotes at pages 17-19, was discussed by the Band in Supplement 5, at pages 2-6. Not only do the terms of this proposal represent a major retraction from the recommendations made by Mr. Fulton and rest upon a unique and highly discriminatory procedure for determining Band membership, in fact there is no concrete offer of settlement here. In discussions with representatives of the Band, Canada has offered nothing more than its willingness to support and take to Alberta the proposal for a transfer of 40 square miles.

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Furthermore, despite the fact that virtually all of the terms of the proposal actually are left for later resolution, Canada is demanding that the Band agree to this proposal and provide Canada a release with respect to all of the Band's claims against Canada and Alberta, including its action before this Committee. Please see Supplement 5 at page 6.

At page 19 of its Response, Canada goes on to assert that various Federal officials have written to the Band, urging it to return to negotiations. The correspondence provided by Canada as Appendix E to its Response speaks for itself. Included as Attachment 1 to this submission is a 15 September 1987 letter from Chief Bernard Ominayak to Mr. B. McKnight, the final piece of correspondence in this series, which Canada neglected to include in its Appendix E. As is clear from this exchange, the Band continues to ask that negotiations be resumed under fair conditions, employing Mr. E. Davie Fulton's Discussion Paper, with Mr. Fulton as an impartial mediator, and with provision for public scrutiny through the Parliamentary Standing Committee on Aboriginal Affairs and Northern Development.<sup>2/</sup> Canada's behavior during the course of this correspondence alone underscores the need for such safeguards if the Band is to have any hope of fair treatment by this government.

Included with this submission, as Attachment 2, is a brief statement of the Band's proposal for settlement terms, which are consistent with the provisions of Treaty 8. The total land area over which the parties disagree amounts to no more than

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<sup>2/</sup> In fact, the Standing Committee, in a unanimous decision handed down on 17 December 1987, requested that Mr. Fulton report to that body concerning the Lubicon issue by February 1988. Unfortunately, the executive agencies of the Federal Government, who are the Government's representatives in the negotiations, maintain that Mr. Fulton will not be reinvolved and have thus far refused to cooperate with the Standing Committee. Thus it is clear that despite its propaganda efforts and assurances to the Human Rights Committee, Canada has no intentions of carrying out meaningful negotiations with the Band. It has deliberately misled the Committee in this respect.

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66 square miles. None of the land claimed by the Band for its Reserve contains productive oil wells. In the much larger area where the Band seeks to retain only hunting and trapping rights, it is asking for damages for destruction to and loss of this land and has indicated clearly that all compensation is negotiable.

Despite the fact that the Band's requests concerning both the structure and content of negotiations are extremely reasonable; despite the fact that settlement of these issues would in truth be quite simple if Canada truly desired it; Canada nonetheless continues to refuse to deal with the Band in an open, honest and reasonable manner. In fact, Canada's current approach is to negotiate a settlement with the Province, ignoring the Band altogether. Please see Attachment 3.

#### **D. Conditions of the Band**

The "Special Report of the Ombudsman," prepared by Mr. Ivany, was addressed by the Band in Attachment 6 of Supplement 5, "Press Statement, by Bernard Ominayak, Chief, Lubicon Lake Band, Regarding the Ivany Report, September 10, 1984." It should also be noted that in the third paragraph of Mr. Ivany's Introduction to his report he states that he cannot investigate the Band's aboriginal land claim because it is beyond his jurisdiction.

Canada's discussion, beginning at page 23 of its Response, of the physical and economic conditions under which the Band is existing, contradicts Canada's assertions with regard to the lack of destruction of the Band's economy and way of life. It is also frightening.

Canada first refers to "measures undertaken by agencies in Alberta," in an apparent attempt to indicate compliance with the Committee's request under rule 86. These "measures," which were in place prior to the Committee's 22 July 1987 decision, are nothing more than an attempt to placate public opinion with regard to the

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disasterous consequences of development in the Lubicon Lake Band's traditional territory. As is readily apparent, two of the three measures provide for nothing more than notice. The third, the Trappers Compensation Program, in practice merely establishes an elaborate process by which compensation for damaged trapping equipment may be sought. No means for protection of people or wildlife are given. As a consequence, the measures offer nothing which might alleviate the continuing destruction in the area.

