

CLASSIFIED

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

Volume 12 From-De 88-11-15 To-À 89-04-14

VOLS ACCESSION NO. 134275



\*134275\*

45-CDA-13-1-3-LUBICON LAKE  
Vol 12

TITLE—TITRE:

SOCIAL AFFAIRS

HUMAN RIGHTS

POLICY AND PLANS --- CANADA

COMPLAINTS TO UNITED NATIONS ABOUT VIOLATION IN CANADA

LUBICON LAKE BAND

AFFAIRES SOCIALES

DROITS DE L'HOMME

PRINCIPES ET PROJETS --- CANADA

PLAINTES AUX NATIONS UNIES AU SUJETS DES VIOLATIONS

AU CANADA

LIBICON LAKE BAND

Retention period—Période de retention:

20Y (5A-15D)

DEPARTMENT  
OF  
EXTERNAL AFFAIRS

MINISTÈRE  
DES  
AFFAIRES EXTÉRIEURES

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2009



Government of Canada  
Gouvernement du Canada

# CLOSED VOLUME VOLUME COMPLET

Dated From  
À compter du

88-11-15

To  
Jusqu'au

89-04-14

AFFIX TO TOP OF FILE – À METTRE SUR LE DOSSIER

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

FOR SUBSEQUENT CORRESPONDENCE SEE – POUR CORRESPONDANCE ULTÉRIEURE VOIR

File No. – Dossier n°

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

Volume

13



**ACTION  
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**APR 17 1989**

**IMH**

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FM GENEV YTGR2848 14APR89

TO EXTOTT/IMH

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BH FPROOTT/OACA/ROCAN/CARON/BATT DE OPM

DISTR JLO

REF YOURFAX IMH0538 12APR

---HUMAN RIGHTS CTTEE:LUBICON BAND COMMUNICATION

FURTHER TO HYNES/TROTTIER TELECON OF 14APR, THIS WILL CONFIRM THAT  
CENTRE HAS RECEIVED FURTHER SUBMISSION FROM LUBICON COUNSEL. HOWEVER,  
ORIGINAL AND ONLY COPY IN UN HANDS IS CURRENTLY ENROUTE FROM NY  
(SITE OF LAST CTTEE MTG, WHERE SUBMISSION WAS RECEIVED) TO GENEVA IN  
FREIGHT SHIPMENT OF CTTEE DOCS. MOLLER IS UNCERTAIN OF ARRIVAL DATE  
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UUU/025 141721Z YTGR2848

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



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BELINOGRAMME

Department of External Affairs

Ministère des Affaires extérieures

Canada

F A C S I M I L E

N O N C L A S S I F I E

PAGE 1 OF/DE 2 .

FM/DE EXTOTT IMH0604 14APR89

TO/A PRMNY/LAFORTUNE

INFO

DISTR

REF

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Q AND A RE LUBICON LAKE INDIAN BAND DISPUTE

FURTHER TO REQUEST OF LAFORTUNE, PLEASE FIND Q AND A

PREPARED ON APRIL 7 CONCERNING GLOBE ARTICLE OF THAT

DATE.

ACC	REF	DATE
FILE	DOSSIER	
1-11-IMD-2		
cc 45-640-1-3		
Lubicon Lake Band		

DIRECTION GENERAL DES ORGANIZATIONS INTERNATIONALES

INTERNATIONAL ORGANIZATIONS BUREAU

OUR FAX/NOTRE BELINO : (613) 952-7642

J. Trottier - 992-6664

DRAFTER/REDACTEUR

TEL:

D. Livermore

APPROVED/APPROUVE

002831

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MINP/A-10 (1)  
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**DUSE OF COMMONS BOOK — BRIEFING NOTE**  
**LIVRE DE LA CHAMBRE DES COMMUNES — NOTES D'INFORMATION**

Classification	Unclassified
Section	IMH

**Subject/Highlights Sujet/Points saillants**

The Globe and Mail reported that the latest Lubicon communication to the UN Human Rights Committee states that Canada has misrepresented to the Committee the substance of the offer made to the Lubicon Band by Canada in January 1989. Communications with the Committee are confidential and Canadian policy is not to comment on the communications.

**Source**

Globe and Mail April 7, 1989

**Assessment Évaluation**

In a new submission to the United Nations Human Rights Committee, The Lubicon Lake Band is reported to have accused the Federal Government of misrepresenting the Committee regarding the breakdown of negotiations in January 1989 between the Federal Government and the Lubicon Lake Indian Band. The Lubicon Band has an outstanding claim before the Committee; this claim is still at the admissibility stage. The Lubicon submission reportedly alleges a discrepancy between Canada's latest submission to the Committee and the actual text of the final offer made to the band in January 1989. The Canadian Government has not yet received a copy of the last Lubicon communication to the Committee and would not comment on it in any case because it is supposed to be confidential.

However, there is no discrepancy between the latest Government communication to the Committee and the text of the final offer made to the Band. In fact the formal offer was attached as an annex to our latest communication to the Committee. The alleged allegations made in the Lubicon communication concerning the Canadian offer are inaccurate.

**Suggested Reply Réponse suggérée**

The Canadian Government recognizes that the Lubicon Lake Indian Band has a legitimate land claim and the Canadian Government is committed to seeking a fair and just resolution.

The communications that Canada and the Lubicon Lake Indian Band make to the UN Human Rights Committee are confidential. Canada respects that confidentiality and will not comment on the substance of the communications made by either party.

However the offer made to the Band in January is public and speaks for itself.

During 8 weeks of negotiations ending in January 1989 consensus was reached between Canada and the Band on the key issues of membership, reserve size, community construction and delivery of program and services. The negotiators were unable to reach agreement on the issue of cash compensation.

Canada's offer to the band included the establishment of a 95 square mile reserve and \$34 million to develop a new community. Canada's offer also included a trust fund to preserve traditional band values and \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

Prepared by Préparé par V. T. ROTTIER	Division Direction IMH	Date 7 April/89	Tel. no. No de tél. 2-666-002832
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External Affairs Canada / Affaires extérieures Canada

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MESSAGE

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

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

SECURITY SÉCURITÉ	UNCLASSIFIED	12 APR 89 22 15z <i>FACSIMILE</i>	12	10
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REF				
SUBJ/SUJ	JUSTICE/FREEMAN/LOW/CORBER/WIESER <i>De OTT</i>			
	DISTR			
	<i>JLO</i>			
	<p>---HUMAN RIGHTS CTTEE: LUBICON BAND COMMUNICATION</p> <p>ATTACHED IS PRESS REPORT CONCERNING ALLEGED CONTENTS OF NEW LUBICON COMMUNICATION TO H R CTTEE. WE WOULD APPRECIATE IT IF YOU WOULD INQUIRE AT CENTRE WHETHER NEW LUBICON SUBMISSION HAS IN FACT BEEN RECEIVED AND, IF SO, WHETHER WE COULD HAVE EITHER FORMAL OR INFORMAL COPY.</p> <p>2. YOU WILL RECALL THAT ON LAST TWO OCCASIONS THERE HAS BEEN DELAY OF SEVERAL MONTHS BETWEEN RECEIPT OF COMMUNICATION BY CENTRE AND PROVISION OF COPY TO US. THIS SEEMS PARTICULARLY INAPPROPRIATE WHEN AS IN PRESENT CASE LUBICON HAVE THEMSELVES APPARENTLY PROVIDED THEIR COMMUNICATION TO MEDIA. PLS BRING THIS FACT TO ATTENTION OF CENTRE.</p> <p>(COMCENTRE PLS FAX ATTACHED)</p>			
	<p><b>UNCLASSIFIED</b> <b>NON CLASSIFIE</b></p>			

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
J. TROTTIER SIG <i>[Signature]</i>	IMH	992-6664	<i>[Signature]</i> D. LIVERMORE SIG

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Document disclosed under the Access to Information Act  
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INAL

THE GLOBE AND MAIL, FRIDAY, APRIL 7, 1989

A11

# Ottawa lying to UN committee, Lubicon Indians say in rebuttal

By RUDY PLATIEL  
The Globe and Mail

The Lubicon Lake Indians say the federal government is misleading the United Nations Committee on Human Rights.

The Alberta Cree band has told the UN body that Ottawa's submissions in February which attempt to explain the recent breakdown in land-claims negotiations are "not only misleading," but "virtually entirely untrue."

The band wants Canada found in violation of the committee's 1987 request to prevent further irreparable harm coming to the band.

The Lubicon submission, signed by Chief Bernard Ominayak, urges the committee to compare Canada's statements in its February submission with the actual text of the final offer made to the Indians in January.

"Such a comparison is sufficient to prove the lack of veracity of Canada's representations," says the submission, a copy of which was obtained by The Globe and Mail.

A federal Indian Affairs Department spokesman said yesterday that officials have not received a copy of the Lubicon rebuttal and that the government would not comment even if it had, because correspondence and submissions to the committee are confidential.

The Lubicon Indians have been fighting for more than eight years to get reserve land promised in 1940 by federal and provincial governments after they discovered the Indians had been missed in an 1899 treaty.

Last fall, Indian roadblocks on the oil- and gas-rich land in northern Alberta were broken up by police but the action led to negotia-



Bernard Ominayak

tions with Alberta Premier Donald Getty, who agreed to turn over land for a reserve.

Negotiations on federal financing broke down in January after Ottawa tabled a take-it-or-leave-it offer. That prompted the band to complain to the UN human rights committee, which has been monitoring the dispute since 1987.

In February, Canada's permanent mission at the UN responded to the complaint by outlining what it called a \$48-million offer rejected by the Indians. Ottawa asked that the Lubicon complaint be dismissed because "effective domestic remedies have not been exhausted."

Two weeks ago, the band submitted its rebuttal, saying that much of Ottawa's offer to the Indians actually contained only promises based on existing programs or services which are open to all Indians but are conditional on the availability of financing.

Canada's final offer provides housing and a school but no facilities to help the community achieve financial independence, the band says.

The band says other items in the government offer are not a firm commitment of money, but only a promise to seek ministerial approval for funds from agencies such as the Native Economic Development Fund.

Contrary to Ottawa's submission, the Lubicons say, the promise of \$400,000 to establish a training trust fund is only a strings-attached promise to negotiate.

"Canada's offer provides that the Canada Employment and Immigration Commission will negotiate the establishment of a training trust fund with the band council, involving a grant of \$400,000 ... over three years on the condition that this amount of \$400,000 is matched by the band."

Accepting that offer would require the band to sign legal releases leaving the Indians "and their children with virtually no legal redress within the courts of Canada." It would also require the band "to relinquish its right to appear before this committee."

In its submission, the band accused Ottawa of a "cynical approach" to negotiations because it said federal officials arrived at the last meeting not only with an unexpected final offer, but with previously prepared press packets which were subsequently handed out to reporters and which described a breakdown in negotiations.

The band says it believes federal officials were never serious about negotiating, but only wanted to draw out the issue past the election.

2/3

002834



INAL

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THE GLOBE AND MAIL, FRIDAY, APRIL 7, 1989 A11

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3/3

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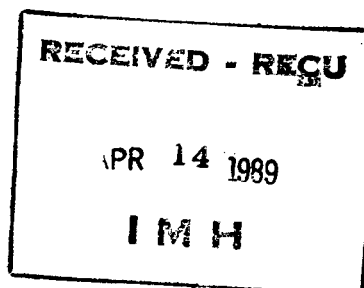


Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

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

APR 11 1989



Your file    Votre référence

Our file    Notre référence

Confidential

Mr. James Trottier  
External Affairs  
Tower C-7  
125 Sussex Drive  
OTTAWA, Ontario  
K1A 0G2

**Re: Lubicon Communication to the Human Rights Committee**  
**(HRC)**

It might be helpful for an approach to be made to the Centre for Human Rights in Geneva in order to obtain a copy of the latest Lubicon Lake Band communication and reduce the often lengthy delays in the transmission of communications to the Canadian government. In making this approach, it could be noted that the band has been using the process for publicity purposes and sending copies of the communication to the press (see attached article). This puts the Canadian government in a particularly difficult position since we have not been sent a copy of the communication. As well, it would have to be mentioned that Canada stands by the veracity of its previous statement to the Committee.

Marilyn Whitaker  
Director  
Constitution Directorate

cc: Bob Coulter  
Irit Weiser

Canada

002836



# Ottawa lying to UN committee, Lubicon Indians say in rebuttal

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The Globe and Mail

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External Affairs  
Canada

Affaires extérieures  
Canada

IMH/J. Trottier/992-6664

TO/À • RGX

FROM/DE • IMH

REFERENCE •  
RÉFÉRENCE

SUBJECT • Dispute Between Canadian Government and  
SUJET Lubicon Lake Indian Band

Security/Sécurité <b>CONFIDENTIAL</b>
Accession/Référence
File/Dossier <b>45-CDA-13-1-3-LUBICON LAKE BAND</b>
Date <b>April 11, 1989</b>
Number/Numéro <b>IMH-0518</b>

ENCLOSURES  
ANNEXES  
-1-

DISTRIBUTION

IFB  
IMD

Further to your request for material concerning the dispute between the Lubicon Lake Indian Band and the Canadian Government, please find attached a variety of self-explanatory material. This material includes a press release detailing Canada's January 1989 offer (which was rejected by the Band) and a series of telexes indicating Canada's position on various issues in dispute. Please see, in particular, IMH1775 of 19 October, 1988.

J. Daniel Livermore  
Director  
Human Rights and  
Social Affairs Division



External Affairs  
CanadaAffaires extérieures  
Canada

MGTC/JOURNAL/CIRC/DOSSIER

Accession/Référence

File/Dossier

## MESSAGE

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SUBJ/SUJ	MOSCO BSRAD UDCAS PCO/EPPO/CARON/LAFRENIERE/BATT <i>INAPPLY</i> DISTR GCD BFD BND HTD TCR MINA/NORQUAY RND OUR REP RDL HTD TA F RNDH PSP DCL LOP BCL IND NMLP PSR JLO IFD JFD JCD BFE END LCP LSR REF OUR TEL INH2026 29NOV88 ---END OF NEGOTIATIONS WITH LUBICOM LAKE INDIAN BAND FURTHER TO OUR REFTELS, NEGOTIATIONS BETWEEN GOVT OF CAN AND LUBICOM LAKE INDIAN BAND HAVE BEEN BROKEN OFF FOLLOWING THE BAND'S REJECTION OF OFFER OF CAN DLR\$ 45 MILLION IN ADDITION TO 25 SQUARE MILE RESERVE BAND WANTED. ATTACHED PLS FIND ENG/FR COPY OF SELF- EXPLANATORY PRESS RELEASE.  (COMM CENTRE PLS FAX ATTACHED <sup>15</sup> PAGES)		

BEST AVAILABLE COPY

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J. TROTTIER SIG	IMH	992-6664	J.D. LIVERMORE SIG

002839



# Communiqué

1-8903

## RUPTURE DES NÉGOCIATIONS ENTRE LE CANADA ET LA BANDE DU LAC LUBICON

OTTAWA, le 24 janvier 1989 -- Les négociations en vue du règlement de la revendication territoriale de la bande indienne du lac Lubicon sont rompues; la bande a rejeté une offre de 45 millions de dollars outre la création d'une réserve de 95 milles carrés que la bande désirait.

La bande réclame une indemnité supplémentaire de 114 à 275 millions de dollars.

Au cours des huit semaines de négociations, le consensus s'était fait entre les négociateurs du gouvernement fédéral et de la bande indienne sur les principales questions en litige, à savoir l'appartenance à la bande, la superficie de la réserve, la construction d'une agglomération, et la prestation de programmes et de services. Les négociateurs n'ont cependant pu s'entendre sur la question de l'indemnité financière.

Le Canada offre à la bande de créer une réserve de 95 milles carrés et de consacrer 34 millions de dollars pour établir une nouvelle collectivité.

- 2 -

Le Canada offre également d'établir un fonds en fiducie pour la conservation des valeurs traditionnelles de la bande ainsi qu'un plan spécial de développement doté de 10 millions de dollars pour aider la bande à assurer la transition de son mode de vie traditionnel de chasse et de piégeage.

Le ministre des Affaires indiennes et du Nord canadien, l'honorable Bill McKnight, a dit que la bande avait également rejeté l'offre de commencer les travaux de construction immédiatement sans que cela empêche pour autant la bande de porter devant la Cour fédérale sa demande d'indemnisation.

M. McKnight estime que l'offre du Canada équivaut à 300 000 \$ par famille en argent et en avantages divers.

M. McKnight a ajouté que le "Canada se devait d'être équitable envers tous. Notre offre est équitable envers la bande, car elle lui permet d'atteindre ses buts sociaux et économiques. Elle est équitable aussi envers les autres groupes autochtones, car elle suit les mêmes principes que pour les autres règlements qui ont été conclus récemment. Enfin, elle est équitable envers le contribuable canadien, car elle satisfait aux obligations légales et sociales du pays envers la bande."

Le Ministre a précisé que l'offre demeurerait toujours valide.

- 30 -

Renseignements :

Ken Colby  
(403) 269-7006

## **OFFRE DU CANADA À LA BANDE INDIENNE DU LAC LUBICON**

### **Appartenance à la bande**

- Reconnaissance comme membres des 514 personnes inscrites sur la liste.
- Accélération des formalités pour l'inscription des personnes admissibles.

### **Création d'une réserve**

- 95 milles carrés, avec les droits d'exploitation minière, gazière et pétrolière sur une superficie de 79 milles carrés.

### **Développement social**

- Programme de construction de 34 millions de dollars comprenant jusqu'à 133 maisons, l'infrastructure nécessaire, une école de la maternelle à la 12<sup>e</sup> année, des bureaux pour la bande, une salle communautaire, une caserne et une clinique.
- Mode de financement global des avantages (mode optionnel de financement) pour permettre plus de latitude et d'autonomie..
- Établissement d'un instrument législatif pour l'autonomie gouvernementale de la bande.
- Fonds en fiducie de 500 000 \$ pour les anciens qui désirent conserver leur mode de vie traditionnel.



- 2 -

### Développement économique

- Cinq millions en capitaux de départ.
- Formation professionnelle complète.
- 400 000 \$ pour créer un fonds en fiducie pour la formation.
- Un million de dollars pour la planification et le personnel nécessaire.
- Quatre millions pour financer certaines entreprises de la bande.

## DÉCLARATION DU MINISTRE CONCERNANT LA REVENDICATION TERRITORIALE DE LA BANDE DU LAC LUBICON

J'ai le regret d'annoncer la rupture des pourparlers entrepris fin novembre dernier avec la bande indienne du lac Lubicon. Une seule question demeure en litige, et c'est la question financière.

Nous nous sommes entendus sur l'appartenance à la bande, sur la création d'une réserve de 95 milles carrés et nous avons offert un règlement total de 45 millions de dollars.

Deux critères nous ont guidés tout au long des négociations : conclure un règlement conforme à ceux qui ont été conclus récemment, et répondre aux objectifs sociaux et économiques légitimes de la bande.

Nous avons donc proposé de créer la réserve que la bande souhaitait et de donner en plus l'équivalent de presque 87,000 \$ pour chaque homme, femme et enfant figurant sur la liste de la bande.

Nous avons offert de consacrer 95 milles carrés à une réserve à l'intérieur de laquelle la bande aurait les droits d'exploitation minière, pétrolière et gazière sur une superficie de 79 milles carrés.

Nous avons également offert 34 millions de dollars pour la construction d'une nouvelle agglomération de sorte que toutes les familles de la bande pourraient se loger. Outre les maisons, il y aurait un bureau administratif, une salle communautaire, une école de la maternelle à la douzième année ainsi qu'une clinique.

- 2 -

Nous avons également offert un mode de financement global assurant à la bande la souplesse administrative nécessaire pour mettre en oeuvre, afin de satisfaire les besoins collectifs, des programmes fédéraux d'aide, notamment des programmes de sécurité sociale, représentant près de 2,5 millions de dollars par année.

De plus, nous avons offert un plan spécial de développement pour assurer à la nouvelle réserve une économie viable, moderne. Ce plan se compose des éléments suivants :

- Un million de dollars pour la planification et le personnel supplémentaire nécessaire,
- cinq millions en capitaux "de démarrage",
- jusqu'à quatre millions pour des projets "de base" de la bande.

Chaque cas est unique, aussi les comparaisons directes sont-elles difficiles à faire, mais cette offre se compare favorablement aux autres règlements récemment conclus.

Notre offre répond aussi directement aux priorités de la bande.