As is pointed out above, Canada argues at one point that the Band's way of life, livelihood and means of subsistence "have not been irreparably damaged, nor are they imminently threatened." 7 October 1987 Response of the Government of Canada, at pages 10-11. Yet, at pages 24 and 25 of its Response, Canada sets forth a detailed, though factually incorrect and misleading, account of the welfare and social services which the Federal Government recently began providing to the Lubicon people.

As the Band has already stated, no such welfare or social services would be required if the Band's way of life, livelihood and means of subsistence had not been irreparably damaged. In fact, what has occurred is that the Band's self sufficient traditional economy was systematically and deliberately destroyed as part of a legal and political strategy to avoid recognition of the Band's land and resource entitlements. The traditional economy was then replaced with a welfare economy and certain minimal "social services," put in place to maintain the population at a bare subsistence level. This so as to enable Canada to claim that the Band has no traditional economy to protect and that in fact the people are being cared for, while Alberta retains control of all of the Band's land and resources.

With regard to the factual inaccuracy of Canada's account: the Lubicon Lake Band does not receive programs, services and funding available to other Indian Bands in



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Canada, due largely to the fact that several of such programs, services and funds apply only to Bands with officially recognized reserves. In its July 1986 negotiation proposal to the Band, Canada in effect acknowledged that such benefits are not available to the Band by stating that "Canada is prepared to pay appropriate compensation to the Band for loss of programs and services and to provide for a 'catch-up' capital program."

Of the \$1.3 million Canada claims to have provided to the Band, the Lubicon people have actually received \$737,586, half of this in the form of welfare payments to individuals. The remainder of the \$737,586 has gone to support the construction of four housing units and to provide for a small community store, a small Band staff and a community truck (for picking up garbage, hauling water, fighting house fires, etc.).

Canada claims that the Federal and Provincial Governments have spent \$1.5 million to build 55 houses for 300 Lubicon people. The Band has no idea where these numbers come from. For example there are approximately 460 Lubicon people; the Federal Government has been subsidizing housing construction in the area since 1981, at the rate of four houses per year, for a total of 28 houses and approximately \$800,000. The Provincial Government has subsidized the building of approximately 16 houses.

The educational services referred to by Canada are not available in any realistic way to the people of the Lubicon community. A child of this community who wishes to pursue education beyond grade 9, must first leave the community and acquire a foreign language. These obstacles alone have ensured that no one in the community has completed education beyond grade 12.

Prior to the recent outbreak of tuberculosis, medical services in the community consisted of a once-a-month visit by a Provincial Government nurse. Currently, there is a Federal Government nurse in Little Buffalo four days a week dispensing

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tuberculosis medication. The reasons for this attention are obvious. Not only could the occurrence of the disease give rise to politically sensitive questions, the disease could spread.

The bottom line here is that a self sufficient traditional society has been systematically reduced to penury, with almost one-third of the population infected with tuberculosis, and 95 percent of the people surviving on welfare. For Canada to suggest that such circumstances are in any way comparable to other Canadian communities, and especially to non-Native communities, is patently absurd. For Canada to suggest that this is a situation that in any way conforms to the guarantees of the International Covenant on Civil and Political rights presents a very frightening view of what that Covenant means.

#### **E. Conclusion**

The Lubicon Lake Band respectfully requests that the Committee on Human Rights consider the merits of the Band's claim based on the facts before the Committee and pursuant to the articles of the Covenant cited in this submission.

The Lubicon Lake Band respectfully requests that the Committee on Human Rights find the Government of Canada in contempt of the Committee's request pursuant to rule 86 of the Committee's provisional rules, as set forth in its decision of 22 July 1987, CCPR/C/30/D/167/1984.


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:



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ATTACHMENT 1

Lubicon Lake Band  
Little Buffalo Lake, AB

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

September 15, 1987

The Hon. B. McKnight  
Minister  
Indian Affairs & Northern Development  
Government of Canada  
Ottawa, ONT

Dear Mr. McKnight:

Thank you for your letter of August 27, 1987, responding to my letter of August 06, 1987. Since you've never before responded in less than 2 1/2 months, and always before waited until immediately prior to some potentially embarrassing event related to our situation, we cannot but wonder if your relatively prompt reply isn't related to the fact that Provincial Government officials publicly announced the outbreak of a major tuberculosis epidemic in our community on August 26th -- the day before you wrote your letter. The recent tuberculosis outbreak is of course only the latest consequence of the genocide being committed against the Lubicon people by both levels of Canadian Government.