Durant les huit semaines qui viennent de s'écouler, mon ministère et le Cabinet du Premier ministre ont mené les négociations, faisant tour à tour appel à la CEIC, au MIST, au Secrétariat d'État, au CRTC et aux ministères de l'Agriculture et des Communications. Pour bien des questions, nous avons constitué un groupe de travail mixte Canada/Lubicon.

- 3 -

La façon dont la question de l'appartenance à la bande a été réglée illustre bien la démarche adoptée. Le Canada a reconnu à la bande le droit d'établir qui devait en faire partie. Cependant, l'appartenance à la bande ne donne pas automatiquement droit au statut d'Indien inscrit, et la bande compte largement plus de 200 personnes qui n'ont pas présenté de demande d'inscription. Oeuvrant ensemble, le gouvernement et la bande ont établi la généalogie de ces personnes, rassemblé la documentation nécessaire, préparé le texte des déclarations sous serment et fait tout le travail de préparation nécessaire. Il semble que, à quelques exceptions près, toutes ces personnes sont admissibles au statut d'Indien inscrit. La question de l'appartenance ne constitue donc plus un problème.

On a procédé de la même façon pour la construction de la réserve afin que la nouvelle collectivité soit en accord avec les valeurs et les traditions de la bande et que celle-ci puisse profiter de toutes les chances de formation, d'emploi et autres que les travaux de construction vont offrir.

Nous nous sommes de plus entendus sur un nouveau programme administratif afin de donner à la bande la latitude nécessaire pour répondre à ses propres besoins; nous avons établi une entente-cadre pour l'autonomie gouvernementale et nous nous sommes mis d'accord sur une démarche pour donner suite à la plupart des priorités de développement économique de la bande.

Nous avons, par exemple, offert de créer un fonds doté de 500 000 \$ à l'intention des anciens désireux de conserver leur mode de vie traditionnel et de continuer à vivre de chasse et de piégeage. C'est la bande elle-même qui concevrait et appliquerait le programme.



- 4 -

Nous avons offert des programmes complets de formation professionnelle et autre. Nous avons accepté de fournir l'aide technique et 80 pour 100 du financement nécessaire pour des entreprises de base comme un centre commercial, un motel, une gravière et une ferme communautaire "de départ". Il y avait cependant des projets, par exemple une patinoire intérieure pour le hockey et la télévision par câble gratuite - auxquels nous ne pouvions consentir.

Je suis convaincu que notre offre assurera à la bande un bon niveau de vie et l'occasion aussi d'accéder au plein emploi rémunéré.

Je regrette que la bande ait rejeté notre offre.

La bande du lac Lubicon n'aura cependant pas à attendre le règlement de la question financière pour pouvoir profiter des autres avantages. J'ai offert de commencer la procédure administrative pour l'appartenance à la bande, de créer la réserve, de construire l'agglomération et de lancer les programmes de formation professionnelle et de formation en création d'entreprise, ce qui n'empêcherait nullement la bande de poursuivre le Canada et/ou l'Alberta pour obtenir des sommes supplémentaires.

J'estime que nous nous sommes montrés plus qu'équitables envers la bande du lac Lubicon. Mais je dois également être équitable envers les autres collectivités autochtones avec qui le gouvernement a conclu des règlements et je ne dois pas oublier les contribuables canadiens non plus. L'offre que nous avons faite satisfait à nos responsabilités légales et morales envers la bande, et elle demeure valide.



# Communiqué

1-8903

## CANADA, LUBICON BREAK OFF TALKS

(OTTAWA, JANUARY 24, 1989) -- Negotiations towards settlement of a land claim by the Lubicon Lake Indian Band have broken off, after the band rejected Canada's offer of \$45 million in addition to the 95 square mile reserve the band wanted.

The band is demanding additional compensation of between \$114 and \$275 million.

During 8 weeks of negotiations, consensus was reached among government and band negotiators on the key issues of membership, reserve size, community construction and delivery of programs and services. However, the negotiators were unable to reach agreement on the issue of cash compensation.

Canada's offer to the band included the establishment of a 95 square mile reserve and \$34 million to develop a new community.

Canada's offer also included a trust fund to preserve traditional band values and a \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

- 2 -

The Hon. Bill McKnight, Minister of Indian Affairs and Northern Development said the band also rejected an offer to begin construction of the community immediately, without prejudice to the band's right to take the compensation issue to the Federal Court for decision.

Mr. McKnight estimated Canada's offer is equivalent to \$300 thousand in initial benefits and cash per family.

Mr. McKnight said "Canada has a responsibility to be fair on all sides. This offer is fair to the Lubicon people because it allows them to reach their social and economic goals. It is fair to other native groups because it is consistent with the principles of other recent settlements. And it is fair to the taxpayer because it meets Canada's legal and social obligations to the Band."

Mr. McKnight said that Canada's offer remains open.

Ref: Ken Colby  
Federal spokesperson  
(403) 269 7006

## STATEMENT BY THE MINISTER

### RE: LUBICON LAKE BAND LAND CLAIM

I am sorry to announce that talks between Canada and the Lubicon Lake Indian Band which began in late November have broken off. There is only one issue left in dispute - and that issue is money.

We have solved the problems of membership, we have agreed to the 95 square mile reserve, and we have offered a settlement totalling \$45 million.

We were guided in our negotiations by two tests of fairness: the first was that a settlement had to be consistent with other recent settlements; the second was that a settlement had to address the legitimate social and economic objectives of the Band.

Our offer was to establish the reserve they wanted, plus the equivalent of almost \$87 thousand for each man, woman and child on the Band's membership list.

We have offered to set aside a 95 square mile reserve for the band. That reserve would have mineral rights, including oil and gas, on 79 square miles.

We have offered \$34 million to build a new community. That would provide homes for each family. It would include a band office and a community hall. It would include a school from kindergarten to grade 12 and a new medical centre.

We have offered to establish a block-funding arrangement to deliver what will be close to \$2.5 million a year in federal support programs, including social assistance, in a way that provides administrative flexibility for the band to meet community needs.



- 2 -

And we have offered a Special Development Plan, to assist the Lubicon in establishing a viable modern economy on the new reserve. This includes:

- \$1 million for planning and staff additions
- \$5 million as "start up" capital
- up to \$4 million for "core" band projects.

While each case is unique and direct comparisons are difficult, this offer certainly compares favourably to other recent settlements.

The offer also directly addresses the Band's priorities.

The eight weeks of negotiation involved my department and the Prime Minister's Office, and drew on expertise and assistance from CEIC, DIST, the Secretary of State, Agriculture, the Department of Communications, and the CRTC. On many issues, our approach was a joint Lubicon/Canada task force.

The issue of membership is a good example of this approach. Canada recognized the Band's right to determine its membership. But membership does not equate to status as a registered Indian, and well over two hundred of the Band's members had not registered or applied for registration. Working together, the government and the Band traced the genealogy, assembled documentation, prepared affidavits and covered all the groundwork for all these people. It appears that, with few exceptions, they qualify to be registered as status Indians. Membership is no longer an issue.

Similar approaches were applied to the reserve construction program to ensure the community would be in harmony with the Band's values and traditions, and to ensure that training, employment and other benefits of construction would accrue to the Band.

- 3 -

We also reached agreement on a new administration program to give the Band greater flexibility to meet community needs; we reached a framework agreement for establishing self-government; and we reached agreement on an approach to most of the economic development priorities of the Band.

For example, we offered to establish a \$500,000 fund in support of Band elders who wanted to continue hunting and trapping. The Band would design and operate the program.

We offered extensive vocational and other training programs. We agreed to provide technical support and 80 per cent funding for such core band businesses as a commercial centre, a motel, a gravel pit, and a "start-up" community farm. Some projects - an indoor hockey rink and free cable TV are two examples - we could not agree to.

But, I am satisfied that our offer to the Band will provide its families with a good standard of living and the opportunity to become fully and gainfully employed.

I regret that the Band has rejected our offer.

However, the Lubicon people need not be deprived of the other benefits of a settlement because of this dispute over money. I have offered to proceed with membership, with establishing the reserve, with constructing a community and with the vocational and entrepreneurial training programs. The Band would still be free to sue Canada and/or Alberta for compensation.

- 4 -

I believe we have been more than fair to the Lubicon people. I must also be fair to those other native communities which have concluded settlements with the government, and I must be fair to the taxpayers of Canada. Our offer discharges our legal and moral responsibilities to the band, and it remains open.

- 30 -

Ref: Ken Colby  
Federal spokesperson  
(403) 269-7006

## **CANADA'S OFFER TO THE LUBICON LAKE INDIAN BAND**

### **Membership**

- All 514 members recognized as such
- "Fast-track" registration of all who qualify as status Indians

### **Reserve Area**

- a 95 square mile reserve, including 79 square miles of mineral and oil and gas rights

### **Social Development**

- a \$34 million building program, including up to 133 homes, infrastructures, a K-12 school, band offices, community hall, firehall and medical centre
- Block funding of benefits (Alternate Funding Arrangement) to provide a greater autonomy and flexibility
- Development of Self-Government legislation for the Band
- \$500 thousand trust fund, to assist those elders wishing to pursue the traditional way of life.

### **Economic Development**

- \$5 million "seed capital"
- extensive vocational training
- \$400 thousand to establish "training trust"
- \$1 million in planning and band staff support
- \$4 million for specific band businesses



External Affairs  
Canada

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Canada

MESSAGE

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Accession/Référence

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File/Dossier

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Lubicon LK Band

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SUBJ/SUJ

WSAW VCSCE HAVAN PCO/FPRO/CARON/LAFRENIERE/BATT  
INAHULL/POTTER/WHITAKER/HUDSON JUSTICE/FREEMANLOW/WEISER

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

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

REF BRUTEL ZVGR0509 15NOV; OURTELS IMH1817 27OCT, 1775 19OCT

---LUBICON LAKE INDIAN BAND DISPUTE: NEGOTIATIONS ~~TO~~ RESUME

THIS TEL PROVIDES UPDATE OF DISPUTE WITH LUBICON LAKE INDIAN BAND  
AND IN PARA 4 PROVIDES BRU WITH RESPONSE TO REPS RECEIVED ON ISSUE.  
FURTHER TO OUR REFTEL 1817, TENTATIVE SETTLEMENT BETWEEN LUBICON  
AND ALTA RE QUANTUM OF LAND WAS SUBSEQUENTLY ACCEPTED BY FED GOVT  
BUT CERTAIN UNRESOLVED ISSUES REMAIN (IE MEMBERSHIP OF BAND, CLAIMS  
FOR COMPENSATION ETC).

2. SUBSEQUENT TO FED GOVT ANNOUNCEMENT OF AGREEMENT WITH TENTATIVE  
LAND SETTLEMENT, PM MULRONEY MET WITH LUBICON CHIEF OMENAYAK.  
SUBSEQUENT TO THAT MEETING THERE WAS EXCHANGE OF LETTERS BETWEEN  
PMO AND LUBICON CONVEYING FEDERAL OFFER OF NEGOTIATIONS (TOGETHER  
WITH SCHEDULE OF NEGOTIATIONS) ON OUTSTANDING ISSUES AND TENTATIVE  
ACCEPTANCE OF AGENDA BY LUBICON. NEGOTIATIONS ARE SCHEDULED TO

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DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

*J. P. Irotyier*  
SIG

IMH

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*D. LIVERMORE*  
SIG

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BEGIN IN OTTAWA 29NOV AND RUN THROUGH TO 15DEC AND WILL COVER VARIOUS TOPICS INCLUDING MEMBERSHIP, OIL AND GAS MATTERS, RESERVE INFRASTRUCTURE AND SOCIAL/ECONOMIC DEVELOPMENT, PROGRAM FUNDING AND SELF-GOVERNMENT. INCIDENTALLY, FED GOVT WILL BE PICKING UP COSTS OF LUBICON ATTENDANCE AT OTTAWA NEGOTIATIONS (APPROXIMATELY \$36,000) TOGETHER WITH SOME OF OTHER COSTS RESULTING FROM NEGOTIATIONS.

3. UNTIL NOW THERE HAD BEEN UNCERTAINTY WHETHER THESE NEGOTIATIONS WOULD BEGIN AS SCHEDULED DUE TO INDICATIONS FROM LUBICON THAT THEY MIGHT CHOOSE NOT TO PROCEED IF ALBERTA DID NOT DROP OUTSTANDING CONTEMPT-OF-COURT CHARGES LAID AGAINST 22/22 LUBICON AND SUPPORTERS AS RESULT OF THEIR REFUSAL TO DISMANTLE BARRICADE (OUR REFTEL 1775). (ONE BAND MEMBER WAS FOUND GUILTY AND WAS GIVEN \$200.00 FINE WITH 90 DAYS TO PAY.) THIS MATTER WAS OUT OF FED HANDS AS ONLY ALTA COULD DROP CHARGES. ALTA HAS NOW AGREED TO DO SO AND TALKS ARE PROCEEDING.

4. BRU: FURTHER TO YR REFTEL, YOU WILL UNDERSTAND THAT GIVEN FACT THAT SITUATION WAS IN STATE OF FLUX, IT WAS PREFERABLE TO AWAIT ABOVE DEVELOPMENTS BEFORE RESPONDING TO LETTER REFERRED TO IN YR REFTEL. IT WOULD NOW BE APPROPRIATE TO SEND FOLLOWING REPLY TO LETTER. AFTER ACKNOWLEDGEMENT OF RECEIPT OF THEIR LETTER, YOU MIGHT NOTE THE FOLLOWING: PARA. QUOTE THE FEDERAL GOVERNMENT HAS WELCOMED THE TENTATIVE LAND SETTLEMENT BETWEEN THE LUBICON LAKE INDIAN BAND AND THE GOVERNMENT OF ALBERTA. IT HAS LONG BEEN THE POSITION OF THE

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GOVERNMENT OF CANADA THAT THE HEART OF THE DISPUTE HAS BEEN THE INABILITY OF THE LUBICON BAND AND THE PROVINCE OF ALBERTA TO REACH A SETTLEMENT CONCERNING THE SIZE OF THE RESERVE. INCIDENTALLY, THE INFORMATION WHICH YOU HAVE RECEIVED TO THE EFFECT THAT THERE HAD BEEN A PRIOR AGREEMENT OF THIS KIND THAT HAD SUPPOSEDLY BEEN REJECTED BY THE MINISTER OF INDIAN AFFAIRS, THE HONOURABLE WILLIAM MCKNIGHT, IS INCORRECT. NO SUCH PRIOR SETTLEMENT WAS REACHED. PARA. NOW THAT THERE IS A TENTATIVE SETTLEMENT ON THE LAND ISSUE, THE FEDERAL GOVERNMENT IS HOPEFUL THAT THE OTHER OUTSTANDING ISSUES MAY ALSO BE SETTLED. THE GOVERNMENT OF CANADA HAS OFFERED TO DISCUSS THESE ISSUES WITH LUBICON REPRESENTATIVES BEGINNING NOVEMBER 29, 1988 AND THE BAND HAS AGREED TO SUCH DISCUSSIONS. YOU SHOULD BE AWARE HOWEVER THAT RESOLUTION OF SOME OF THESE ISSUES WILL REQUIRE PROVINCIAL CONCURRENCE. PARA. REGARDING YOUR REFERENCE TO THE ARREST OF A NUMBER OF BAND MEMBERS AND THEIR SUPPORTERS, YOU WILL BE RELIEVED TO HEAR THAT YOUR INFORMANTS' CHARACTERIZATION OF POLICE ACTION AS QUOTE BRUTAL UNQUOTE IS COMPLETELY INACCURATE. THE POLICE WHO INCIDENTALLY WERE ACTING UNDER PROVINCIAL JURISDICTION, AT ALL TIMES ACTED WITH RESTRAINT AND IN CONFORMITY WITH THE LAW IN ATTEMPTING TO ENFORCE A COURT ORDER. THOSE ARRESTED AND SUBSEQUENTLY CHARGED WITH CONTEMPT-OF-COURT HAD REFUSED TO ABIDE BY A COURT ORDER TO DISMANTLE THEIR BARRICADES. AS FOR THE DISPOSITION OF THE CHARGES, THIS WAS A MATTER COMPLETELY WITHIN PROVINCIAL

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JURISDICTION. YOU WILL BE PLEASED HOWEVER TO LEARN THAT PROVINCIAL  
AUTHORITIES HAVE NOW ANNOUNCED THAT ALL OUTSTANDING CHARGES ON THIS  
MATTER HAVE BEEN DROPPED. PARA. I TRUST THAT THE ABOVE ALLAYS YOUR  
CONCERNS REGARDING THIS MATTER. UNQUOTE.



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

# 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:



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MESSAGE

Accession/Référence

576 928

File/Dossier

45-CA-13-1-3-

Lubicon Lake Band

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

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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/COULTER/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 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 FOR RESERVE

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

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DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

SIG

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M. FORD

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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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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.

External Affairs Canada  
Affaires extérieures Canada

MESSAGE

Accession/Référence

579165

File/Dossier

45-CD-13-1-3-

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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/LA FRENIERE/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 170CT; OUR TEL IMH1740 140CT

---LUBICON LAKE INDIAN BAND DISPUTE: UPDATE AND BACKGROUND

FURTHER TO YR REFTEL, 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 REFTEL, THERE WERE UNSUCCESSFUL LAST MINUTE NEGOTIATIONS BETWEEN BAND AND ALBERTA GOVT IMMEDIATELY PRIOR TO 150CT, 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

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DRAFTER/RÉDACTEUR

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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 15OCT, 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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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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POSITION CDA HAS ADOPTED THROUGHOUT THIS DISPUTE (SEE PARA 5 OF OUR REFTTEL) AND SHD BE HIGHLIGHTED TOGETHER WITH TALKING POINTS IN PARA 5 OF OUR REFTTEL (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~~ 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 REFTL 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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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.

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.

External Affairs Canada  
Affaires exterieures Canada

MESSAGE

Accession/Référence

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File/Dossier

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Lubicon Lake Band

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SECURITY  
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FM EXTOTT IMH1806 21OCT88

TO/A

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

DISTR BCB BFD BKD BTD 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 19OCT; 1740 14OCT

---LUBICON LAKE INDIAN BAND: BARRICADES FALL, TALKS TO RESUME  
FURTHER TO OUR REFTELS, ON 20OCT 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

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DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

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IMH

992-6664

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B. LIVERMORE

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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 REFTTEL 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

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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.

External Affairs  
CanadaAffaires extérieures  
Canada

MSGC/JOURNAL/CIRC/DOSSIER

Accession/Référence

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File/Dossier

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Lubicon LK Band

MESSAGE

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SECURITY  
SÉCURITÉ

CONFIDENTIAL

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FM EXTOTT IMH1740 14OCT88 DEL BY 170900

TO/A

TO PARIS

INFO

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

REF

GENEV PRMNY WSHDO (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

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PGP LGP BCM IMD MINP PSR JLO IFB JFB JCD BFE

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---ASSERTION OF INDEPENDENCE BY LUBICON LAKE INDIAN BAND

FURTHER TO OUR REFTTEL, 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 REFTTEL, ON 6OCT88, REPRESENTATIVE OF

LUBICON BAND DECLARED THAT, EFFECTIVE 15OCT88 QUOTE LUBICON NATION

INTENDS TO ASSERT AND ENFORCE ITS ABORIGINAL RIGHTS

SOVEREIGN JURISDICTION AS AN INDEPENDENT NATION WITH OWN COURT

SYSTEM UNQUOTE. LUBICON ALSO ANNOUNCED INTENTION TO BUILD ROADS

LEADING TO ITS QUOTE TRADITIONAL UNQUOTE HUNTING, FISHING AND

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

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ORIGINAL AS IS

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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<sup>for band members</sup>

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

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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.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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

Accession/Référence
File/Dossier <i>45-da-1A-108-1</i> <i>Lubicon</i> <i>LF 8 cr 1</i>

SECURITY SÉCURITÉ	UNCLASSIFIED <i>FAX</i>	12	10
FM/DE	FM EXTOTT IMH1505 21SEPT88	<b>UNCLASSIFIED NON CLASSIFIE</b>	
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)		

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
<i>[Signature]</i> SG Trotter	IMH	992-6664	SIG <i>[Signature]</i> D. L. VERMOREL

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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.

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- 2 -

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.

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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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# 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.

- 5 -

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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.

- 5 -

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- 6 -

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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- 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.

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ISE OF COMMONS BOOK — BRIEFING NOTE  
 RE DE LA CHAMBRE DES COMMUNES — NOTES D'INFORMATION

ACC	REF	DATE
FILE		DOSSIER
1-11-IMH		
CC45-CDA-13-1-3-Lubicon		

Classification	Unclassified
Section	IMH

Subject/Highlights Sujet/Points saillants

The Globe and Mail reported that the latest Lubicon communication to the UN Human Rights Committee states that Canada has misrepresented to the Committee the substance of the offer made to the Lubicon Band by Canada in January 1989. Communications with the Committee are confidential and Canadian policy is not to comment on the communications.

Source

Globe and Mail April 7, 1989

Assessment Évaluation

In a new submission to the United Nations Human Rights Committee, The Lubicon Lake Band is reported to have accused the Federal Government of misrepresenting the Committee regarding the breakdown of negotiations in January 1989 between the Federal Government and the Lubicon Lake Indian Band. The Lubicon Band has an outstanding claim before the Committee; this claim is still at the admissibility stage. The Lubicon submission reportedly alleges a discrepancy between Canada's latest submission to the Committee and the actual text of the final offer made to the band in January 1989. The Canadian Government has not yet received a copy of the last Lubicon communication to the Committee and would not comment on it in any case because it is supposed to be confidential.

However, there is no discrepancy between the latest Government communication to the Committee and the text of the final offer made to the Band. In fact the formal offer was attached as an annex to our latest communication to the Committee. The alleged allegations made in the Lubicon communication concerning the Canadian offer are inaccurate.

Suggested Reply Réponse suggérée

The Canadian Government recognizes that the Lubicon Lake Indian Band has a legitimate land claim and the Canadian Government is committed to seeking a fair and just resolution.

The communications that Canada and the Lubicon Lake Indian Band make to the UN Human Rights Committee are confidential. Canada respects that confidentiality and will not comment on the substance of the communications made by either party.

However the offer made to the Band in January is public and speaks for itself.

During 8 weeks of negotiations ending in January 1989 consensus was reached between Canada and the Band on the key issues of membership, reserve size, community construction and delivery of program and services. The negotiators were unable to reach agreement on the issue of cash compensation.

Canada's offer to the band included the establishment of a 95 square mile reserve and \$34 million to develop a new community. Canada's offer also included a trust fund to preserve traditional band values and \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

Prepared by / Préparé par	Division / Direction	Date	Tel. no. / N° de tél.
V. TROTTER	IMH	7 APRIL/89	2-666-002894



Re: Lubicon Indian Nation

#102-916 Memorial Dr. NW.  
Calgary, Alberta,  
T2N 3C9

April 7, '89

Rt. Hon. Brian Mulroney,  
Prime Minister,  
Government of Canada,  
Ottawa, Ontario,  
K1A 0A6

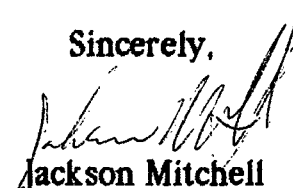
RETURN TO RENOYER AU		B I C O		FOR FILING POUR - ETRE PORTE AU DOSSIER	
ACC	REF	DATE			
FILE		DOSSIER			
45-CDA-13-1-3-LUBICON LAKE BAND					

Dear Sir,

Like yourself sir, I am a proud Canadian; proud of our achievements as a free nation, proud of our record of democratic involvements throughout the world, and proud of our role as conscience of the industrial nations in regard to both the environment and the Third World. I can think of only one area in which my confidence is somewhat shaken in our contemporary history, and this is in respect to many aspects of Native Peoples' Rights. Certainly, in comparison to the American example, ours has been a more enlightened experience - one of perhaps say, administration as opposed to annihilation. However, there are many broad areas such as education and self-government that require swift action if there is to be progress in terms of an equality of status for Native people.

We, as Canadians, are in a position from which to lead the world in respect to equitable Native relations - though example. Only then, can we truly point an accusing finger at situations in Israel, South Africa, or the myriad of nations struggling with issues of ethnic diversity through discrimination. We must therefore, settle the many remaining land disputes fairly and with dispatch. In respect to the Lubicon negotiations, I feel that this would benefit from your personal involvement. The length of time involved in this dispute is becoming ridiculous, the issues of compensation distorted in the media. I have been to Little Buffalo; I have met these people, participated in their struggle, photographed them and exhibited their images in galleries. These are a people who ask only what is fair, and their due. Please find the solution we can be proud of.

Sincerely,

  
Jackson Mitchell

cc. Hon. Joe Clark, External Affairs  
Hon. Pierre Cadieux, Indian Affairs  
Hon. Lucien Bouchard, Environment  
Chief Bernard Ominayak, Lubicon Indian Nation

External Affairs  
CanadaAffaires extérieures  
Canada

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STATE FOR EXTERNAL  
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ou

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AU

*IAD / MH*

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POUR EXAMEN ET SUITE À DONNER, S'IL Y A LIEU

☐ FOR DIVISIONAL REPLY  
POUR RÉPONSE PAR LA DIRECTION

REMARKS/REMARQUES

*NO*

*ACTION*

*Revised*

*R. E. D'Aoust*

RECEIVED - REÇU

APR 27 1989

*I M H*

Signature

Date

*27.4.89*



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence
File/Dossier 45-(DA-13-1-3-LUBICON LAKE BAND)

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

SECURITY SÉCURITÉ	UNCLASSIFIED	14 MAR 89 22 41z	12	10
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TO/À	TO BONN VIENN			
INFO	DISTR RWR BFE			
DISTR	REF OURFAX IMH0144 30JAN			
REF	---			
SUBJ/SUJ	LUBICON LAKE INDIAN BAND DISPUTE			
<p>FURTHER TO OUR REFFAX CONTAINING INFO ON END OF NEGOTIATIONS WITH LUBICON LAKE BAND, WE BELIEVE IT WD BE USEFUL FOR MATERIAL ENCLOSED WITH REFFAX TO BE TRANSLATED INTO GERMAN IN ANTICIPATION OF RENEWED LUBICON LOBBYING EFFORT IN GERMANY. WE WD APPRECIATE IT IF YOU WD ARRANGE FOR SUCH TRANSLATION AND ADVISE.</p>				

DRAFTER/RÉDACTEUR	DIVISION/DIRECTION	TELEPHONE	APPROVED/APPROUVÉ
SIG J. TROTTIER	IMH	992-6664	SIG [Signature] MORE 002897



TO/A • The Under-Secretary of State  
for External Affairs (IMH)  
FROM/DE • The Canadian Embassy, VIENNA

REFERENCE •  
RÉFÉRENCE

SUBJECT •  
SUJET • The Lubicon Lake Indian Nation

Security/Sécurité
UNCLASSIFIED
Accession/Référence
File/Dossier <u>45-CDA-13-1-3-</u> <u>45-13-3</u>
<u>LUBICON LAKE BAND</u>
Date <u>March 9, 1989</u> <u>CL C-7</u>
Number/Numéro VNA-0803

ENCLOSURES  
ANNEXES

2

DISTRIBUTION

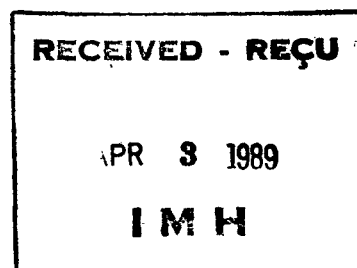
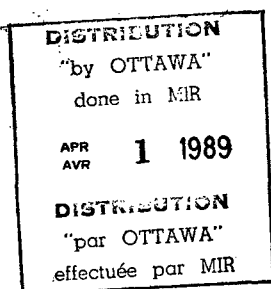
By Ottawa  
(with encl)

RWD  
RWR

Attached is a self-explanatory letter from Dr. Peter Schwarzbauer of the Association for Endangered Peoples - Austria to the Hon. Mary Collins, Associate Minister of Defence and her reply to Dr. Schwarzbauer.

2. Would you please ensure that Ms. Collins' office plus the office of the Prime Minister and the Minister of Indian Affairs and Northern Development receive copies of the attachments.

Michael Shenstone  
Ambassador



Associate Minister  
of National Defence



Ministre associé  
de la Défense nationale

Vienna, March 7, 1989

Dr. Peter Schwarzbauer  
Association for Endangered Peoples - Austria  
Weissgasse 9-13/2/1  
A-1170 Vienna

Dear Dr. Schwarzbauer,

In reply to your communication of March 3,  
I am writing to say that your letter concerning the  
CSCE and the Lubicon Lake Indians is being forwarded  
this week to the office of Prime Minister Mulroney.  
A copy is also being sent to the Minister of Indian  
Affairs and Northern Development, the Honourable Pierre  
Cadieux, as you have requested.

Yours sincerely,

Mary Collins

# GESELLSCHAFT FÜR BEDROHTE VÖLKER - ÖSTERREICH

ASSOCIATION FOR ENDANGERED PEOPLES - AUSTRIA  
ASOCIACIÓN POR LOS PUEBLOS AMENAZADOS - AUSTRIA  
DRUŽBA ZA OGROŽENE NARODE - AVSTRIJA  
DRUŠTVO ZA UGROŽENE NARODE - AUSTRIJE

Menschenrechtsorganisation für ethnische, rassische und religiöse Gruppen und Minderheiten

To  
Mrs. Mary Collins  
State Minister for Defense

via  
Canadian Embassy  
Dr. Karl Lueger Ring 10  
1010 Vienna  
Austria

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

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

Vienna, March 3rd 1989

Dear Mrs. Collins!

We would be very thankful if you could pass on the enclosed letter and noted copies to the Prime Minister, the Hon. Brian Mulroney, and the Minister of Indian Affairs and Northern Development, the Hon. Pierre Cadieux.

The reason for asking especially you to do this lies within your capacity of representing Canada at the CSCE-Foreign Minister Meeting in Vienna, March 6-8 1989. We see a contradiction between Canada's activities and suggestions during the Vienna CSCE-process concerning "national minorities" and Canada's treatment of Indian people. The Lubicon Case is just one example.

Thank you very much for your time and consideration!

Yours sincerely



on behalf of the board  
Dr. Peter Schwarzbauer  
Weissgasse 9-13/2/1  
A-1170 Vienna

Enclosures

c Lubicon Lake Indian Nation

(222) 45-33-51 (priv.)  
34-25-00/315 ext. (office)

Präsident: Prof. Robert Jungk

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

# GESELLSCHAFT FÜR BEDROHTE VÖLKER - ÖSTERREICH

Menschenrechtsorganisation für ethnische, rassische und religiöse Gruppen und Minderheiten

To the Prime Minister of Canada

the Honorable Brian Mulroney

via  
Canadian Embassy  
Dr. Karl Lueger Ring 10  
1010 Vienna  
Austria

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, March 3<sup>rd</sup> 1989

Re: Canada's position in the CSCE-process vs. treatment of Indian people

Dear Sir!

We would like to use the opportunity of Canada's representation in the CSCE- Foreign Minister Meeting in Vienna to point out that Canada is acting against its own proposals made during the CSCE-process (1986-1989) in Vienna.

Some observers have called the final document of the Vienna CSCE a "history making paper". And indeed governments, including the Canadian government, have agreed that human rights violations are an international issue. No more can a government call human rights violation an "internal" matter. As you will know Canada was very instrumental during the CSCE to push the issue of the rights and the protection of "national minorities" (see Canada's proposal of Feb. 1987 to the CSCE; according the development of the rights of indigenous peoples, Indian people are no "national minorities" but have more far reaching rights - but they have at least the same rights as "national minorities").

The Lubicon Case is just one example to demonstrate that Canada is not living up to its proposals. Although former Minister of Indian Affairs, Bill McKnight, tried to convince everybody that the governments offer is "fair and reasonable", nobody really is swallowing that. Without going into detail I would recommend you to read an indepth analysis of the government's offer, written by Mark Lowey in the Calgary Herald of Feb 7 and 8 1989. His main point is that even what the government is offering is in no way guaranteed beside the fact that the Lubicon position is the only fair thing in that whole matter. When Bill McKnight commented this offer in that sense that it must also consider earlier settlements with other Indian people and that those Indian people might be embarrassed if the Lubicon get what they ought to get, this is neglecting several things: (1) Indian people are standing firm behind the Lubicons and are not at all against the Lubicon position; (2) it is only due to the political weakness of Indian people that they have accepted "bad deals" (vs. nothing). We do not consider all of that earlier settlements as fair, e.g. the Ft. Chip settlement.

We urge you to reconsider the Federal Government's position in the Lubicon Case and ask you to be instrumental in reopening the negotiations.

Präsident: Prof. Robert Jungk

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

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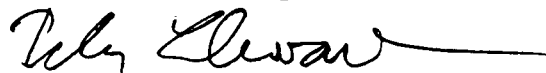
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- 2 -

(Prime Minister Mulroney; cont.)

Thank you for your time and consideration. A response to this letter would be highly appreciated.

Yours sincerely



on behalf of the board  
Dr. Peter Schwarzbauer  
Weissgasse 9-13/2/1  
A-1170 Vienna  
Austria/Europe  
(222) 45-33-51 (priv.)  
34-25-00/315 (office)

Enclosures

c Pierre Cadieux  
E. Broadbent  
J. Turner  
Lubicon Lake Indian Nation



~~RESTRICTED~~

CSCE/WT.27

Vienna, 11 February 1987

Original: ENGLISH

1. REPRESENTATIVES OF THE PARTICIPATING STATES  
OF THE CONFERENCE ON SECURITY AND CO-OPERATION  
IN EUROPE, HELD ON THE BASIS OF THE PROVISIONS  
OF THE FINAL ACT RELATING TO THE FOLLOW-UP TO  
THE CONFERENCE

PROPOSAL SUBMITTED BY THE DELEGATION OF CANADA AS WELL AS THOSE OF  
BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE NETHERLANDS,  
NORWAY AND THE UNITED STATES OF AMERICA

The participating States express their intention to implement the  
following:

They will take all the necessary legislative, administrative, judicial  
and other measures and apply the relevant international instruments by which  
they may be bound, to ensure the protection of human rights and fundamental  
freedoms of persons belonging to national minorities within their territory.  
They will refrain from discrimination against such persons and contribute to  
the realization of their legitimate interests and aspirations.

They will seek to protect the unique identity of national  
and regional cultures by respecting the free and independent exercise of  
rights by persons belonging to such minorities and cultures by, inter alia:

- promoting in practice unhindered opportunities for these persons to  
maintain and develop their own culture in all its aspects, including language,  
literature, religion, cultural monuments and historical artifacts;
- promoting in practice unhindered opportunities for them to give and  
receive, individually or collectively, instruction in their own culture,  
especially through parental transmission of language, religion and cultural  
identity to their children.

*Mappe Kanada*

EXTERNAL AFFAIRS



AFFAIRES EXTÉRIEURES

TO  
À  
The Under-Secretary of State for  
External Affairs - OTTAWA / IMH

FROM  
De  
Canadian High Commission  
Wellington, New Zealand

REFERENCE  
Référence  
Your telex IMH0144 30 January 1989

SUBJECT  
Sujet  
END OF NEGOTIATIONS WITH LUBICON  
LAKE INDIAN BAND

SECURITY UNCLASSIFIED  
Sécurité

DATE 27 February 1989

NUMBER 7029  
Numéro

FILE	DOSSIER
OTTAWA 45-13-1-3-Lubicon	
MISSION 45-13-3-Lake Band	

ENCLOSURES  
Annexes

4 sheets,  
pp. 24-30

DISTRIBUTION

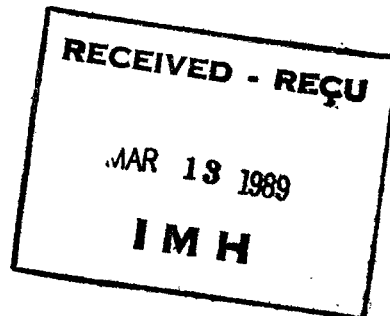
BY OTTAWA

PGP  
PSR  
BFE  
IMHR

We are forwarding to you the attached clipping taken from the NZ Listener of February 11, 1989 containing an article entitled "Battle for the Lubicon" by David Robie. This is a matter of interest here in New Zealand particularly as it relates to issues affecting Maoridom.

We sent a copy of your communique to the editor of Listener with reference to the above-mentioned article.

  
High Commission



# BATTLE FOR THE LUBICON

Canada recently passed an act enshrining multiculturalism. The national upheaval over the issue and Indian rights has parallels with the Treaty of Waitangi debate and is embroiling at least one New Zealand company.

**by David Robie**



THE DAYS AND NIGHTS OF MOLLY DODD: Wednesday on ONE, 10.30pm

# NEW YORK DAYS, NEW YORK NIGHTS

**C**AN ODD 'MOLLY DODD' SURVIVE? asked a headline in the "style" section of the Los Angeles *Herald Examiner* in 1987. The television series *The Days and Nights of Molly Dodd*, proclaimed *Herald* critic David Gritten, "is one smart, witty 'dramatic comedy' that helps push back the very boundaries of television". Clearly, Gritten wrote, "we're not in sitcom land any more... the land of heart-warming, mainstream sitcoms as represented by *The Cosby Show* or *Growing Pains*".

Jay Tarses, *Molly Dodd*'s creator, producer and director would be thrilled with Gritten's review. Heart-warming and mainstream is exactly what he wanted to avoid. Tarses said when the show first screened on NBC that "the network is terrified that people are going to take one look at *Molly Dodd* and say, 'What the hell is this, anyway?' They think it's too — I don't know — subtle, I guess."

In American television, novelist Mark Christensen once wrote, producers like Tarses are "the ball-busting Evel Knievels of television, the real daredevils in a realm dominated by programming execs whose traditional [prescription] for attracting large audiences has been a predictable mix of sitcom humour, car crashes, glitz and steep Vs of cleavage". Jay Tarses, Christensen says, "is not from that mould".

Tarses first ventured into prime-time with *Buffalo Bill*, an offbeat comedy he wrote with Tom Patchett. The series starred Dabney Coleman as a grouchy, self-obsessed talk-show host. *Buffalo Bill* was a major critical success but, Tarses once said, "it never got the numbers. We got millions of people to watch *Buffalo Bill*: more people in fact probably saw any single episode of *Buffalo Bill* than all the live performances of *Hamlet* in history combined. But in prime-time that's just not enough. It's a tremendous numbers game. You have to have, like, 25 million people watching your series on any given night just to be doing okay. So the inclination on the part of the networks has always been to rely on the tried and true. The formula stuff."

*Molly Dodd*, says Blair Brown, the actor who portrays her, "is a show for people who thought they were going to end up yuppies and aren't". For Brown the story is about "someone who reaches the mid-point of life and realises a lot of her big dreams are not going to come true. It's about someone from a generation that had such high hopes for itself but is now faced with compromise."

A woman in her mid-30s, *Molly Dodd* experiences the realistic highs and lows

*The Days and Nights of Molly Dodd*  
were numbered...  
until a cable network stepped in.

by Douglas Jenkin



Blair Brown: It's "for people who thought they were going to end up yuppies and aren't".

of everyday life while trying to make it on her own in New York City. Molly, the show's line producer Roz Doyle told the *Listener*, "is somebody women — and men — can relate to. She's an average person leading a life that we all recognise. She's been married, has separated from her husband, but never divorced. And her ex-husband is still part of her life in spite of all that. In her relationship with her mother, they love each other dearly but obviously have their differences."

"Her problems are the same kind of problems that we all have on a day-to-day basis. They don't always get resolved. It's real to the issues of today."

The unique style of *Molly Dodd* earned the series critical acclaim and, in 1988, three Emmy Award nominations. The series also uses distinctive production techniques, one camera, 35mm film and the absence of a "live" studio audience or laugh track — all within a framework of continuing story lines. Hailed as "a different, daring new programme", and "one of the most inventive — and certainly the most literate — comedies on television", *The Days and Nights of Molly Dodd* seemed destined to be long. And then NBC axed the show. It claimed

*Molly Dodd* "didn't have the numbers" to keep it on the air.

IN SPITE of what everybody thinks, says Roz Doyle, *Molly Dodd* "actually did fairly well on the air and it had a very loyal following. The people who actually watched it really loved the show and were dedicated to it. People were quite vocal about the fact that it had been cancelled and there was a fair amount of press coverage about it because we'd had very favourable reviews."

In America, says Doyle, the show appealed most to people aged between 20 and 40. "To be honest I'm very surprised that NBC kept on a show like *St Elsewhere*, which I would say had a very similar audience to *Molly Dodd*. They [NBC] said they kept *St Elsewhere* on because of the demographics. Well I have to assume our show attracted the same audience." Why, then, didn't NBC leave *Molly Dodd* on the air? "Because," Doyle says, "I don't feel Brandon Tartikoff, president of NBC, particularly liked the show." A decision to can a series can be that personal? "I think so," says Doyle. How strongly you feel about something, she says, can be judged by how hard you'll fight to keep it. NBC

didn't fight in the case of *Molly Dodd* but a cable network called Lifetime Television did and won the rights to revive it.