We agree that settlement of Lubicon land rights is an issue which must be addressed, in the first instance, in bilateral negotiations between the Federal Government and the Lubicon people. However we do not agree that reinvolvement of Mr. Fulton as an independent mediator responsible to the Parliamentary Standing Committee on Aboriginal Affairs in any way changes the bilateral nature of the proposed negotiations. Rather Mr. Fulton's involvement would only provide a clearly necessary mechanism for public scrutiny of those bilateral negotiations, which we consider absolutely necessary in order to avoid a recurrence of previous Federal Government efforts to use the pretense of negotiations merely to buy time and defuse growing public outrage. As I indicated to you in my letter of August 6th, the Lubicon people simply can't afford any more non-productive Federal Government game-playing, and we must therefore now insist on some means for insuring that negotiations are real and sincere. Your continuing refusal to consider a mechanism for public scrutiny only serves to raise additional questions about your already questionable motives and sincerity.

M2: ght, 09/15/87, page 2

Regarding your claim that the Government of Alberta refuses to allow release of the Fulton Discussion Paper, I would again point out that this isn't what representatives of the Alberta Government say. Representatives of the Alberta Government say that release of the Fulton Discussion Paper is a matter for the Federal Government to decide, since Mr. Fulton's paper was commissioned by the Federal Government. Obviously somebody's lying. Experience unfortunately makes very clear that it could easily be either or both levels of Canadian Government.

You say that you're "not prepared to unilaterally breach the confidentiality and privilege the Province of Alberta attaches to Mr. Fulton's Paper". Refusal to breach agreements is an admirable trait, Mr. McKnight, if consistently done. However keeping of agreements is not something consistently done by either level of Canadian Government. In this case the Government of Alberta began selectively releasing sections of Mr. Fulton's Discussion Paper one week after receiving it; the Federal Government has selectively released the Fulton Discussion Paper under the Access to Information Act; and the Government of Canada has also released a copy of the Fulton Discussion Paper to the U.N. Committee on Human Rights. All of this convenient, selective releasing of the Fulton Discussion Paper just doesn't fit with your high minded talk about refusal to breach agreements. In addition we'd really like to hear you explain to the Parliament of Canada why Canadians can't have copies of a Canadian document on a Canadian issue prepared by a prominent Canadian using funds provided by Canadian taxpayers which the Government of Canada has already released to the representatives of 18 other countries.

You say that you're not prepared to release the Fulton Discussion Paper because of your "firm belief that (the issue of Lubicon land rights) must be resolved solely on its merits which would not be added to or detracted from by the release of this paper to the general public". That's patently ridiculous. Mr. Fulton's Discussion Paper in fact delineates the positions of the respective parties and speaks directly to the question of merit. Moreover, by making false statements about the content of the Fulton Discussion Paper, and by falsely claiming that the Federal Government is honouring the agreement to use Mr. Fulton's Discussion Paper as the starting point for negotiations, you and your officials have created circumstances which now effectively demand public release of the Fulton Discussion Paper. Interested Canadians should be allowed to read the Fulton Discussion Paper and judge for themselves what it does and doesn't say.

McK...ght, 09/15/87, page 3

Our position that we're prepared at any time to enter into real and serious negotiations of course still stands. And we're of course still prepared to do so without conditions which could in any way impede progress toward settlement of our land rights. However we don't agree that public release of the Fulton Discussion Paper would in any way impede progress toward settlement of our land rights. Under the circumstances we're rather convinced that public release of the Fulton Discussion Paper and reinvolvement of Mr. Fulton are essential to productive negotiations. Also we have no understanding why anybody truly interested in real and sincere negotiations would be so afraid of public scrutiny.

As for the aim of negotiations, we seek recognition and respect for our legitimate aboriginal rights, including recognition and respect of our aboriginal land rights. We ask for nothing new nor different than our aboriginal brothers and sisters, nothing without legal and historic precedent in Canada. However we're very leery about your comment about settlement of our rights "within the bounds of Canada's legal obligation", since that phrase has always meant unilateral definition of our rights by Federal Government lawyers. We certainly don't agree that our aboriginal land rights should be unilaterally determined by lawyers working for the other side. If such agreement is a precondition of negotiations between us, then there'll be no negotiations, and we'll rather continue seeking recognition and respect for our legitimate aboriginal rights by other means.