Cable television, Doyle points out, does not have the same constraints placed on it as the main networks, whose sponsors are interested only in ratings points. Lifetime, originally the Cable Health Network (the venture was taken over by a company that's a partnership of ABC-Viacom Entertainment and the Hearst Corporation) is available on more than 3800 basic cable systems throughout the US. It reaches 41 million households who pay about \$US15 a month for access to a group of basic cable channels. "Nowadays everybody's looking for something that makes them unique," Doyle says, "and Lifetime have decided to focus on women's programming. They've bought *Cagney and Lacey* and *Spenser: For Hire* and they have programmes they produce themselves like daily talk shows."

In New York on December 12 last year, Lifetime announced that it would repeat the existing 26 episodes of the original *Molly Dodd* series (the latter 13 begin on ONE this week) and then make 13 new episodes to begin screening in April. Production on the new series began this month with the same teams behind and in front of the camera. "I had the sets shipped out to New York from California and we're in the process of putting it up on the [sound] stage at the Kaufman Astoria studios now," says Doyle. "To be honest the move to New York has partly been to accommodate Blair Brown." Then, laughing, she adds: "In fact I'd say it was *mostly* to accommodate Blair Brown. But we always came here to shoot locations anyway." Brown lives in Manhattan with her five-year-old son Robert, whose father is Richard Jordan.

Doyle says that one thing "that was quite surprising to us" was that a basic cable company like Lifetime would raise the money to produce new episodes of *Molly Dodd*. Initially 13 episodes will be filmed. At what cost? Several million? "Oh yes, at least," Doyle says. And she should know. Her job as line producer includes the budget. If the 13 episodes are successful, says Doyle, "we'll be doing another 26." *Molly Dodd*, Doyle feels, has been "a very special experience for a lot of people", including those like herself who have worked on it. "The character was somebody I could see a lot of myself in. I've been friends with Jay Tarses for many years and I could see how he had drawn from a lot of people he knew as far as *Molly Dodd* was concerned." To the show's fans in New Zealand Doyle says confidently: "Just tell them to keep watching. 'Cause we're gonna make a lot more."

"I'M A little nervous," admits Dennis Laboucan as he fidgets in the cab of his battered pick-up truck. "We've never done anything like this before." The 24-year-old Lubicon Cree Indian is psyching himself up for the barricades and a looming confrontation with the Royal Canadian Mounted Police troopers over land rights.

Declaring themselves a sovereign "nation" on traditional hunting and trapping lands in the middle of one of the richest oil and mineral tracts in northern Alberta province, the band, or tribe, doesn't have to wait long for its high noon. A few days later police helicopters with sharpshooters swoop on the blockaded roads leading to their Little Buffalo village near Lake Lubicon. The barriers are torn down and 27 people are arrested.

David Robie, an Auckland freelance writer, was in Canada recently.

Below: Kwakiutl totems: a language at risk.

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DAVID ROBIE

# KIM

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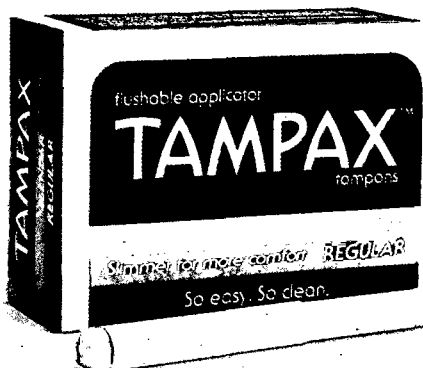
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**IN THE Stein River Valley of southern British Columbia "wilderness only" campaigners join forces with native Indians in a struggle to keep out the loggers. British Columbia Forest Products Ltd, a subsidiary of New Zealand's Fletcher Challenge Canada Ltd, is embroiled in the confrontation over aboriginal land and the New Zealand company also has a fight on its hands with plans to log an area on the west coast of Vancouver Island.**

**Elsewhere in British Columbia, other Indian bands are battling to defend their traditional rights over large slices of forest land.**

**INDIANS IN the south of Vancouver Island vow to risk jail and fines in a fight to prevent the federal Government-backed commercial fishing in their traditional waters. Tom Sampson, chairman of the First Nations of South Island Tribal Council, warns the Canadian Government will face confrontation and lawsuits if it doesn't negotiate with the indigenous people over fishing rights in the Saanich Inlet.**

**"We won't allow anybody to come here and fish," says a Tsawout tribal elder. "If a boat comes in our boats will hound them. We won't allow them to drop nets in our waters."**

**A**FTER 50 YEARS of waiting, nine years of court battles and a week-long barricade revolt, the Lubicon Cree Indians have finally reached a land-claim agreement with the Alberta and federal governments in what is being hailed as a highly symbolic victory for aboriginal rights in Canada.

Forgotten by government negotiators when treaties were drawn up with other Indian nations in Alberta earlier this century, the 457-strong band has won a reserve of 205 square kilometres, which includes mineral rights, and surface rights on a further 40 square kilometres.

Chief Bernard Ominayak, the 23-year-old Lubicon leader, is full of praise for his negotiating counterpart, Alberta Premier Don Getty: "This man has great courage for taking the bull by the horns and doing what he has done." However, barely had Ominayak and the uncharacteristically emotional Getty joined hands in a victory salute than the Lubicon Indians faced another rebuff at the hands of federal officials.

Although Indian bands are traditionally entitled to define their "nationals", known as status Indians, officials last November rejected almost half the tribespeople as being members of the small band. Ottawa also refused to consider the band's demand for as much as \$100 million in compensation.

Among land rights and sovereignty disputes that frequently have parallels with Maori efforts to redress past grievances, the case of the Lubicon Indians has become a landmark for the whole of Canada. The issue was an embarrassment for Prime Minister Brian Mulroney as the country faced last November's general election in which his conservative government was re-elected with a reduced majority.

"How Canada and Alberta deal with the Lubicon is a reflection of our society as a whole. Is it to be a society of justice or injustice?" asks Nancy Kariel, of the Toronto-based Quaker Committee on

Native Concerns. "Many Canadians have already chosen to demand justice for the Lubicon people. Their proposals for a prompt and equitable settlement are undeniably legitimate and long overdue."

The Lubicon victory now means thousands of indigenous Indians and Metis (people of mixed Indian and European heritage) who have been similarly denied recognition and land rights, will redouble their struggles.

The land claimed by the Lubicon is in the so-called Peace River "arch", containing one-third of Alberta's remaining petroleum resources. Although the Lubicon first applied for land in 1933, Ottawa has sat on their request for decades, forcing them into a long frustrating fight.

In 1970 the Alberta Government decided to open up the traditional Lubicon territory to exploit its rich oil and timber resources. About 370 oil wells were sunk; trapping lines were bulldozed to service the wells, and wildlife the Lubicon depended on for their livelihood were driven away. By 1982 \$1.2 million in oil

Hardships have been severe. Two years ago only 19 moose — the Lubicon's chief source of meat — were culled, compared with 200 a year less than a decade ago.

A survey has revealed the average band member is now 10kg underweight. There is no running water or sewerage in the community and a tuberculosis epidemic is striking one out of three.

Although severe, the conditions are understood to parallel many of the social problems on several other Indian reservations. So it wasn't altogether surprising that National Chief Georges Erasmus had this to say after his landslide reelection by the Assembly of First Nations in Edmonton during May:

"Canada, we have something to say to you — a warning: You're playing with fire. Many of us are starting to believe the people assembled here may be the last generation to sit down peacefully to negotiate. Canada, deal with this generation or there may be violence from the next generation."



**A sculpture depicting a Haida Indian legend of how a raven discovered the first humans.**

and gas was being extracted daily from the claimed traditional lands — and it is far higher now.

Until the breakthrough in October, the Alberta Government had fought to maintain control over mineral rights while the Lubicon insisted the benefits of the resources should go to them. Traditionally these resources have been ceded to aboriginal peoples along with the surface land rights.

As their drawn-out struggle has raged with the provincial and federal authorities, the Lubicon people have become demoralised and troubled by social crises: "The incidence of stillbirths, miscarriages and premature births have increased to the extent that there are now few normal full-term births," says Kariel. "Alcohol and suicide rates are problems for the first time. This results in extreme stress for all members of the community."

The mainstream press in Canada immediately seized on the statement and treated it sensationally in a similar way to how many Maori leaders have been reported in the debate over the Treaty of Waitangi.

It was probably coincidental, concedes Maurice Nahanee, editor of *Kahtou*, Vancouver's First Nations newspaper which covered the assembly, but the next day 200 RCMP troopers converged on the Kahnawake community of Mohawks near Montreal. Armed with rifles and protected by bullet-proof vests, the police arrested 17 Indians living in the village on charges of selling contraband cigarettes.

Police chiefs said they seized almost \$500,000 worth of cigarettes, which they claimed were bought duty-free by Canadian Indians across the border in the United States. The Indians retaliated by

setting up a barricade on a highway passing through their nation.

The potentially explosive situation ended when federal Government officials guaranteed there would be no further raids until the matter of cigarette sales had been cleared up. (A registered status Indian does not pay income tax and can buy consumer goods on any Indian reserve exempt of any tax by any level of Canadian government).

Nahanee believes the police action was a typical example of the victimisation frequently encountered on reservations. Ironically funded by federal grants, his newspaper was founded four years ago and is one of several reporting on indigenous issues. Several weeks after the Mohawk raid, Premier Getty ordered an inquiry into police behaviour towards the 7000 "blood" Indians on Canada's biggest reserve at Stand Off, near the southern town of Lethbridge. (The reserve village's name is said to have come from a clash between police and whisky traders last century.)

The inquiry was called after the gangland style killing of an Indian and allegations that three other Indians from the reservation had been murdered. Two whites were charged with the latest killing and Indian leaders called for the probe to become part of a national investigation into the treatment of indigenous people by the Canadian legal system.

In October a Manitoba commission of inquiry into native justice was told by the Assembly of First Nations that it had received a flood of complaints from Indians claiming to have been victimised by the legal system. High-profile cases of Indians who have suffered under the law — such as Donald Marshall, a Micmac jailed for 11 years over a murder he never committed — have been widely publicised recently.

Such cases are not unique, claims Chief Gordon Peters: "These particular cases are not isolated incidents, but serve as examples of the relationship that exists between the Canadian justice system and the original inhabitants of the land."

In spite of the recent passage through the Canadian Parliament of a "Multiculturalism Act" — the first of its kind in the world — representatives from several First Nations have condemned the federal Government's attitude towards the indigenous people and its opposition to a planned United Nations Human Rights study on treaties between indigenous peoples and nation states.

"Canada has been lobbying actively and aggressively for many months to scuttle the proposed United Nations study," says Chief Erasmus, "because they're afraid for the world to see how they have violated the rights of First Nations here in this country. It is astounding that a government that advocates the protection of human rights in South Africa and peace in Central America could be dead against opening its own conduct to the light of day. It must be because they have something to hide."

Indian sovereignty was affirmed by the Royal Proclamation of 1763 by King George III, which recognised the nation-to-nation relationship between the Indian people and the British Crown. That recognition was reinforced by other agreements, and finally by the Canada



Editor Nahanee: "It's about time they started paying the price."

Constitution Act in 1982.

Erasmus says his people's ancestors agreed to share their lands and resources with the settlers, and had made "international agreements" with their governments through the treaty-making process. However, once the balance of power had shifted, provincial governments felt no obligation to keep their part of the treaties.

"Today, Canada refuses even to discuss these obligations with us, and government officials dare us to go to court. Only federal and provincial governments with their tax revenues can afford long battles in their courts," says Erasmus. "First Nations cannot. There are no viable domestic remedies in Canada to resolve treaty issues or the dispossession of lands and resources that has taken place in the past. We have been forced to

turn to the United Nations."

Indian Affairs Minister Bill McKnight has been accused of acting against indigenous rights and is under growing pressure to resign. "Despite his rhetoric, McKnight is neither willing nor capable of acting in the interests of the First Nations," said Erasmus. But the minister denies this allegation.

Erasmus warns there will be no surrender of sovereignty and the Indian people will no longer tolerate the situation where the federal Government refuses to sit down to negotiate the settlement of Indian claims in British Columbia. Also, where tribes do have treaties they have not been fully honoured by the Government, which further angers the Indian people.

"We say," says Erasmus, "if you don't deal with this generation of leaders you

will not like the violence of the next generation."

Among other vital issues facing Indian leaders are:

- Preservation of the aboriginal languages that are threatened with extinction (many languages have died already). A conference has just been held in Vancouver aimed at protecting the vulnerable languages, such as Kwakiutl and Haida.
- Restoration of aboriginal title, which embodies the First Nations' sovereignty before the arrival of the Europeans in North America; a legitimate demand for the affirmation of that historical sovereignty; and the contemporary reality of the European presence in Canada.
- Indigenous fisheries rights. In British Columbia, the First Nations are in constant conflict with the federal Fisheries Department over their fishing rights. Until last June, 302 criminal charges had been laid against Indians in the province for exercising their fishing rights. The charges raised almost every legal issue and argument over aboriginal fishing rights.
- A bill amending the Indian Act that could have serious and far-reaching effects on tribal bylaws and membership rules. Known as C-122, it has been widely condemned as an attempt by the federal Government to back away from obligations under Bill C-31, which was to amend parts of the Indian Act to conform with the Charter of Rights and Freedoms.
- The so-called Kamloops Amendment, or Bill C-115, which has empowered tribal councils to impose taxes on "designated lands" leased out from reservations. Until now, provincial and local governments have had the power. This is

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## Fletcher challenged

**FLETCHER CHALLENGE** Canada Ltd, a subsidiary of New Zealand's Fletcher Challenge Ltd, is a key target for Canadian Indians and environmentalists over logging operations in British Columbia. The company recently pledged to invest almost \$500 million in the province before the year 2000, provided the Government gave it a tree-farm licence.

"This is a blatant attempt to bribe the provincial Government, which would give them virtual *carte blanche*," says a leading campaigner in the capital of Victoria. "Even the loggers are annoyed." A licence is a long-term, area-based contract between the provincial Forests Ministry and a private company. If granted it would include six million hectares of forest land around Williston Lake and Mackenzie, an "instant town" of the 1960s about 680 kilometres north-east of Vancouver.

Fletcher Challenge Canada and one of its subsidiaries, Finlay Forest Industries, say that in return for the licence they would expand one of two pulp mills in Mackenzie and build a third. They would also modernise and improve five sawmills in the town.





Negotiate now or fight later, the Indians have warned the Canadian Government.

the first change to the Indian Act initiated by the First Nations. It is named after Chief Manny Jules of the Kamloops tribe, which leases land to non-Indians and receives taxes.

"Many years ago a group of Yankees refused to pay taxes to the British Government; we are talking pre-American revolution when the United States formed and cut apron strings from their

mother country," says Nahanee. "I think of this new bill as something revolutionary. Like the Americans we should not have to pay taxes if we are not to receive the benefit of paying taxes — no taxation without preservation.

"We have paid dearly for our peaceful co-existence with the intruders to this land of ours. It's about time they started paying the price for living with us."

Fletcher Challenge is involved in controversies over logging in the Stein Valley, one of the last major unlogged watersheds in south-western BC, and in Clayoquot Sound on Vancouver Island. Several protesters — the Friends of Clayoquot Sound — have been jailed for trying to halt road construction to the logging zone.

Residents of the forestry and fishing coastal town of Tofino have repeatedly blockaded the operations of a timber company contracting for Fletcher Challenge. Although the protesters were ordered by a court injunction to stop their obstruction several defied it and were jailed for contempt.

Indian activists visited New Zealand last November in an attempt to focus public attention on Fletcher Challenge's activities. They protested at the shareholders' meeting, held talks with company executives, spoke on talkback radio and met Maori and conservation campaigners.

According to John McCandless, a representative of the Lytton and Mt Currie Indian bands, "it looks as if there could be a huge confrontation in the Stein Valley — a physical pitched battle". The Indians claim the area has never been surrendered by a First Nations treaty or been captured and still belongs to the bands (tribes) who

have lived there for hundreds of years.

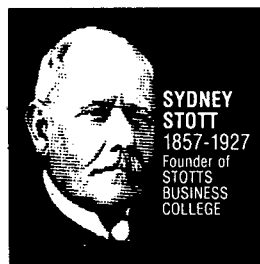
However, Fletcher Challenge claims the land dispute is separate from the logging issue and insists the company has legal rights for the operation granted by the provincial Government. A spokesman said the land row was between the Government and the Indians. "We, and one or two other companies," he added, "are trapped in the middle."

On Vancouver Island, loggers working for Fletcher Challenge have formed a group to combat what they call "wasteful and environmentally damaging" logging practices. The Woodworkers Survival Taskforce has accused the company of leaving more than 1000 truckloads of logs to rot in the woods and damaging at least one salmon river with silt.

"We have to get back to a proper way of logging," says spokesman Joe Saysell. "We're killing jobs for our future and we're wrecking the environment." But a company spokesman has denied the allegations.

During November, however, a Fletcher Challenge company was fined \$NZ57,000 for wasting wood. According to the *Vancouver Sun*, Coastal Wood Products Ltd, a division of Fletcher Challenge Canada Ltd, had left more than 14,000 cubic metres of wood on the ground during a logging operation on Vancouver Island.

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# YEAR OF THE DRAGON

Having made their presence felt in the America's Cup,  
Kiwis are now muscling in on the ancient  
Chinese sport of dragon boat racing.



PHOTOGRAPHS: PETER BLACK

by Finlay Macdonald

IT WAS REPORTED recently that sumo wrestling, the most Japanese of Japanese sports, is beginning to attract foreign competitors. Some of these interlopers — notably one quarter-tonne Hawaiian gentleman — are even winning, to the chagrin of the locals.

They should realise, of course, that this sort of thing happens all the time. The Indians and West Indians, for instance, regularly thrash the pads off their former English overlords on the cricket pitch, and now a bunch of gung-ho Kiwis looks set to hijack the quintessentially Chinese sport of dragon boat racing.

The origins of this colourful event are obscure, but legend has it that Qu Yuan, a Chinese scholar in the fourth century BC, took such umbrage at official corruption he flung himself in the Mi Lo River. Local fishermen rowed furiously from the shore, scattering rice to appease the river dragons, but they couldn't save Qu Yuan. To the Hong Kong Chinese the festival is now known as Tuen Ng, and is also a rain-making ritual. Since the Japanese entered in 1976 it has been an international competition, with 26 teams racing last year.

The organisers of this month's Lampen Dragon Boat Festival in Auckland are aiming for 100 teams, which will make it the biggest outside Asia (despite the fact that everyone must share the same 12 boats). According to charity organiser Alan Smythe, whose idea it was in the first place, "that means nearly 2500 paddlers, or more than the membership of all the rugby clubs on the North Shore. It's an idea that has really caught on."

Smythe, who was looking for fundraising ideas for the Life Education Centres (part of the Foundation for Alcohol and Drug Education), dreamed up the Dragon Boat Festival after seeing a snippet of the Hong Kong event on local television. Clubs, societies, organisations and corporations now pay \$5000 (plus gst) to enter, and spend months on Lake Pupuke or Tamaki Estuary training.



Before settling on the traditional Chinese sport, however, Smythe toyed with the obvious notion of Maori war canoes as an indigenous version. "Can you imagine it," he now laughs. "Corporate Canoes — to me it was the ultimate act of patronage. You can't say that about the Chinese culture because it is already a sport."

"I did go and see the elders of Ngati Whatua, out of courtesy because we were going to be racing on the Waitemata, and they just wanted to know if we were going to be using the koru or anything like that. They were quite relieved we weren't attempting any cultural cross-over."

There are three categories of dragon boat crews — open, corporate and women only. Winners of the open section get to compete in Hong Kong, and winners of the mixed corporate section (men and women) will travel to Osaka in Japan, a festival which Smythe says emphasises the cultural more than the competitive side.

Organiser Chris Hegan stresses the uniqueness of New Zealand's version of the sport. "You couldn't get a lot of people from companies overseas to leap into boats and do this water sport. We're a very aquatic people and it's taken off hugely because of that."

"Also it is unusual for a major sport — remember there's 2500 participants — to be mixed. And the linchpin administrators in Auckland and Wellington are women."

Hegan's claims are borne out at an early evening training session at Pupuke. The atmosphere is somewhere between a staff social and a round the bays run, with the occasional female voice calling for order. Wang team captain Judith Darton says it might be competitive, but it's all fun. With 45 people vying for only 22 places on the team there is a degree of competition even within the ranks, but it has also introduced people who normally wouldn't mingle. "We're a very social company anyway, but a lot of them don't



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Ottawa, Canada  
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*JH o/R*  
*BICO*

February 21, 1989

598327
45-Cda-13-1-3-Lubicon Lake Band

Mr. John Holmes  
Legal Operations Division  
External Affairs  
Lester B. Pearson Bldg.  
125 Sussex Drive  
Tower C - 7th Floor  
Ottawa, Ontario  
K1A 0G2

Dear Mr. Holmes:

Subject: Communication by the Lubicon Lake Band to the  
UN Human Rights Committee pursuant to the  
Optional Protocol to the International  
Covenant on Civil and Political Rights

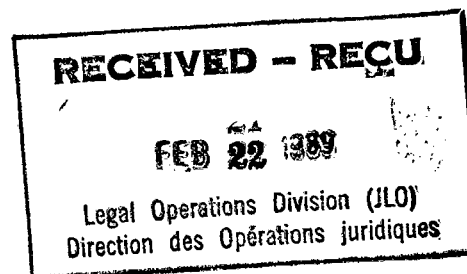
Attached is the final version of Canada's response to the above-noted communication. As agreed, I will be delivering by hand a copy of this response to Mr. Ross Hines in Geneva.

*Judy Camus for*

Irit Weiser  
Legal Advisor  
Human Rights Law Section

IW/jc

cc: James Trottier



Canada



February 2, 1989

FURTHER SUBMISSION OF THE GOVERNMENT OF CANADA IN RESPECT OF  
THE COMMUNICATION OF CHIEF BERNARD OMINAYAK AND THE LUBICON  
LAKE BAND TO THE HUMAN RIGHTS COMMITTEE

The Government of Canada wishes to advise the Secretary-General of the United Nations of recent developments in regard to the communication of Chief Bernard Ominayak and the Lubicon Lake Band (G/SO 215/51 CANA (38) 167/1984).

In November 1988, following an agreement between the province of Alberta and the Lubicon Lake Band to set aside 95 square miles (247 square kilometres) of land for a reserve<sup>1</sup>, the federal government commenced negotiations with the Band on the formal transfer of this land and related issues. During the following eight weeks, negotiations were held and consensus was reached on the majority of issues, including membership, reserve size, community construction and delivery of programs and services. However, agreement could not be reached on the issue of cash

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<sup>1</sup> Under the Constitution Act, 1930, the Government of Canada transferred all public lands which had previously been administered by the federal government to the province of Alberta, with the proviso that upon the request of the federal government, Alberta would set aside out of unoccupied Crown lands, areas necessary for the federal government to fulfill its obligations under treaties with the Indians of Alberta (see Canada's submission dated Oct. 7/87, pp. 16-17)

- 2 -

compensation and on January 24, 1989, the Band withdrew from negotiations when the federal government presented its offer.

The formal offer of the Government of Canada is attached as Appendix 1. Listed below are some of the key terms of the offer which were agreed upon by both the federal government and the communicant:

1. Transfer to the Band of a 95 square mile (247 square kilometres) reserve, of which 79 square miles (205 square kilometres) would contain mineral rights, including oil and gas.
2. The Government of Canada accepted the communicant's calculations with respect to who is a member of the Band (i.e., 514 members). This figure is important for the purpose of determining entitlement to certain government benefits. However, members, in order to receive certain of these benefits, must also be registered as Status Indians. A number of members of the Lubicon Lake Band were not so registered, and thus, an expedited procedure was developed to accomplish early registration.
3. Thirty four million dollars to aid the Band in developing a new community, including the installation of a sewer and water

- 3 -

firehall, a school from grades kindergarten to twelve, and a new medical center, and subsidies towards the building of homes for each family.

4. Two and a half million dollars a year in federal support programs, including social assistance (i.e. health and income support programs), to be administered in a way that would provide flexibility for the Band to meet community needs.
5. A Special Development Plan to assist the Band in establishing a viable modern economy on its new reserve. The plan would include one million dollars for planning and staff additions, five million dollars as "start up" capital, four million dollars for specific Band businesses and four hundred thousand dollars to establish a training trust.
6. A five hundred thousand dollar trust fund to assist Band elders wishing to pursue the traditional way of life of hunting and trapping.

The federal government's offer amounts to approximately 45 million dollars in benefits and programs, in addition to a 95 square mile (247 square kilometres) reserve. In negotiations, the Band claimed an additional compensation of between 114 and 275 million dollars for alleged lost resource revenues. The Government of Canada does not agree that such an entitlement

- 4 -

exists. However, it advised the Band, in a statement from the federal government negotiator (Appendix 2), as well as in a press release and statement from the Minister of Indian and Northern Affairs (Appendix 3), that it is prepared to proceed with all aspects of its offer without prejudice to the Band's right to sue the Government of Canada for compensation.

Underlying the federal government's negotiations with the Band was the need to meet two tests of fairness: the first was that a settlement had to be consistent with other recent settlements with native groups; the second was that a settlement had to address the legitimate social and economic objectives of the Band. The Government of Canada believes its offer meets both these criteria.

It should also be noted that discussions were held with the Lubicon Lake Band concerning topics which would be negotiated in the community negotiations process. These discussions resulted in a preliminary agreement on a framework for these negotiations, however, the agreement has not been ratified by either Canada or the Band.

The community negotiations process is seen as a practical vehicle and opportunity for Indian communities to increase their local autonomy and decision-making responsibilities. The federal policy provides for negotiations on a range of issues, such as

- 5 -

institutions of government, membership, accountability, financial arrangements, education, health services and social development. (Reference to this process was made in Canada's submission dated October 7, 1987, page 20.)

Based on the information above and in previous submissions, the Government of Canada submits that effective domestic remedies have not been exhausted. Accordingly, Chief Ominayak's communication under the Optional Protocol should be declared inadmissible by the Committee. However, if the Committee should reach a contrary conclusion, the Government of Canada reserves the right to make submissions on these matters at a later date.





External Affairs  
Canada

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MESSAGE

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

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REF	REF YRTEL ZNFC1527 11JAN89: OURFAX IMH0159 1FEB89			
SUBJ/SUJ	<p>---LETTER FROM IWGIA RE LUBICON CREE BAND</p> <p>FURTHER TO YR REFTEL AND OUR REFTEL, CURRENT SITUATION OF LUBICON ISSUE HAS BECOME SOMEWHAT PROBLEMATIC WITH COLLAPSE OF LUBICON NEGOTIATIONS. THE MATERIAL PROVIDED IN REFFAX EXPLAINS GOVT OFFER RE MEMBERSHIP ISSUE. HOWEVER IT IS SUFFICIENT IN YR REPLY TO PROVIDE STATEMENT ALONG LINES OF PARA 2 OF YR REFEL</p>			

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MEMORANDUM/NOTE DE SERVICE

Security Classification - Cote de sécurité
File number - numéro de dossier <b>277269</b>
Date <b>February 10, 1989</b>

TO/A: DISTRIBUTION

FROM/DE: Counsel,  
Human Rights Law Section

ACC	KL	DATE
<b>601376</b>		
FILE	DOSSIER	
<b>45-LDA-13-1-3-LUBICON LAKE BAND</b>		

SUBJECT/OBJET: Lubicon Lake Communication to the U.N. Human Rights Committee

Comments/Remarques

The Department of Indian and Northern Affairs has requested several changes to Canada's "final" submission in the above-noted matter, sent to you February 7, 1989. They are that:

1. the top of page 2 be amended to read:

"...and on January 24, 1989, the Band withdrew from negotiations when the federal government presented its formal offer."

2. that "alleged" be added before the word "lost" in the last line on page 3.

3. that the paragraph concerning self-government on page 4 of the submission be replaced with two paragraphs suggested by DIAND.

I have made the above changes to Canada's submission, a copy of which is attached for your review. Please contact me as soon as possible if you have any comments; otherwise, it is intended that this submission be sent to Geneva at the beginning of next week.

Thank you for your assistance.



Irit Weiser

IW/jc



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2.THERE IS ALSO ONE CHANGE TO BE MADE TO TEXT.ON PAGE 4,PARA 3

RELATING TO SELF-GOVT,PHRASE QUOTE PAGES 12-15 UNQUOTE IN  
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3.WILL ADVISE WHEN SUBMISSION IS APPROVED AND CAN BE FORWARDED TO  
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Department of Justice  
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MEMORANDUM/NOTE DE SERVICE

Security Classification - Cote de sécurité	
File number - numéro de dossier	277269
Date	February 3, 1989

TO/À: Distribution

FROM/DE: Counsel,  
Human Rights Law Section

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

Comments/Remarques

Further to our meeting of this morning, I am enclosing a draft Canadian submission in regard to the above-noted matter. Please call me with your comments (at 957-4937) as soon as possible.

Thank you for your assistance in this matter.

*Irit Weiser*  
Irit Weiser

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ADDITIONAL COSTS OR OVERTIME CHARGED TO REQUESTING UNIT - LES FRAIS OU HEURES SUPPLÉMENTAIRES MIS À LA CHARGE DU SERVICE DEMANDEUR

3-483

PAGE 001

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February 2, 1989

FURTHER SUBMISSION OF THE GOVERNMENT OF CANADA IN RESPECT OF  
THE COMMUNICATION OF CHIEF BERNARD OMINAYAK AND THE LUBICON  
LAKE BAND TO THE HUMAN RIGHTS COMMITTEE

The Government of Canada wishes to advise the Secretary-General of the United Nations of recent developments in regard to the communication of Chief Bernard Ominayak and the Lubicon Lake Band (G/SO 215/51 CANA (38) 167/1984).

In October 1988, following an agreement between the province of Alberta and the Lubicon Lake Band to set aside 95 square miles of land for a reserve<sup>1</sup>, the federal government commenced negotiations with the Band on the formal transfer of this land and related issues. During the following eight weeks, negotiations were held and consensus was reached on the majority of issues, including membership, reserve size, community construction and delivery of programs and services. However, agreement could not be reached on the issue of cash compensation

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<sup>1</sup> Under the Constitution Act, 1930, the Government of Canada transferred all public lands which had previously been administered by the federal government to the province of Alberta, with the proviso that upon the request of the federal government, Alberta would set aside out of unoccupied Crown lands, areas necessary for the federal government to fulfill its obligations under treaties with the Indians of Alberta (see Canada's submission dated Oct. 7/87, pp. 16-17)



- 2 -

and on January 24, 1989, negotiations between the federal government and the Band were broken off.

The formal offer of the Government of Canada is attached as Appendix 1. Listed below are some of the key terms of the offer which were agreed upon by both the federal government and the communicant:

1. Transfer to the Band of a 95 square mile (247 square kilometres) reserve, of which 79 square miles (205 square kilometres) would bear mineral rights, including oil and gas.
2. The Government of Canada accepted the communicant's calculations with respect to who is a member of the Band (i.e., 514 members). This figure is important for the purpose of determining entitlement to certain government benefits. However, members, in order to receive benefits, must also be registered as Status Indians. A number of members of the Lubicon Lake Band were not so registered, and thus, an expedited procedure was developed to accomplish early registration.
3. Thirty four million dollars to aid the Band in developing a new community, including the building of a home for each family, the construction of a Band office, a community hall, a

- 3 -

firehall, a school from grades kindergarten to twelve, and a new medical center.

4. Two and a half million dollars a year in federal support programs, including social assistance (i.e. health and welfare programs), to be administered in a way that would provide flexibility for the Band to meet community needs.
5. A Special Development Plan to assist the Band in establishing a viable modern economy on its new reserve. The plan would include one million dollars for planning and staff additions, five million dollars as "start up" capital, four million dollars for specific Band businesses and four hundred thousand dollars to establish a training trust.
6. A five hundred thousand dollar trust fund to assist Band elders wishing to pursue the traditional way of life of hunting and trapping.

The federal government's offer amounted to approximately 45 million dollars in benefits and programs, in addition to a 95 square mile (247 square kilometres) reserve. In negotiations, the Band claimed an additional compensation of between 114 and 275 million dollars for lost resource revenue. The Government of Canada does not agree that such an entitlement exists. However, it advised the Band, in a letter from the federal government

- 4 -

negotiator (Appendix 2), as well as in a press release and statement from the Minister of Indian and Northern Affairs (Appendix 3), that it is prepared to proceed with all aspects of its offer without prejudice to the Band's right to sue the Government of Canada for compensation.

Underlying the federal government's negotiations with the Band was the need to meet two tests of fairness: the first was that a settlement had to be consistent with other recent settlements with native groups; the second was that a settlement had to address the legitimate social and economic objectives of the Band. The Government of Canada believes its offer meets both these criteria.

It should also be noted that an agreement was reached between the parties on a framework for self-government by the Band (see Canada's submission dated October 7, 1987, pages 12-15), which would have given it greater responsibility for the management of its own affairs.

Based on the information above and in previous submissions, the Government of Canada submits that effective domestic remedies have not been exhausted. Accordingly, Chief Ominayak's communication under the Optional Protocol should be declared

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inadmissible by the Committee. However, if the Committee should reach a contrary conclusion, the Government of Canada reserves the right to make submissions on these matters at a later date.

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

February 2, 1989

**FURTHER SUBMISSION OF THE GOVERNMENT OF CANADA IN RESPECT OF  
THE COMMUNICATION OF CHIEF BERNARD OMINAYAK AND THE LUBICON  
LAKE BAND TO THE HUMAN RIGHTS COMMITTEE**

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ADDITIONAL COSTS OR OVERTIME CHARGED TO REQUESTING UNIT - LES FRAIS OU HEURES SUPPLÉMENTAIRES MIS À LA CHARGE DU SERVICE DEMANDEUR

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PAGE 001

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compensation and on January 24, 1989, the Band withdrew from negotiations when the federal government presented its offer.

The formal offer of the Government of Canada is attached as Appendix 1. Listed below are some of the key terms of the offer which were agreed upon by both the federal government and the communicant:

1. Transfer to the Band of a 95 square mile (247 square kilometres) reserve, of which 79 square miles (205 square kilometres) would contain mineral rights, including oil and gas.
2. The Government of Canada accepted the communicant's calculations with respect to who is a member of the Band (i.e., 514 members). This figure is important for the purpose of determining entitlement to certain government benefits. However, members, in order to receive certain of these benefits, must also be registered as Status Indians. A number of members of the Lubicon Lake Band were not so registered, and thus, an expedited procedure was developed to accomplish early registration.
3. Thirty four million dollars to aid the Band in developing a new community, including the installation of a sewer and water

- 3 -

firehall, a school from grades kindergarten to twelve, and a new medical center, and subsidies towards the building of homes for each family.

4. Two and a half million dollars a year in federal support programs, including social assistance (i.e. health and income support programs), to be administered in a way that would provide flexibility for the Band to meet community needs.
5. A Special Development Plan to assist the Band in establishing a viable modern economy on its new reserve. The plan would include one million dollars for planning and staff additions, five million dollars as "start up" capital, four million dollars for specific Band businesses and four hundred thousand dollars to establish a training trust.
6. A five hundred thousand dollar trust fund to assist Band elders wishing to pursue the traditional way of life of hunting and trapping.

The federal government's offer amounts to approximately 45 million dollars in benefits and programs, in addition to a 95 square mile (247 square kilometres) reserve. In negotiations, the Band claimed an additional compensation of between 114 and 275 million dollars for alleged lost resource revenues. The Government of Canada does not agree that such an entitlement



- 4 -

exists. However, it advised the Band, in a statement from the federal government negotiator (Appendix 2), as well as in a press release and statement from the Minister of Indian and Northern Affairs (Appendix 3), that it is prepared to proceed with all aspects of its offer without prejudice to the Band's right to sue the Government of Canada for compensation.

Underlying the federal government's negotiations with the Band was the need to meet two tests of fairness: the first was that a settlement had to be consistent with other recent settlements with native groups; the second was that a settlement had to address the legitimate social and economic objectives of the Band. The Government of Canada believes its offer meets both these criteria.

It should also be noted that discussions were held with the Lubicon Lake Band concerning topics which would be negotiated in the community negotiations process. These discussions resulted in a preliminary agreement on a framework for these negotiations, however, the agreement has not been ratified by either Canada or the Band.

The community negotiations process is seen as a practical vehicle and opportunity for Indian communities to increase their local autonomy and decision-making responsibilities. The federal policy provides for negotiations on a range of issues, such as

- 5 -

institutions of government, membership, accountability, financial arrangements, education, health services and social development. (Reference to this process was made in Canada's submission dated October 7, 1987, page 20.)

Based on the information above and in previous submissions, the Government of Canada submits that effective domestic remedies have not been exhausted. Accordingly, Chief Ominayak's communication under the Optional Protocol should be declared inadmissible by the Committee. However, if the Committee should reach a contrary conclusion, the Government of Canada reserves the right to make submissions on these matters at a later date.



## MESSAGE

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

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---END OF NEGOTIATIONS WITH LUBICON LAKE INDIAN BAND

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LAKE INDIAN BAND HAVE BEEN BROKEN OFF FOLLOWING BAND'S REJECTION OF  
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BAND WANTED. ATTACHED PLS FIND ENG/FR COPY OF SELF-EXPLANATORY PRESS  
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2/16

# Communiqué

1-8903

## CANADA, LUBICON BREAK OFF TALKS

(OTTAWA, JANUARY 24, 1989) -- Negotiations towards settlement of a land claim by the Lubicon Lake Indian Band have broken off, after the band rejected Canada's offer of \$45 million in addition to the 95 square mile reserve the band wanted.

The band is demanding additional compensation of between \$114 and \$275 million.

During 8 weeks of negotiations, consensus was reached among government and band negotiators on the key issues of membership, reserve size, community construction and delivery of programs and services. However, the negotiators were unable to reach agreement on the issue of cash compensation.

Canada's offer to the band included the establishment of a 95 square mile reserve and \$34 million to develop a new community.

Canada's offer also included a trust fund to preserve traditional band values and a \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

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The Hon. Bill McKnight, Minister of Indian Affairs and Northern Development said the band also rejected an offer to begin construction of the community immediately, without prejudice to the band's right to take the compensation issue to the Federal Court for decision.

Mr. McKnight estimated Canada's offer is equivalent to \$300 thousand in initial benefits and cash per family.

Mr. McKnight said "Canada has a responsibility to be fair on all sides. This offer is fair to the Lubicon people because it allows them to reach their social and economic goals. It is fair to other native groups because it is consistent with the principles of other recent settlements. And it is fair to the taxpayer because it meets Canada's legal and social obligations to the Band."

Mr. McKnight said that Canada's offer remains open.

Ref: Ken Colby  
Federal spokesperson  
(403) 269 7006

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4/16

STATEMENT BY THE MINISTER

RE: LUBICON LAKE BAND LAND CLAIM

I am sorry to announce that talks between Canada and the Lubicon Lake Indian Band which began in late November have broken off. There is only one issue left in dispute - and that issue is money.

We have solved the problems of membership, we have agreed to the 95 square mile reserve, and we have offered a settlement totalling \$45 million.

We were guided in our negotiations by two tests of fairness: the first was that a settlement had to be consistent with other recent settlements; the second was that a settlement had to address the legitimate social and economic objectives of the Band.

Our offer was to establish the reserve they wanted, plus the equivalent of almost \$87 thousand for each man, woman and child on the Band's membership list.

We have offered to set aside a 95 square mile reserve for the band. That reserve would have mineral rights, including oil and gas, on 79 square miles.

We have offered \$34 million to build a new community. That would provide homes for each family. It would include a band office and a community hall. It would include a school from kindergarten to grade 12 and a new medical centre.

We have offered to establish a block-funding arrangement to deliver what will be close to \$2.5 million a year in federal support programs, including social assistance, in a way that provides administrative flexibility for the band to meet community needs.

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And we have offered a Special Development Plan, to assist the Lubicon in establishing a viable modern economy on the new reserve. This includes:

- \$1 million for planning and staff additions
- \$5 million as "start up" capital
- up to \$4 million for "core" band projects.

While each case is unique and direct comparisons are difficult, this offer certainly compares favourably to other recent settlements.

The offer also directly addresses the Band's priorities.

The eight weeks of negotiation involved my department and the Prime Minister's Office, and drew on expertise and assistance from CEIC, DIST, the Secretary of State, Agriculture, the Department of Communications, and the CRTC. On many issues, our approach was a joint Lubicon/Canada task force.

The issue of membership is a good example of this approach. Canada recognized the Band's right to determine its membership. But membership does not equate to status as a registered Indian, and well over two hundred of the Band's members had not registered or applied for registration. Working together, the government and the Band traced the genealogy, assembled documentation, prepared affidavits and covered all the groundwork for all these people. It appears that, with few exceptions, they qualify to be registered as status Indians. Membership is no longer an issue.