We'll be interested in hearing who you choose as your new negotiator, as well as what kind of mandate that person is given. We hope that the new negotiator is prepared to negotiate a fair and just settlement of our aboriginal land rights based on legal and historic precedent in Canada, because any other approach would be clearly inequitable and therefore unacceptable. We also hope that you reconsider your position on public release of the Fulton Discussion Paper and reinvolvement of Mr. Fulton as an independent mediator responsible to the Parliamentary Standing Committee on Aboriginal Affairs, since at this point, and as a direct result of circumstances created by you and your officials, productive negotiations are otherwise inconceivable.

Mr. Light, 09/15/87, page 4

We look forward to hearing from you in the near future regarding all of these matters.

Sincerely,



Bernard Ominayak  
Chief, Lubicon Lake Band

cc: The Hon. E. Davie Fulton  
Mr. James O'Reilly  
Mr. Andre Harvey, M.P.  
Mr. Keith Penner, M.P.  
Mr. Jim Fulton, M.P.  
The Right Honourable Brian Mulroney, P.C., M.P.  
Mr. Georges Erasmus  
Mr. Gregg Smith  
Mr. Lawrence Courtoreille  
Grand Chief Matthew Cooncome  
Mr. Smokey Bruyere  
Mr. Sam Sinclair

ATTACHMENT 2

LUBICON PROPOSAL FOR SETTLEMENT OF LUBICON LAND RIGHTS

The Lubicon position on elements of an acceptable settlement of Lubicon land rights has been public for over three years. These elements were presented to then federal Indian Affairs Minister David Crombie in November of 1984, and they are also described in the Lubicon discussion paper prepared by E. Davie Fulton. Former Lubicon negotiator Roger Tassé knew of our position, as does current federal Indian Affairs Minister Bill McKnight and current federal Lubicon negotiator Brian Malone.

There is nothing basically new or different in the Lubicon position on an acceptable settlement. All of the elements of the Lubicon position are included in other aboriginal land rights settlements in Canada. All we are asking is to be treated the same as other aboriginal peoples. However, neither level of Canadian government has so far been prepared to treat us equally, but has rather sought to subvert our aboriginal land rights by systematically destroying our traditional economy and way of life.

Recently, Mr. Malone announced that the federal and provincial governments are negotiating a settlement of Lubicon land rights without even talking to us. He claimed the right to do this by virtue of a treaty which we did not sign, and which clearly stipulates that reserve lands are to be set aside only "after consulting with the Indians concerned...". He claimed that he has to do this because of our insistence on a mechanism for public scrutiny of any negotiations between us.

Ultimately Mr. Malone knows that he really cannot do what he says he is doing -- either in law or in fact -- unless of course we let him get away with it. While Canadian law may not give us the option of refusing to negotiate a settlement of our aboriginal land rights, it does spell out procedures which the Canadian government must follow in order to deal with our aboriginal land rights -- including negotiation of a treaty with us. Until those procedures are followed, neither level of Canadian government has any lawful claim to our aboriginal land even under their own laws. Moreover, and as a matter of fact, we have no intention of simply letting Mr. Malone and his federal and provincial government cronies steal our aboriginal land -- no matter what they try to do to us on the ground, or what deceitful tactics they use against us legally and politically.



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Mr. Malone's latest tactic is obviously designed to deceive the uninitiated into believing that the Canadian and the Alberta Governments are making a valiant effort to settle our aboriginal land rights, even without our cooperation. The announcement which Mr. Malone is expected to make shortly will be described as a good faith effort on the part of Canadian Government to move towards a settlement, and it will then be cited, both in the context of the Olympic boycott and in the context of our U.N. complaint, as evidence that they're not guilty of committing genocide against us. In fact, it is very clear already that this announcement will not be a serious settlement proposal at all, but rather just be another effort on the part of both levels of Canadian Government to deflect growing public criticism while they continue their campaign to wipe us out so that they can steal our valuable aboriginal land.

In this context, we decided to make a settlement announcement of our own. If Mr. Malone can announce a settlement of our aboriginal land rights without talking to us, we figure that we can announce a settlement of our aboriginal land rights without talking to him. People can then read and draw their own conclusions about Mr. Malone's so-called settlement of Lubicon land rights.