Similar approaches were applied to the reserve construction program to ensure the community would be in harmony with the Band's values and traditions, and to ensure that training, employment and other benefits of construction would accrue to the Band.

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We also reached agreement on a new administration program to give the Band greater flexibility to meet community needs; we reached a framework agreement for establishing self-government; and we reached agreement on an approach to most of the economic development priorities of the Band.

For example, we offered to establish a \$500,000 fund in support of Band elders who wanted to continue hunting and trapping. The Band would design and operate the program.

We offered extensive vocational and other training programs. We agreed to provide technical support and 80 per cent funding for such core band businesses as a commercial centre, a motel, a gravel pit, and a "start-up" community farm. Some projects - an indoor hockey rink and free cable TV are two examples - we could not agree to.

But, I am satisfied that our offer to the Band will provide its families with a good standard of living and the opportunity to become fully and gainfully employed.

I regret that the Band has rejected our offer.

However, the Lubicon people need not be deprived of the other benefits of a settlement because of this dispute over money. I have offered to proceed with membership, with establishing the reserve, with constructing a community and with the vocational and entrepreneurial training programs. The Band would still be free to sue Canada and/or Alberta for compensation.



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I believe we have been more than fair to the Lubicon people. I must also be fair to those other native communities which have concluded settlements with the government, and I must be fair to the taxpayers of Canada. Our offer discharges our legal and moral responsibilities to the band, and it remains open.

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Ref: Ken Colby  
Federal spokesperson  
(403) 269-7006

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8/16

## CANADA'S OFFER TO THE LUBICON LAKE INDIAN BAND

### Membership

- All 514 members recognized as such
- "Fast-track" registration of all who qualify as status Indians

### Reserve Area

- a 95 square mile reserve, including 79 square miles of mineral and oil and gas rights

### Social Development

- a \$34 million building program, including up to 133 homes, infrastructures, a K-12 school, band offices, community hall, firehall and medical centre
- Block funding of benefits (Alternate Funding Arrangement) to provide a greater autonomy and flexibility
- Development of Self-Government legislation for the Band
- \$500 thousand trust fund, to assist those elders wishing to pursue the traditional way of life.

### Economic Development

- \$5 million "seed capital"
- extensive vocational training
- \$400 thousand to establish "training trust"
- \$1 million in planning and band staff support
- \$4 million for specific band businesses



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9/16

# Communiqué

1-8903

## RUPTURE DES NÉGOCIATIONS ENTRE LE CANADA ET LA BANDE DU LAC LUBICON

OTTAWA, le 24 janvier 1989 -- Les négociations en vue du règlement de la revendication territoriale de la bande indienne du lac Lubicon sont rompues; la bande a rejeté une offre de 45 millions de dollars outre la création d'une réserve de 95 milles carrés que la bande désirait.

La bande réclame une indemnité supplémentaire de 114 à 275 millions de dollars.

Au cours des huit semaines de négociations, le consensus s'était fait entre les négociateurs du gouvernement fédéral et de la bande indienne sur les principales questions en litige, à savoir l'appartenance à la bande, la superficie de la réserve, la construction d'une agglomération et la prestation de programmes et de services. Les négociateurs n'ont cependant pu s'entendre sur la question de l'indemnité financière.

Le Canada offre à la bande de créer une réserve de 95 milles carrés et de consacrer 34 millions de dollars pour établir une nouvelle collectivité.

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Le Canada offre également d'établir un fonds en fiducie pour la conservation des valeurs traditionnelles de la bande ainsi qu'un plan spécial de développement doté de 10 millions de dollars pour aider la bande à assurer la transition de son mode de vie traditionnel de chasse et de piégeage.

Le ministre des Affaires indiennes et du Nord canadien, l'honorable Bill McKnight, a dit que la bande avait également rejeté l'offre de commencer les travaux de construction immédiatement sans que cela empêche pour autant la bande de porter devant la Cour fédérale sa demande d'indemnisation.

M. McKnight estime que l'offre du Canada équivaut à 300 000 \$ par famille en argent et en avantages divers.

M. McKnight a ajouté que le "Canada se devait d'être équitable envers tous. Notre offre est équitable envers la bande, car elle lui permet d'atteindre ses buts sociaux et économiques. Elle est équitable aussi envers les autres groupes autochtones, car elle suit les mêmes principes que pour les autres règlements qui ont été conclus récemment. Enfin, elle est équitable envers le contribuable canadien, car elle satisfait aux obligations légales et sociales du pays envers la bande."

Le Ministre a précisé que l'offre demeurerait toujours valide.

- 30 -

Renseignements :

Ken Colby  
(403) 269-7006

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11/16

## OFFRE DU CANADA À LA BANDE INDIENNE DU LAC LUBICON

### Appartenance à la bande

- Reconnaissance comme membres des 514 personnes inscrites sur la liste.
- Accélération des formalités pour l'inscription des personnes admissibles.

### Création d'une réserve

- 95 milles carrés, avec les droits d'exploitation minière, gazière et pétrolière sur une superficie de 79 milles carrés.

### Développement social

- Programme de construction de 34 millions de dollars comprenant jusqu'à 133 maisons, l'infrastructure nécessaire, une école de la maternelle à la 12<sup>e</sup> année, des bureaux pour la bande, une salle communautaire, une caserne et une clinique.
- Mode de financement global des avantages (mode optionnel de financement) pour permettre plus de latitude et d'autonomie.
- Établissement d'un instrument législatif pour l'autonomie gouvernementale de la bande.
- Fonds en fiducie de 500 000 \$ pour les anciens qui désirent conserver leur mode de vie traditionnel.

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12/16

### Développement économique

- Cinq millions en capitaux de départ.
- Formation professionnelle complète.
- 400 000 \$ pour créer un fonds en fiducie pour la formation.
- Un million de dollars pour la planification et le personnel nécessaire.
- Quatre millions pour financer certaines entreprises de la bande.

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13/16

## DÉCLARATION DU MINISTRE CONCERNANT LA REVENDICATION TERRITORIALE DE LA BANDE DU LAC LUBICON

J'ai le regret d'annoncer la rupture des pourparlers entrepris fin novembre dernier avec la bande indienne du lac Lubicon. Une seule question demeure en litige, et c'est la question financière.

Nous nous sommes entendus sur l'appartenance à la bande, sur la création d'une réserve de 95 milles carrés et nous avons offert un règlement total de 45 millions de dollars.

Deux critères nous ont guidés tout au long des négociations : conclure un règlement conforme à ceux qui ont été conclus récemment, et répondre aux objectifs sociaux et économiques légitimes de la bande.

Nous avons donc proposé de créer la réserve que la bande souhaitait et de donner en plus l'équivalent de presque 87,000 \$ pour chaque homme, femme et enfant figurant sur la liste de la bande.

Nous avons offert de consacrer 95 milles carrés à une réserve à l'intérieur de laquelle la bande aurait les droits d'exploitation minière, pétrolière et gazière sur une superficie de 79 milles carrés.

Nous avons également offert 34 millions de dollars pour la construction d'une nouvelle agglomération de sorte que toutes les familles de la bande pourraient se loger. Outre les maisons, il y aurait un bureau administratif, une salle communautaire, une école de la maternelle à la douzième année ainsi qu'une clinique.

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Nous avons également offert un mode de financement global assurant à la bande la souplesse administrative nécessaire pour mettre en oeuvre, afin de satisfaire les besoins collectifs, des programmes fédéraux d'aide, notamment des programmes de sécurité sociale, représentant près de 2,5 millions de dollars par année.

De plus, nous avons offert un plan spécial de développement pour assurer à la nouvelle réserve une économie viable, moderne. Ce plan se compose des éléments suivants :

- Un million de dollars pour la planification et le personnel supplémentaire nécessaire,
- cinq millions en capitaux "de démarrage",
- jusqu'à quatre millions pour des projets "de base" de la bande.

Chaque cas est unique, aussi les comparaisons directes sont-elles difficiles à faire, mais cette offre se compare favorablement aux autres règlements récemment conclus.

Notre offre répond aussi directement aux priorités de la bande.

Durant les huit semaines qui viennent de s'écouler, mon ministère et le Cabinet du Premier ministre ont mené les négociations, faisant tour à tour appel à la CEIC, au MIST, au Secrétariat d'État, au CRTC et aux ministères de l'Agriculture et des Communications. Pour bien des questions, nous avons constitué un groupe de travail mixte Canada/Lubicon.



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La façon dont la question de l'appartenance à la bande a été réglée illustre bien la démarche adoptée. Le Canada a reconnu à la bande le droit d'établir qui devait en faire partie. Cependant, l'appartenance à la bande ne donne pas automatiquement droit au statut d'Indien inscrit, et la bande compte largement plus de 200 personnes qui n'ont pas présenté de demande d'inscription. Ouvrant ensemble, le gouvernement et la bande ont établi la généalogie de ces personnes, rassemblé la documentation nécessaire, préparé le texte des déclarations sous serment et fait tout le travail de préparation nécessaire. Il semble que, à quelques exceptions près, toutes ces personnes sont admissibles au statut d'Indien inscrit. La question de l'appartenance ne constitue donc plus un problème.

On a procédé de la même façon pour la construction de la réserve afin que la nouvelle collectivité soit en accord avec les valeurs et les traditions de la bande et que celle-ci puisse profiter de toutes les chances de formation, d'emploi et autres que les travaux de construction vont offrir.

Nous nous sommes de plus entendus sur un nouveau programme administratif afin de donner à la bande la latitude nécessaire pour répondre à ses propres besoins; nous avons établi une entente-cadre pour l'autonomie gouvernementale et nous nous sommes mis d'accord sur une démarche pour donner suite à la plupart des priorités de développement économique de la bande.

Nous avons, par exemple, offert de créer un fonds doté de 500 000 \$ à l'intention des anciens désireux de conserver leur mode de vie traditionnel et de continuer à vivre de chasse et de piégeage. C'est la bande elle-même qui concevrait et appliquerait le programme.

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Nous avons offert des programmes complets de formation professionnelle et autre. Nous avons accepté de fournir l'aide technique et 80 pour 100 du financement nécessaire pour des entreprises de base comme un centre commercial, un motel, une gravière et une ferme communautaire "de départ". Il y avait cependant des projets, par exemple une patinoire intérieure pour le hockey et la télévision par câble gratuite - auxquels nous ne pouvions consentir.

Je suis convaincu que notre offre assurera à la bande un bon niveau de vie et l'occasion aussi d'accéder au plein emploi rémunéré.

Je regrette que la bande ait rejeté notre offre.

La bande du lac Lubicon n'aura cependant pas à attendre le règlement de la question financière pour pouvoir profiter des autres avantages. J'ai offert de commencer la procédure administrative pour l'appartenance à la bande, de créer la réserve, de construire l'agglomération et de lancer les programmes de formation professionnelle et de formation en création d'entreprise, ce qui n'empêcherait nullement la bande de poursuivre le Canada et/ou l'Alberta pour obtenir des sommes supplémentaires.

J'estime que nous nous sommes montrés plus qu'équitables envers la bande du lac Lubicon. Mais je dois également être équitable envers les autres collectivités autochtones avec qui le gouvernement a conclu des règlements et je ne dois pas oublier les contribuables canadiens non plus. L'offre que nous avons faite satisfait à nos responsabilités légales et morales envers la bande, et elle demeure valide.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence	10A/15
File/Dossier	

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

SECURITY SÉCURITÉ	U N C L A S S I F I E D	ACC 596031	30 JAN 89 21 37 12	10
FM/DE	FM EXTOTT IMH0144 30JAN89	FILE	UNCLASSIFIED	
TO/À	TO BONN DEL BY 0900 31 JAN 89	45-CDA-13-1-3-LUBICON LAKE BAND	NON CLASSIFIÉ	
INFO	BAG			
DISTR	INFO LON PARIS ROME BRU COPEN OSLO STKHM HSNKI VIENN BERNE GENEV			
REF	PRMNY WSHDC CMGNY LNGLS CHGO CNBRA WLN TN SYDNY PRET DUBLN PESCO			
SUBJ/SUJ	MOSCO BGRAD WDCAS PCOTFFPRO/CARON/LAFRENIERE/BATT INACTULL/Whitaker/Hudson			
	Justus/FREEMAN/CORBER/LOW/WELSH DE OTT			
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	RWON PAP BEL LCP BCM IMD MINP PSR JLO IFB JFB JCD BFE IMD LCR LSR 32			
	REF OUR TEL IMH2026 29NOV88			
	---END OF NEGOTIATIONS WITH LUBICON LAKE INDIAN BAND			
	FURTHER TO OUR REFTELS, NEGOTIATIONS BETWEEN GOVT OF CDA AND LUBICON			
	LAKE INDIAN BAND HAVE BEEN BROKEN OFF FOLLOWING THE BAND'S			
	REJECTION OF OFFER OF CDN DLRS 45 MILLION IN ADDITION TO 95 SQUARE			
	MILE RESERVE BAND WANTED. ATTACHED PLS FIND ENG/FR COPY OF SELF-			
	EXPLANATORY PRESS RELEASE.			
	(COMM CENTRE PLS FAX ATTACHED 15 PAGES)			

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



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NON CLASSIFIÉ

# Communiqué

1-8903

## CANADA, LUBICON BREAK OFF TALKS

(OTTAWA, JANUARY 24, 1989) -- Negotiations towards settlement of a land claim by the Lubicon Lake Indian Band have broken off, after the band rejected Canada's offer of \$45 million in addition to the 95 square mile reserve the band wanted.

The band is demanding additional compensation of between \$114 and \$275 million.

During 8 weeks of negotiations, consensus was reached among government and band negotiators on the key issues of membership, reserve size, community construction and delivery of programs and services. However, the negotiators were unable to reach agreement on the issue of cash compensation.

Canada's offer to the band included the establishment of a 95 square mile reserve and \$34 million to develop a new community.

Canada's offer also included a trust fund to preserve traditional band values and a \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

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- 2 -

The Hon. Bill McKnight, Minister of Indian Affairs and Northern Development said the band also rejected an offer to begin construction of the community immediately, without prejudice to the band's right to take the compensation issue to the Federal Court for decision.

Mr. McKnight estimated Canada's offer is equivalent to \$300 thousand in initial benefits and cash per family.

Mr. McKnight said "Canada has a responsibility to be fair on all sides. This offer is fair to the Lubicon people because it allows them to reach their social and economic goals. It is fair to other native groups because it is consistent with the principles of other recent settlements. And it is fair to the taxpayer because it meets Canada's legal and social obligations to the Band."

Mr. McKnight said that Canada's offer remains open.

Ref: Ken Colby  
Federal spokesperson  
(403) 269 7006

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STATEMENT BY THE MINISTER

RE: LUBICON LAKE BAND LAND CLAIM

I am sorry to announce that talks between Canada and the Lubicon Lake Indian Band which began in late November have broken off. There is only one issue left in dispute - and that issue is money.

We have solved the problems of membership, we have agreed to the 95 square mile reserve, and we have offered a settlement totalling \$45 million.

We were guided in our negotiations by two tests of fairness: the first was that a settlement had to be consistent with other recent settlements; the second was that a settlement had to address the legitimate social and economic objectives of the Band.

Our offer was to establish the reserve they wanted, plus the equivalent of almost \$87 thousand for each man, woman and child on the Band's membership list.

We have offered to set aside a 95 square mile reserve for the band. That reserve would have mineral rights, including oil and gas, on 79 square miles.

We have offered \$34 million to build a new community. That would provide homes for each family. It would include a band office and a community hall. It would include a school from kindergarten to grade 12 and a new medical centre.

We have offered to establish a block-funding arrangement to deliver what will be close to \$2.5 million a year in federal support programs, including social assistance, in a way that provides administrative flexibility for the band to meet community needs.

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And we have offered a Special Development Plan, to assist the Lubicon in establishing a viable modern economy on the new reserve. This includes:

- \$1 million for planning and staff additions
- \$5 million as "start up" capital
- up to \$4 million for "core" band projects.

While each case is unique and direct comparisons are difficult, this offer certainly compares favourably to other recent settlements.

The offer also directly addresses the Band's priorities.

The eight weeks of negotiation involved my department and the Prime Minister's Office, and drew on expertise and assistance from CEIC, DIST, the Secretary of State, Agriculture, the Department of Communications, and the CRTC. On many issues, our approach was a joint Lubicon/Canada task force.

The issue of membership is a good example of this approach. Canada recognized the Band's right to determine its membership. But membership does not equate to status as a registered Indian, and well over two hundred of the Band's members had not registered or applied for registration. Working together, the government and the Band traced the genealogy, assembled documentation, prepared affidavits and covered all the groundwork for all these people. It appears that, with few exceptions, they qualify to be registered as status Indians. Membership is no longer an issue.

Similar approaches were applied to the reserve construction program to ensure the community would be in harmony with the Band's values and traditions, and to ensure that training, employment and other benefits of construction would accrue to the Band.

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- 3 -

We also reached agreement on a new administration program to give the Band greater flexibility to meet community needs; we reached a framework agreement for establishing self-government; and we reached agreement on an approach to most of the economic development priorities of the Band.

For example, we offered to establish a \$500,000 fund in support of Band elders who wanted to continue hunting and trapping. The Band would design and operate the program.

We offered extensive vocational and other training programs. We agreed to provide technical support and 80 per cent funding for such core band businesses as a commercial centre, a motel, a gravel pit, and a "start-up" community farm. Some projects - an indoor hockey rink and free cable TV are two examples - we could not agree to.

But, I am satisfied that our offer to the Band will provide its families with a good standard of living and the opportunity to become fully and gainfully employed.

I regret that the Band has rejected our offer.

However, the Lubicon people need not be deprived of the other benefits of a settlement because of this dispute over money. I have offered to proceed with membership, with establishing the reserve, with constructing a community and with the vocational and entrepreneurial training programs. The Band would still be free to sue Canada and/or Alberta for compensation.



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- 4 -

I believe we have been more than fair to the Lubicon people. I must also be fair to those other native communities which have concluded settlements with the government, and I must be fair to the taxpayers of Canada. Our offer discharges our legal and moral responsibilities to the band, and it remains open.

- 30 -

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## **CANADA'S OFFER TO THE LUBICON LAKE INDIAN BAND**

### **Membership**

- All 514 members recognized as such
- "Fast-track" registration of all who qualify as status Indians

### **Reserve Area**

- a 95 square mile reserve, including 79 square miles of mineral and oil and gas rights

### **Social Development**

- a \$34 million building program, including up to 133 homes, infrastructures, a K-12 school, band offices, community hall, firehall and medical centre
- Block funding of benefits (Alternate Funding Arrangement) to provide a greater autonomy and flexibility.
- Development of Self-Government legislation for the Band
- \$500 thousand trust fund, to assist those elders wishing to pursue the traditional way of life.

### **Economic Development**

- \$5 million "seed capital"
- extensive vocational training
- \$400 thousand to establish "training trust"
- \$1 million in planning and band staff support
- \$4 million for specific band businesses



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# Communiqué

1-8903

## RUPTURE DES NÉGOCIATIONS ENTRE LE CANADA ET LA BANDE DU LAC LUBICON

OTTAWA, le 24 janvier 1989 -- Les négociations en vue du règlement de la revendication territoriale de la bande indienne du lac Lubicon sont rompues; la bande a rejeté une offre de 45 millions de dollars outre la création d'une réserve de 95 milles carrés que la bande désirait.

La bande réclame une indemnité supplémentaire de 114 à 275 millions de dollars.

Au cours des huit semaines de négociations, le consensus s'était fait entre les négociateurs du gouvernement fédéral et de la bande indienne sur les principales questions en litige, à savoir l'appartenance à la bande, la superficie de la réserve, la construction d'une agglomération et la prestation de programmes et de services. Les négociateurs n'ont cependant pu s'entendre sur la question de l'indemnité financière.

Le Canada offre à la bande de créer une réserve de 95 milles carrés et de consacrer 34 millions de dollars pour établir une nouvelle collectivité.

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Le Canada offre également d'établir un fonds en fiducie pour la conservation des valeurs traditionnelles de la bande ainsi qu'un plan spécial de développement doté de 10 millions de dollars pour aider la bande à assurer la transition de son mode de vie traditionnel de chasse et de piégeage.

Le ministre des Affaires indiennes et du Nord canadien, l'honorable Bill McKnight, a dit que la bande avait également rejeté l'offre de commencer les travaux de construction immédiatement sans que cela empêche pour autant la bande de porter devant la Cour fédérale sa demande d'indemnisation.

M. McKnight estime que l'offre du Canada équivaut à 300 000 \$ par famille en argent et en avantages divers.

M. McKnight a ajouté que le "Canada se devait d'être équitable envers tous. Notre offre est équitable envers la bande, car elle lui permet d'atteindre ses buts sociaux et économiques. Elle est équitable aussi envers les autres groupes autochtones, car elle suit les mêmes principes que pour les autres règlements qui ont été conclus récemment. Enfin, elle est équitable envers le contribuable canadien, car elle satisfait aux obligations légales et sociales du pays envers la bande."

Le Ministre a précisé que l'offre demeurerait toujours valide.

- 30 -

Renseignements :

Ken Colby  
(403) 269-7006

## **OFFRE DU CANADA À LA BANDE INDIENNE DU LAC LUBICON**

### **Appartenance à la bande**

- Reconnaissance comme membres des 514 personnes inscrites sur la liste.
- Accélération des formalités pour l'inscription des personnes admissibles.

### **Création d'une réserve**

- 95 milles carrés, avec les droits d'exploitation minière, gazière et pétrolière sur une superficie de 79 milles carrés.

### **Développement social**

- Programme de construction de 34 millions de dollars comprenant jusqu'à 133 maisons, l'infrastructure nécessaire, une école de la maternelle à la 12<sup>e</sup> année, des bureaux pour la bande, une salle communautaire, une caserne et une clinique.
- Mode de financement global des avantages (mode optionnel de financement) pour permettre plus de latitude et d'autonomie.
- Établissement d'un instrument législatif pour l'autonomie gouvernementale de la bande.
- Fonds en fiducie de 500 000 \$ pour les anciens qui désirent conserver leur mode de vie traditionnel.

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### Développement économique

- Cinq millions en capitaux de départ.
- Formation professionnelle complète.
- 400 000 \$ pour créer un fonds en fiducie pour la formation.
- Un million de dollars pour la planification et le personnel nécessaire.
- Quatre millions pour financer certaines entreprises de la bande.

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## DÉCLARATION DU MINISTRE CONCERNANT LA REVENDICATION TERRITORIALE DE LA BANDE DU LAC LUBICON

J'ai le regret d'annoncer la rupture des pourparlers entrepris fin novembre dernier avec la bande indienne du lac Lubicon. Une seule question demeure en litige, et c'est la question financière.

Nous nous sommes entendus sur l'appartenance à la bande, sur la création d'une réserve de 95 milles carrés et nous avons offert un règlement total de 45 millions de dollars.

Deux critères nous ont guidés tout au long des négociations : conclure un règlement conforme à ceux qui ont été conclus récemment, et répondre aux objectifs sociaux et économiques légitimes de la bande.

Nous avons donc proposé de créer la réserve que la bande souhaitait et de donner en plus l'équivalent de presque 87,000 \$ pour chaque homme, femme et enfant figurant sur la liste de la bande.

Nous avons offert de consacrer 95 milles carrés à une réserve à l'intérieur de laquelle la bande aurait les droits d'exploitation minière, pétrolière et gazière sur une superficie de 79 milles carrés.

Nous avons également offert 34 millions de dollars pour la construction d'une nouvelle agglomération de sorte que toutes les familles de la bande pourraient se loger. Outre les maisons, il y aurait un bureau administratif, une salle communautaire, une école de la maternelle à la douzième année ainsi qu'une clinique.

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Nous avons également offert un mode de financement global assurant à la bande la souplesse administrative nécessaire pour mettre en oeuvre, afin de satisfaire les besoins collectifs, des programmes fédéraux d'aide, notamment des programmes de sécurité sociale, représentant près de 2,5 millions de dollars par année.

De plus, nous avons offert un plan spécial de développement pour assurer à la nouvelle réserve une économie viable, moderne. Ce plan se compose des éléments suivants :

- Un million de dollars pour la planification et le personnel supplémentaire nécessaire,
- cinq millions en capitaux "de démarrage",
- jusqu'à quatre millions pour des projets "de base" de la bande.

Chaque cas est unique, aussi les comparaisons directes sont-elles difficiles à faire, mais cette offre se compare favorablement aux autres règlements récemment conclus.

Notre offre répond aussi directement aux priorités de la bande.

Durant les huit semaines qui viennent de s'écouler, mon ministère et le Cabinet du Premier ministre ont mené les négociations, faisant tour à tour appel à la CEIC, au MIST, au Secrétariat d'État, au CRTC et aux ministères de l'Agriculture et des Communications. Pour bien des questions, nous avons constitué un groupe de travail mixte Canada/Lubicon.



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La façon dont la question de l'appartenance à la bande a été réglée illustre bien la démarche adoptée. Le Canada a reconnu à la bande le droit d'établir qui devait en faire partie. Cependant, l'appartenance à la bande ne donne pas automatiquement droit au statut d'Indien inscrit, et la bande compte largement plus de 200 personnes qui n'ont pas présenté de demande d'inscription. Ouvrant ensemble, le gouvernement et la bande ont établi la généalogie de ces personnes, rassemblé la documentation nécessaire, préparé le texte des déclarations sous serment et fait tout le travail de préparation nécessaire. Il semble que, à quelques exceptions près, toutes ces personnes sont admissibles au statut d'Indien inscrit. La question de l'appartenance ne constitue donc plus un problème.

On a procédé de la même façon pour la construction de la réserve afin que la nouvelle collectivité soit en accord avec les valeurs et les traditions de la bande et que celle-ci puisse profiter de toutes les chances de formation, d'emploi et autres que les travaux de construction vont offrir.

Nous nous sommes de plus entendus sur un nouveau programme administratif afin de donner à la bande la latitude nécessaire pour répondre à ses propres besoins; nous avons établi une entente-cadre pour l'autonomie gouvernementale et nous nous sommes mis d'accord sur une démarche pour donner suite à la plupart des priorités de développement économique de la bande.

Nous avons, par exemple, offert de créer un fonds doté de 500 000 \$ à l'intention des anciens désireux de conserver leur mode de vie traditionnel et de continuer à vivre de chasse et de piégeage. C'est la bande elle-même qui concevrait et appliquerait le programme.

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- 4 -

Nous avons offert des programmes complets de formation professionnelle et autre. Nous avons accepté de fournir l'aide technique et 80 pour 100 du financement nécessaire pour des entreprises de base comme un centre commercial, un motel, une gravière et une ferme communautaire "de départ". Il y avait cependant des projets, par exemple une patinoire intérieure pour le hockey et la télévision par câble gratuite - auxquels nous ne pouvions consentir.

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Je regrette que la bande ait rejeté notre offre.

La bande du lac Lubicon n'aura cependant pas à attendre le règlement de la question financière pour pouvoir profiter des autres avantages. J'ai offert de commencer la procédure administrative pour l'appartenance à la bande, de créer la réserve, de construire l'agglomération et de lancer les programmes de formation professionnelle et de formation en création d'entreprise, ce qui n'empêcherait nullement la bande de poursuivre le Canada et/ou l'Alberta pour obtenir des sommes supplémentaires.

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Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

ACC	REF	DATE
FILE	DOSSIER	
45-CAA-13-1-3		

*Lubicon  
Lake Band*

# Communiqué

1-8903

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Canada's offer also included a trust fund to preserve traditional band values and a \$10 million Special Development Plan to assist the band in its transition from a traditional hunting and trapping society.

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Ref: Ken Colby  
Federal spokesperson  
(403) 269 7006

## STATEMENT BY THE MINISTER

### RE: LUBICON LAKE BAND LAND CLAIM

I am sorry to announce that talks between Canada and the Lubicon Lake Indian Band which began in late November have broken off. There is only one issue left in dispute - and that issue is money.

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And we have offered a Special Development Plan, to assist the Lubicon in establishing a viable modern economy on the new reserve. This includes:

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- \$5 million as "start up" capital
- up to \$4 million for "core" band projects.

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- All 514 members recognized as such
- "Fast-track" registration of all who qualify as status Indians

### **Reserve Area**

- a 95 square mile reserve, including 79 square miles of mineral and oil and gas rights

### **Social Development**

- a \$34 million building program, including up to 133 homes, infrastructures, a K-12 school, band offices, community hall, firehall and medical centre
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La bande réclame une indemnité supplémentaire de 114 à 275 millions de dollars.

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Le ministre des Affaires indiennes et du Nord canadien, l'honorable Bill McKnight, a dit que la bande avait également rejeté l'offre de commencer les travaux de construction immédiatement sans que cela empêche pour autant la bande de porter devant la Cour fédérale sa demande d'indemnisation.

M. McKnight estime que l'offre du Canada équivaut à 300 000 \$ par famille en argent et en avantages divers.

M. McKnight a ajouté que le "Canada se devait d'être équitable envers tous. Notre offre est équitable envers la bande, car elle lui permet d'atteindre ses buts sociaux et économiques. Elle est équitable aussi envers les autres groupes autochtones, car elle suit les mêmes principes que pour les autres règlements qui ont été conclus récemment. Enfin, elle est équitable envers le contribuable canadien, car elle satisfait aux obligations légales et sociales du pays envers la bande."

Le Ministre a précisé que l'offre demeurerait toujours valide.

- 30 -

Renseignements :

Ken Colby  
(403) 269-7006

## **OFFRE DU CANADA À LA BANDE INDIENNE DU LAC LUBICON**

### **Appartenance à la bande**

- Reconnaissance comme membres des 514 personnes inscrites sur la liste.
- Accélération des formalités pour l'inscription des personnes admissibles.

### **Création d'une réserve**

- 95 milles carrés, avec les droits d'exploitation minière, gazière et pétrolière sur une superficie de 79 milles carrés.

### **Développement social**

- Programme de construction de 34 millions de dollars comprenant jusqu'à 133 maisons, l'infrastructure nécessaire, une école de la maternelle à la 12<sup>e</sup> année, des bureaux pour la bande, une salle communautaire, une caserne et une clinique.
- Mode de financement global des avantages (mode optionnel de financement) pour permettre plus de latitude et d'autonomie.
- Établissement d'un instrument législatif pour l'autonomie gouvernementale de la bande.
- Fonds en fiducie de 500 000 \$ pour les anciens qui désirent conserver leur mode de vie traditionnel.

- 2 -

### Développement économique

- Cinq millions en capitaux de départ.
- Formation professionnelle complète.
- 400 000 \$ pour créer un fonds en fiducie pour la formation.
- Un million de dollars pour la planification et le personnel nécessaire.
- Quatre millions pour financer certaines entreprises de la bande.

## DÉCLARATION DU MINISTRE CONCERNANT LA REVENDICATION TERRITORIALE DE LA BANDE DU LAC LUBICON

J'ai le regret d'annoncer la rupture des pourparlers entrepris fin novembre dernier avec la bande indienne du lac Lubicon. Une seule question demeure en litige, et c'est la question financière.

Nous nous sommes entendus sur l'appartenance à la bande, sur la création d'une réserve de 95 milles carrés et nous avons offert un règlement total de 45 millions de dollars.

Deux critères nous ont guidés tout au long des négociations : conclure un règlement conforme à ceux qui ont été conclus récemment, et répondre aux objectifs sociaux et économiques légitimes de la bande.

Nous avons donc proposé de créer la réserve que la bande souhaitait et de donner en plus l'équivalent de presque 87,000 \$ pour chaque homme, femme et enfant figurant sur la liste de la bande.

Nous avons offert de consacrer 95 milles carrés à une réserve à l'intérieur de laquelle la bande aurait les droits d'exploitation minière, pétrolière et gazière sur une superficie de 79 milles carrés.

Nous avons également offert 34 millions de dollars pour la construction d'une nouvelle agglomération de sorte que toutes les familles de la bande pourraient se loger. Outre les maisons, il y aurait un bureau administratif, une salle communautaire, une école de la maternelle à la douzième année ainsi qu'une clinique.

- 2 -

Nous avons également offert un mode de financement global assurant à la bande la souplesse administrative nécessaire pour mettre en oeuvre, afin de satisfaire les besoins collectifs, des programmes fédéraux d'aide, notamment des programmes de sécurité sociale, représentant près de 2,5 millions de dollars par année.

De plus, nous avons offert un plan spécial de développement pour assurer à la nouvelle réserve une économie viable, moderne. Ce plan se compose des éléments suivants :

- Un million de dollars pour la planification et le personnel supplémentaire nécessaire,
- cinq millions en capitaux "de démarrage",
- jusqu'à quatre millions pour des projets "de base" de la bande.

Chaque cas est unique, aussi les comparaisons directes sont-elles difficiles à faire, mais cette offre se compare favorablement aux autres règlements récemment conclus.

Notre offre répond aussi directement aux priorités de la bande.

Durant les huit semaines qui viennent de s'écouler, mon ministère et le Cabinet du Premier ministre ont mené les négociations, faisant tour à tour appel à la CEIC, au MIST, au Secrétariat d'État, au CRTC et aux ministères de l'Agriculture et des Communications. Pour bien des questions, nous avons constitué un groupe de travail mixte Canada/Lubicon.

- 3 -

La façon dont la question de l'appartenance à la bande a été réglée illustre bien la démarche adoptée. Le Canada a reconnu à la bande le droit d'établir qui devait en faire partie. Cependant, l'appartenance à la bande ne donne pas automatiquement droit au statut d'Indien inscrit, et la bande compte largement plus de 200 personnes qui n'ont pas présenté de demande d'inscription. Ouvrant ensemble, le gouvernement et la bande ont établi la généalogie de ces personnes, rassemblé la documentation nécessaire, préparé le texte des déclarations sous serment et fait tout le travail de préparation nécessaire. Il semble que, à quelques exceptions près, toutes ces personnes sont admissibles au statut d'Indien inscrit. La question de l'appartenance ne constitue donc plus un problème.

On a procédé de la même façon pour la construction de la réserve afin que la nouvelle collectivité soit en accord avec les valeurs et les traditions de la bande et que celle-ci puisse profiter de toutes les chances de formation, d'emploi et autres que les travaux de construction vont offrir.

Nous nous sommes de plus entendus sur un nouveau programme administratif afin de donner à la bande la latitude nécessaire pour répondre à ses propres besoins; nous avons établi une entente-cadre pour l'autonomie gouvernementale et nous nous sommes mis d'accord sur une démarche pour donner suite à la plupart des priorités de développement économique de la bande.

Nous avons, par exemple, offert de créer un fonds doté de 500 000 \$ à l'intention des anciens désireux de conserver leur mode de vie traditionnel et de continuer à vivre de chasse et de piégeage. C'est la bande elle-même qui concevrait et appliquerait le programme.



- 4 -

Nous avons offert des programmes complets de formation professionnelle et autre. Nous avons accepté de fournir l'aide technique et 80 pour 100 du financement nécessaire pour des entreprises de base comme un centre commercial, un motel, une gravière et une ferme communautaire "de départ". Il y avait cependant des projets, par exemple une patinoire intérieure pour le hockey et la télévision par câble gratuite - auxquels nous ne pouvions consentir.

Je suis convaincu que notre offre assurera à la bande un bon niveau de vie et l'occasion aussi d'accéder au plein emploi rémunéré.

Je regrette que la bande ait rejeté notre offre.

La bande du lac Lubicon n'aura cependant pas à attendre le règlement de la question financière pour pouvoir profiter des autres avantages. J'ai offert de commencer la procédure administrative pour l'appartenance à la bande, de créer la réserve, de construire l'agglomération et de lancer les programmes de formation professionnelle et de formation en création d'entreprise, ce qui n'empêcherait nullement la bande de poursuivre le Canada et/ou l'Alberta pour obtenir des sommes supplémentaires.

J'estime que nous nous sommes montrés plus qu'équitables envers la bande du lac Lubicon. Mais je dois également être équitable envers les autres collectivités autochtones avec qui le gouvernement a conclu des règlements et je ne dois pas oublier les contribuables canadiens non plus. L'offre que nous avons faite satisfait à nos responsabilités légales et morales envers la bande, et elle demeure valide.



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

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Accession/Référence
File/Dossier
45-Lda-13-1-3-Lubicon Lake
A025718/296

SECURITY  
SÉCURITÉ

P R O T E C T E D

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FM/DE

FM EXTOTT JL00071 17JAN89

181322

TO/À

TO GENEV

INFO

INFO <sup>611</sup> JUSTOTT/LOW/FREEMAN/COLVER <sup>X-75</sup> FPROOTT/OACA/LAFRENIERE/CARON/BATT <sup>X-6PM</sup>

DISTR

• INAHULL/POTTER/WHITAKER/HUDSON <sup>DE OC</sup>

REF

SUBJ/SUJ

DISTR JFB JCD IMH

REF YOURTEL YTGR1146 16JAN,IMHTEL 0013 05JAN

---HUMAN RIGHTS CTTEE:LUBICON AND MIQMAQ CLAIMS

THANK YOU FOR USEFUL AND INFORMATIVE REFTEL.CDN RESPONSE TO LAST

MIQMAQ SUBMISSION(DATED 07FEB88)HAS BEEN PREPARED AND WILL BE

FORWARDED TO YOU BY BAG <sup>SUBJECT TO</sup> ~~PENDING~~ FINAL APPROVAL WHICH IS EXPECTED BY

END OF WEEK.WHILE AWARE OF CTTEES DESIRE TO CLEAR UP BACKLOG OF

CASES,IT WAS FELT THAT CERTAIN INACCURACIES IN MIQMAQ SUBMISSION

MUST BE POINTED OUT AND CLARIFIED THROUGH FORMAL CDN RESPONSE.

GRATEFUL YOU ADVISE MOLLER THAT CDN SUBMISSION WILL BE FORWARDED IN

NEAR FUTURE.

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

JOHN T. HOLMES/sf

JLO

996-5407

ROBERT ROCHON

SIG

SIG

002984

P R O T E C T E D

FM GENEV YTGR1146 16JAN89

TO EXTOTT IMH IMMED

INFO PRMNY

BH JUSTOTT/FREEMAN/COLVER/LOW/WEISER DE OTT FPROTT/OACA/LAFRENIERE/  
BATT DE OPM INAHULL/POTTER/WHITAKER/HUDSON DE OCI

DISTR JLO

REF YOURTEL IMH0013 05JAN

---HUMAN RIGHTS CTTEE:LUBICON AND MIQ MAQ CLAIMS

NEXT CTTEE MEETING IS SCHEDULED FOR 20MAR-07APR IN NEW YORK. AS  
USUAL, CENTRES HEAD OF COMMUNICATIONS SECTION, MOLLER, IS VERY CIRCUM-  
SPECT ABOUT MAKING ANY FIRM PROMISES RE DECISIONS CTTEE MAY TAKE  
ON ITS PROGRAM OF WORK.

2. HE BELIEVES, NONETHELESS, THAT CTTEE WILL BE PREPARED TO POSTPONE  
CONSIDERATION OF LUBICON CASE IN LIGHT OF ONGOING DEVELOPMENTS.

3. HOWEVER, HE EXPECTS CTTEE WILL WISH TO TAKE ADMISSIBILITY DECISION  
ON MIQ MAQ CASE, AS EFFORT IS BEING MADE TO CLEAR BACKLOG. IN VIEW  
OF QUOTE ACTIVIST UNQUOTE PREDISPOSITION OF SOME CTTEE MEMBERS, HE  
IS ALSO INCREASINGLY PESSIMISTIC RE PROSPECTS THAT CTTEE WILL  
FOLLOW CENTRES ADVICE AND MAKE CLEAR RULING OF NON-APPLICABILITY  
OF OPTIONAL PROTOCOL TO SELF DETERMINATION DISPUTES. IT IS THUS  
CONCEIVABLE THAT CTTEE WILL TRY TO SEIZE ON SOME OTHER PREMISE FOR  
ADVANCING TO CONSIDERATION OF COMPLAINT ON MERITS. (ART. 25 OF ICCPR,  
ON RIGHT OF PARTICIPATION IN PUBLIC AFFAIRS, IS ONE OPTION IN THIS

...2

45-000-13-1-3-lubicon *Make Bond*

PAGE TWO YTGR1146 PROTECTED

REGARD.)

4. PREPARATION OF MATERIAL FOR NEXT SESSION IS ALREADY BADLY BACK-  
LOGGED. ANY FURTHER SUBMISSIONS SHOULD BE RECEIVED WITHOUT DELAY  
AS TRANSLATION SERVICE IS ALSO SWAMPED WITH CER PREPARATIONS.