#### 1. Reserve Lands

It is our position that we should be able to retain at least as much reserve lands as was retained by the aboriginal people who signed Treaty in the area surrounding ours, as determined by the same criteria. The aboriginal people who signed Treaty in the area surrounding ours determined their own membership and were allowed to retain 128 acres per person. We count 457 people as members, all of whom are people of aboriginal ancestry with family ties and ties to our traditional area. 457 people times 128 acres each is 58,496 acres or about 92 square miles of reserve lands.

#### 2. Sub-surface Rights

It is our position that we should be able to retain full sub-surface rights, as is the case with all other Indian reserves in Alberta.

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### 3. Wildlife Management Rights

It is our position that we should be able to retain wildlife management rights over that part of our traditional area which we still continue to use and occupy for hunting and trapping. The area involved covers about 4,000 square miles. Our position on this matter is very similar to that of the aboriginal people who signed treaty in the area surrounding ours, who refused to sign treaty until they were guaranteed that they would be able to hunt and trap as before. It is also very similar to the modern treaty signed by the James Bay Crees, who retained exclusive hunting, trapping and fishing rights over an area extending well beyond that retained for reserve purposes.

### 4. Environmental Protection Rights

It is our position that we should be allowed to retain environmental protection rights over that part of our traditional area which we still continue to use and occupy for hunting and trapping. We consider environmental protection of our traditional area to be a sacred trust, passed on from one generation to the next. If we care for the land and animals, we believe the land and animals will support and sustain us. We have cared for the land and animals for countless generations, and the land and the animals have supported and sustained us. In a few short years, the Alberta Government and the oil companies have done great damage to the environment in our traditional area, chasing away the animals and destroying our traditional economy. While we know that we will never be able to fully restore and repair the environmental damage done to our traditional area by the Alberta Government and the oil companies, we intend to at least require the Alberta Government and the oil companies to respect the kind of very minimal environmental safeguards normally in place to protect the environment and domestic animals in agricultural areas.

### 5. Establishment of a Trappers' Support Program

For those of our people who wish to continue trapping as a way of life, but who can no longer make a living from trapping because of the effect of gas and oil development on the animal population in our area, we propose the establishment of a trappers' support program. The trappers' support program would compensate a trapper for the difference between what he was able to earn before the onset of gas and oil development activity, and the amount that the trapper is able to earn now, related to the

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number of days actually spent on the trapline. We view this program as a more dignified way to make a living than welfare, especially for older people who cannot realistically be expected to adjust to another way of life. A successful program very similar to this one is part of the James Bay Agreement.

6. The Right of First Refusal regarding jobs and contracts resulting from development of traditional Lubicon lands

It is our position that we should have the right of first refusal regarding jobs and contracts resulting from development of our traditional area. If we are unable for whatever reason to perform such jobs or contracts on a competitive basis, the employer would be free to engage outsiders. However, we believe that we should at least be given the chance to participate in the economy which has effectively supplanted our traditional economy. This provision is intended to help facilitate the development of alternatives to the traditional hunting and trapping economy, especially for our younger people.

7. Development of Reserve Land

We propose a comprehensive socio-economic development package including:

- a) Housing and community facilities, community infrastructure and community services comparable to other Northern communities;
- b) the cost of developing reserve land for agricultural purposes, including the cost of clearing, breaking, fencing, equipment, facilities and livestock;
- c) the cost of helping us develop a capability to pursue alternatives to the traditional hunting and trapping economy, including vocational training and related capital costs.

8. Right of Self-Government

It is our position that we should be able to retain the right to govern ourselves, including the right to make and enforce our own laws. How this power to govern ourselves would be exercised in a manner compatible with the rights and interests of other Canadians would be negotiable, as is now the case with other governments in Canada.

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9. Ongoing programs and services comparable to those received by other Indians in Canada

10. Compensation in a negotiated amount for the extensive destruction and exploitation of traditional Lubicon lands, as well as for future loss of use

11. Reimbursement of costs incurred by the Lubicon people in achieving settlement of Lubicon land rights, including the costs of both litigation and negotiations

CHIEF BERNARD UMINAYAK

DECEMBER 21, 1987

# Talks may bypass Lubicons

By Mark Lowey

(Herald staff writer)

Ottawa and the provincial government are close to settling the Lubicon Lake Indian land claim by setting aside a reserve without involving the Lubicons in negotiations.

Federal negotiator Brian Malone said Wednesday his negotiations with Alberta are going well and have reached an advanced state.

The Calgary lawyer said he's optimistic he can get at least a partial or interim settlement to the 47-year-old dispute by the end of the year.

If Ottawa and Alberta can agree on a suitable amount of land for the reserve, "we'll announce what the agreement is before Christmas and then they (the Lubicons) will have to decide" what to do, Malone said.

He has had to proceed this way because the Lubicons have built a wall against resuming negotiations. "I talked to the people involved who were prepared to talk to me."

The Lubicons and their supporters are angry that Malone would try putting together a deal without consulting the band.

"They're busy trying to discredit the band rather than trying to deal with the issue," Lubicon Chief Bernard Ominayak said from Little Buffalo.

"They cannot really be serious about making a meaningful effort," said band lawyer James O'Reilly. "It's obviously a hidden agenda. He (Malone) is talking to everybody except the band."

Malone said that Treaty 8, which Ottawa maintains applies to the band, gives federal Indian Affairs Minister Bill McKnight the power to appoint someone to determine where the reserve should be and then establish it.

Malone said McKnight could appoint him to perform this task.

McKnight and Alberta Attor-

ney General Jim Horsman will discuss terms of a proposed settlement during next week's first ministers' conference in Ottawa, Malone added.

He said if an agreement is reached and the Lubicons want more land than what is set aside for the reserve, or are unhappy with the way things were done, they could participate in negotiations or mount a court challenge.

"The band has realized that I can make a deal with the province and they (the Lubicons) are going to be left holding the bag."

The Lubicons, however say that even if they had signed Treaty 8 — which they haven't — the treaty's relevant section says McKnight can appoint someone to create the reserve, but only "after consulting with the Indians concerned as to the locality which may be found suitable and open for selection."

But Malone said O'Reilly has refused to provide a map of the area the Lubicons claim.

Malone noted the band has indicated it wants the original 66-square-kilometre parcel agreed to in 1940 plus adjoining land that the band described for former federal justice minister E. Davie Fulton, who investigated the claim for Ottawa.

"That selection by the band will be taken into account in my negotiations with the Province of Alberta for a land transfer and any demand that might be made by the Government of Canada," Malone wrote O'Reilly on Nov. 30.

But an angry O'Reilly said the only reason there haven't been negotiations is that Ottawa refuses to reinvolve Fulton, as a mediator reporting to the parliamentary standing committee on aboriginal affairs.

"No one can say that we have not, in good faith, made very seri-

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ous and extensive efforts to get these bloody negotiations off the ground," O'Reilly said.

But Malone said according to a legal opinion prepared by his office, giving Fulton the power to report publicly would prejudice negotiations because his report could be used in the ongoing court actions.

O'Reilly said Ottawa has nothing to fear from Fulton reporting if the federal government is sincere about honest negotiations.

If Ottawa would only agree to Fulton reporting publicly, "negotiations could begin immediately and I mean immediately," O'Reilly said.

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RÉF. N°:

(à rappeler dans la réponse)

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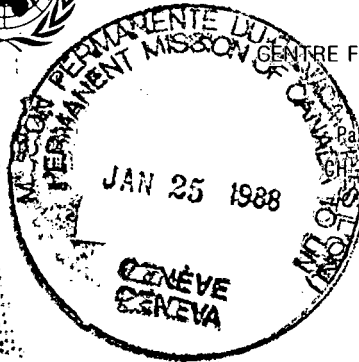


UNITED NATIONS OFFICE AT GENEVA

CENTRE FOR HUMAN RIGHTS

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 transmit herewith for information the text of the author's comments, dated 12 January 1988, on the State party's submission under article 4 (2) of the Optional Protocol, concerning 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.

22 January 1988

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

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NO. 0479

DATE 28JAN88

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DESCRIPTION - DESCRIPTION

REFERENCE - RÉFÉRENCE

Our telegram YTGR0477 of  
January 28, 1988Subject : Human Rights Committee :  
Lubicon Lake (Communication 167/1984)

Note from Secretary General

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FEB 9 1988

Legal Operations Division (JLO)  
Direction des Opérations juridiques

10

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The Permanent Mission of Canada  
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