CCC/025 161538Z YTGR1146

[ ]

RECEIVED - REÇU

JAN 12 1989

IMH

ACTION

SUITE A DONNER

UNCLASSIFIED

FM BERNE ZNFC1527 11JAN89

TO EXTOTT IMH

*Answered*

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

INFO COPEN BONN OSLO STKHM INAHULL/POTTER/WHITAKER/HUDSON

JUSTOTT/FREEMAN/CORVER FPROTT/OACA/LAFRENIERE/CARON/PATT

DISTR RWP RWR

REF YRTEL IMH2027 29NOV88

---LETTER FROM IWGIA RE LUBICON CREE BAND

EMBASSY HAS RECEIVED LETTER FROM IWGIA, LOCAL GROUP OF ZURICH, AS KING  
US TO BRING OUR SUPPORT TO THE REQUEST OF THE LUBICON CREE INDIAN  
BAND WITH RESPECT TO MEMBERSHIP STATUS AS PART OF THE OVERALL  
AGREEMENT BETWEEN THE CDN GOVT AND THE BAND ON TERRITORIAL CLAIMS.

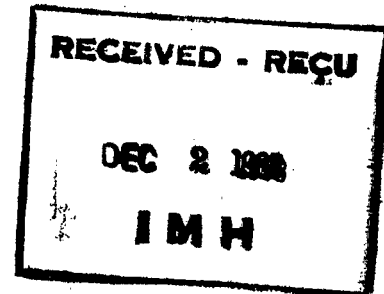
2. WE PLAN TO ACKNOWLEDGE LETTER FROM IWGIA AND TO ANSWER THAT WE  
ARE FORWARDING THE REQUEST TO THE CDN GOVERNMENT.

3. BEFORE DOING SO, HOWEVER, WE WOULD APPRECIATE HAVING YOUR OPINION. WE  
GATHER FROM YOUR TELEGRAMME IMH2027 OF 29NOV88 TO COPEN THAT IWGIA  
WROTE THERE MOST LIKELY SAME FORM LETTER AND THAT YOU HAVE A PRESS  
LINE WE SHOULD USE.

4. PLEASE ADVISE.

UUU/081 111420Z ZNFC1527

**ACTION  
SUITE A DONNER**



UNCLASSIFIED

FM BONN ZQFC3114 02DEC88

TO EXTOTT IMH

DISTR RWP RWR BFE BCM IMD BFR

REF OURTEL ZQFC3058 21SEP88

---LUBICONS - MESSAGE TO P.M.

HAVE RECEIVED TELEX FROM THE SOCIETY OF ENDANGERED PEOPLES (WE MET WITH THEM SEE OURRETEL) WITH REQUEST THAT MESSAGE BE FORWARDED TO PRIME MINISTER. TEXT FOLLOWS.

2. QUOTE DEAR PRIME MINISTER, AS A HUMAN RIGHTS ORGANIZATION FOR ETHNIC AND RELIGIOUS MINORITIES WE FOLLOW ATTENTIVELY THE LATEST AGREEMENTS BETWEEN THE PROVINCE OF ALBERTA AND THE LUBICON NATION. FOR THE UPCOMING NEGOTIATIONS WE URGE YOU TO MEET ALL DEMANDS BY LUBICON NATION AND TO APPROVE THE NATION'S PREVIOUS AGREEMENTS WITH THE PROVINCE OF ALBERTA. WE DEMAND AS WELL TO DROP THE COURT CHARGES AGAINST TERRY LABOUCAN AND 26 OTHER LUBICON CREE AND SUPPORTERS. SINCERELY YOURS, TILMAN ZUELCH, CHAIRMAN OF THE BOARD UNQUOTE:

3. ADDRESS: P.O.BOX 2024, 3400 GOETTINGEN, F.R.G.

4. WE HAVE ACKNOWLEDGED RECEIPT OF THEIR TELEX AND PROMISED TO PASS IT ON TO CDN OFFICIALS.

UUU/777 021600Z ZQFC3114

DOSSIER  
45-00A-13.1-3- Lubicon  
Lk Band



External Affairs    Affaires extérieures  
Canada                Canada

MESSAGE

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

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INFO	INFO BONN OSLO BERN STKHM INAHULL/POTTER/WHITAKER/HUDSON			
DISTR	JUSTIOTT/FREEMAN/CORVER FPROOTT/OACA/LAFRENIERE/CARON/BATT			
REF	DISTR RWP RWR			
SUBJ/SUJ	REF YRTEL YJGR0813 7NOV			
<p>---LUBICON LAKE INDIAN BAND</p> <p>FURTHER TO YR REFTEL, YR LETTER OF ACKNOWLEDGEMENT TO IWGIA LETTER APPEARS TO BE SUFFICIENT RESPONSE.</p> <p>2.FOLLOWING IS PROVIDED FOR YR INFO AND FOR USE, AT YR DISCRETION, IN ANSWERING FUTURE REPS. IN THEIR LETTER, IWGIA EXPRESSED HOPE THAT SAME APPROACH THAT QUOTE RESOLVED MEMBERSHIP STATUS UNQUOTE OF DENE AND METIS OF NW TERRITORIES WILL BE APPLIED TO LUBICON. DIAND HAS ADVISED THAT CDN GOVT POSITION REGARDING DENE/METIS IS CONSISTENT WITH USUAL PRACTICE AND IT IS LATTER WHICH HAS BEEN APPLIED IN LUBICON CASE. IN ANY CASE, DIAND IS HOPEFUL OF RESOLUTION OF MEMBERSHIP QUESTION.</p>				

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



External Affairs  
Canada

Affaires extérieures  
Canada

MESSAGE

Accession/Référence

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File/Dossier

45-00A-131-3-

Lubicon Lk Band

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TO BRU DEL 300900

INFO

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

DISTR

GENEV PRMNY WSHDC CNGNY LNGLS CHCGO CNBRA WLGTN SYDNY PRET DUBLN

REF

LSBON MDRID PESCO MOSCO BGRAD WDOAS BRSLA VATCN BUCST BPEST PRAGUE

SUBJ/SUJ

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

INAHULL/POTTER/WHITAKER/HUDSON JUSTICE/FREEMANLOW/WEISER

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

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

REF BRUTEL ZVGR0509 15NOV; OURTELS IMH1817 27OCT, 1775 19OCT

---LUBICON LAKE INDIAN BAND DISPUTE: NEGOTIATIONS ~~TO~~ RESUME

THIS TEL PROVIDES UPDATE OF DISPUTE WITH LUBICON LAKE INDIAN BAND

AND IN PARA 4 PROVIDES BRU WITH RESPONSE TO REPS RECEIVED ON ISSUE.

FURTHER TO OUR REFTEL 1817, TENTATIVE SETTLEMENT BETWEEN LUBICON

AND ALTA RE QUANTUM OF LAND WAS SUBSEQUENTLY ACCEPTED BY FED GOVT

BUT CERTAIN UNRESOLVED ISSUES REMAIN (IE MEMBERSHIP OF BAND, CLAIMS

FOR COMPENSATION ETC).

2. SUBSEQUENT TO FED GOVT ANNOUNCEMENT OF AGREEMENT WITH TENTATIVE

LAND SETTLEMENT, PM MULRONEY MET WITH LUBICON CHIEF OMINAYAK.

SUBSEQUENT TO THAT MEETING THERE WAS EXCHANGE OF LETTERS BETWEEN

PMO AND LUBICON CONVEYING FEDERAL OFFER OF NEGOTIATIONS (TOGETHER

WITH SCHEDULE OF NEGOTIATIONS) ON OUTSTANDING ISSUES AND TENTATIVE

ACCEPTANCE OF AGENDA BY LUBICON. NEGOTIATIONS ARE SCHEDULED TO

.../2

DRAFTER/RÉDACTEUR

DIVISION/DIRECTION

TELEPHONE

APPROVED/APPROUVÉ

J. Trotter

IMH

992-6664

D. LIVERMORE

SIG

SIG

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BEGIN IN OTTAWA 29NOV AND RUN THROUGH TO 15DEC AND WILL COVER VARIOUS TOPICS INCLUDING MEMBERSHIP, OIL AND GAS MATTERS, RESERVE INFRASTRUCTURE AND SOCIAL/ECONOMIC DEVELOPMENT, PROGRAM FUNDING AND SELF-GOVERNMENT. INCIDENTALLY, FED GOVT WILL BE PICKING UP COSTS OF LUBICON ATTENDANCE AT OTTAWA NEGOTIATIONS (APPROXIMATELY \$36,000) TOGETHER WITH SOME OF OTHER COSTS RESULTING FROM NEGOTIATIONS.

3. UNTIL NOW THERE HAD BEEN UNCERTAINTY WHETHER THESE NEGOTIATIONS WOULD BEGIN AS SCHEDULED DUE TO INDICATIONS FROM LUBICON THAT THEY MIGHT CHOOSE NOT TO PROCEED IF ALBERTA DID NOT DROP OUTSTANDING CONTEMPT-OF-COURT CHARGES LAID AGAINST 22/22 LUBICON AND SUPPORTERS AS RESULT OF THEIR REFUSAL TO DISMANTLE BARRICADE (OUR REFTEL 1775). (ONE BAND MEMBER WAS FOUND GUILTY AND WAS GIVEN \$200.00 FINE WITH 90 DAYS TO PAY.) THIS MATTER WAS OUT OF FED HANDS AS ONLY ALTA COULD DROP CHARGES. ALTA HAS NOW AGREED TO DO SO AND TALKS ARE PROCEEDING.

4. BRU: FURTHER TO YR REFTEL, YOU WILL UNDERSTAND THAT GIVEN FACT THAT SITUATION WAS IN STATE OF FLUX, IT WAS PREFERABLE TO AWAIT ABOVE DEVELOPMENTS BEFORE RESPONDING TO LETTER REFERRED TO IN YR REFTEL. IT WOULD NOW BE APPROPRIATE TO SEND FOLLOWING REPLY TO LETTER. AFTER ACKNOWLEDGEMENT OF RECEIPT OF THEIR LETTER, YOU MIGHT NOTE THE FOLLOWING: PARA. QUOTE THE FEDERAL GOVERNMENT HAS WELCOMED THE TENTATIVE LAND SETTLEMENT BETWEEN THE LUBICON LAKE INDIAN BAND AND THE GOVERNMENT OF ALBERTA. IT HAS LONG BEEN THE POSITION OF THE

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PAGE THREE IMH2026 ~~CONF~~ *unclassified*  
GOVERNMENT OF CANADA THAT THE HEART OF THE DISPUTE HAS BEEN THE  
INABILITY OF THE LUBICON BAND AND THE PROVINCE OF ALBERTA TO REACH  
A SETTLEMENT CONCERNING THE SIZE OF THE RESERVE. INCIDENTALLY, THE  
INFORMATION WHICH YOU HAVE RECEIVED TO THE EFFECT THAT THERE HAD  
BEEN A PRIOR AGREEMENT OF THIS KIND THAT HAD SUPPOSEDLY BEEN  
REJECTED BY THE MINISTER OF INDIAN AFFAIRS, THE HONOURABLE WILLIAM  
MCKNIGHT, IS INCORRECT. NO SUCH PRIOR SETTLEMENT WAS REACHED. PARA.  
NOW THAT THERE IS A TENTATIVE SETTLEMENT ON THE LAND ISSUE, THE  
FEDERAL GOVERNMENT IS HOPEFUL THAT THE OTHER OUTSTANDING ISSUES MAY  
ALSO BE SETTLED. THE GOVERNMENT OF CANADA HAS OFFERED TO DISCUSS  
THESE ISSUES WITH LUBICON REPRESENTATIVES BEGINNING NOVEMBER 29,  
1988 AND THE BAND HAS AGREED TO SUCH DISCUSSIONS. YOU SHOULD BE  
AWARE HOWEVER THAT RESOLUTION OF SOME OF THESE ISSUES WILL REQUIRE  
PROVINCIAL CONCURRENCE. PARA. REGARDING YOUR REFERENCE TO THE  
ARREST OF A NUMBER OF BAND MEMBERS AND THEIR SUPPORTERS, YOU WILL  
BE RELIEVED TO HEAR THAT YOUR INFORMANTS' CHARACTERIZATION OF  
POLICE ACTION AS QUOTE BRUTAL UNQUOTE IS COMPLETELY INACCURATE. THE  
POLICE WHO INCIDENTALLY WERE ACTING UNDER PROVINCIAL JURISDICTION,  
AT ALL TIMES ACTED WITH RESTRAINT AND IN CONFORMITY WITH THE LAW IN  
ATTEMPTING TO ENFORCE A COURT ORDER. THOSE ARRESTED AND  
SUBSEQUENTLY CHARGED WITH CONTEMPT-OF-COURT HAD REFUSED TO ABIDE BY  
A COURT ORDER TO DISMANTLE THEIR BARRICADES. AS FOR THE DISPOSITION  
OF THE CHARGES, THIS WAS A MATTER COMPLETELY WITHIN PROVINCIAL

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PAGE FOUR    IMH2026

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JURISDICTION. YOU WILL BE PLEASED HOWEVER TO LEARN THAT PROVINCIAL  
AUTHORITIES HAVE NOW ANNOUNCED THAT ALL OUTSTANDING CHARGES ON THIS  
MATTER HAVE BEEN DROPPED. PARA. I TRUST THAT THE ABOVE ALLAYS YOUR  
CONCERNS REGARDING THIS MATTER. UNQUOTE.

JLO/J. Reiskind/992-2002/mkm

JLO-2201

Department of External Affairs



Canada

Ministère des Affaires extérieures

OTTAWA, Ontario  
K1A 0G2

November 29, 1988

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

Dear Sir/Madam:

Enclosed is a copy of the latest submission relating to communication no. 167/1984 dated October 28, 1988 (B. Ominayak and the Lubicon Lake Band v. Canada) currently before the Human Rights Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'R. Rochon'.

Robert Rochon  
Director  
Legal Operations Division

See Distribution  
List Attached

Mr. M. Low  
Senior General Counsel  
Human Rights Law Section  
Department of Justice  
6th Floor, 239 Wellington St.  
Ottawa, Ontario

Mr. M. Freeman  
General Counsel  
Native Law Section  
Department of Justice  
2nd Floor, 239 Wellington St.  
Ottawa, Ontario

Ms. I. Weiser  
Human Rights Law Section  
Department of Justice  
6th Floor, 239 Wellington st.  
Ottawa, Ontario

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

Mr. F. Caron  
Legal Counsel  
Office of Aboriginal  
Constitutional Affairs  
Federal/Provincial Relations Office  
Room 206, 59 Sparks Street  
Ottawa, Ontario

Mr. J. Trottier  
Human Rights and Social  
Affairs Division  
Department of External Affairs  
Tower C-7, 125 Sussex Drive  
Ottawa, Ontario

OFFICE DES NATIONS UNIES A GENÈVE

CENTRE POUR LES DROITS DE L'HOMME



UNITED NATIONS OFFICE AT GENEVA

CENTRE FOR HUMAN RIGHTS

Télégrammes: UNATIONS, GENÈVE

Télex: 28 96 96


Téléphone: 34 60 11 3102 11

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

Palais des Nations  
CH - 1211 GENÈVE 10



The Secretariat of the United Nations (Centre for Human Rights) presents its compliments to the Permanent Mission of Canada to the ... United Nations Office at Geneva and has the honour to transmit herewith, for information and in order to complete the files of the State party, a copy of a further submission dated 28 October 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.

 2 November 1988



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

A PROFESSIONAL CORPORATION

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October 28, 1988

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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:

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.

VAN M S, FELDMAN, SUTCLIFFE & CURTIS

-2-

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,



VAN N-98, FELDMAN, SUTCLIFFE & 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.



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MESSAGE

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45-00-13-1-3-

Lubicon Lk Bowl

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DE PARIS WIFC6374 25NOV88

TO/A

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INFO

DISTR

REF N/TEL WIFC6296 12OCT88 ET V/TEL RWP2919 12OCT88

REF

---REPORTAGE LE FIGARO-INDIENS LUBICONS

SUBJ/SUJ

CI-JOINT PAR FAX ARTICLE DE PIERRE LAFORET SUITE A REPORTAGE  
EN OCTOBRE SUR INDIENS LUBICONS QUI AVAIT NECESSITE VOTRE  
ASSISTANCE.

COMCENTRE:SVP TRANSMETTRE PAGES SUIVANTES PAR BELINO.

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Page deux wifc 6375 Nonclas

DA002

AU CANADA, DES INDIENS SANS LE

# Les Indiens Lubicons ont

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*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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**Les symboles de leur lutte**

Genoux à terre, le chef Lubicon Ominayak et son ami O'Reilly,

003001

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

3/6

PAR 002



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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.

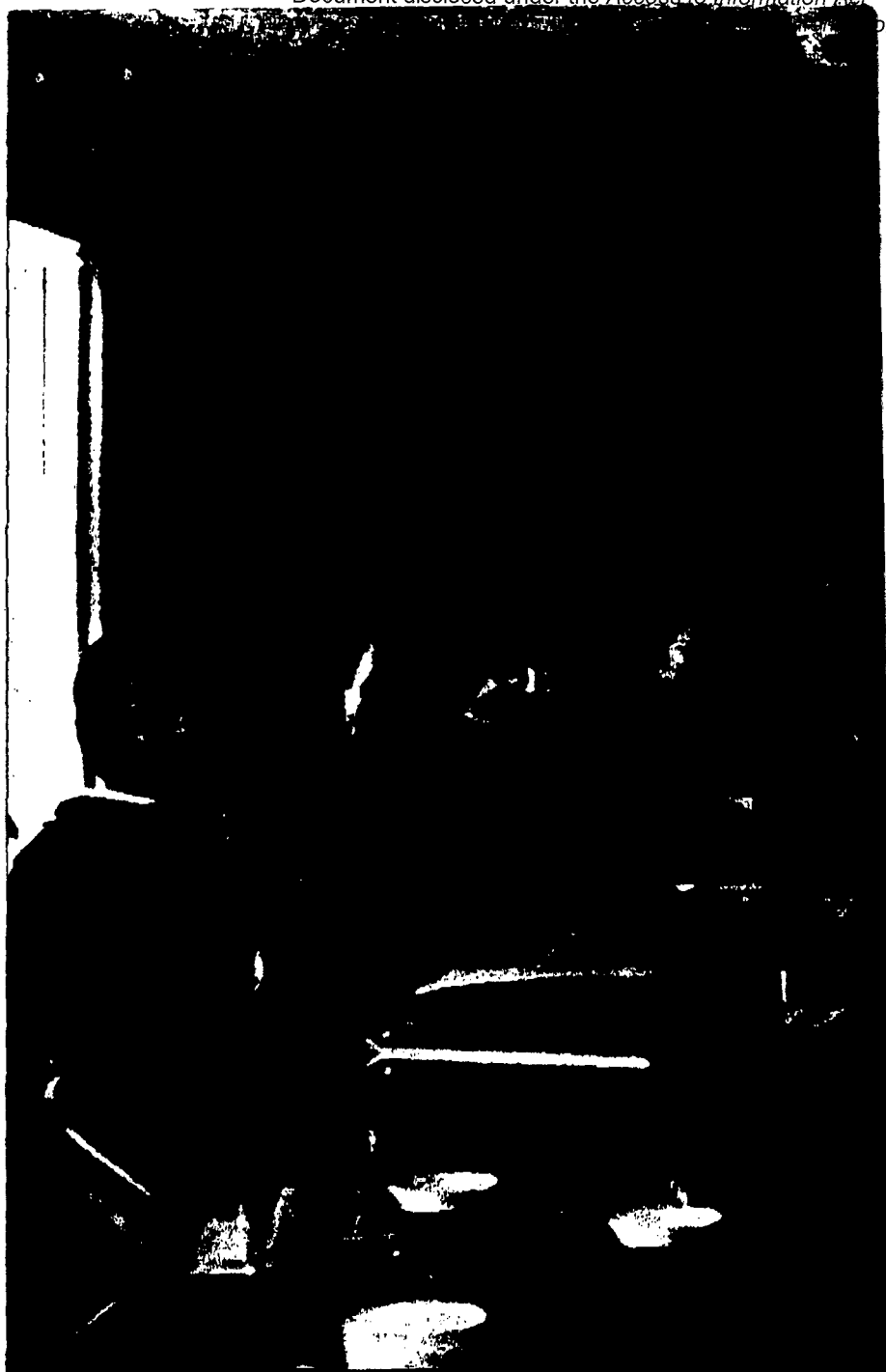
Bref, les Lubicons font connaissance de l'homme blanc seulement au début du XX<sup>e</sup> siècle. De ce fait, ils ne font pas partie d'un traité signé en 1899 entre la police montée et les autochtones. Ceci devrait expliquer cela. En principe.

« 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 déterrèrent 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.



NONCLAS

PAR 002

4/6

**Businessmen  
et hache de guerre**

Exceptionnellement réunis pour soutenir les revendications des Lubicons, 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 Lewis, 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



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

5/6

DAR2002

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 la 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)

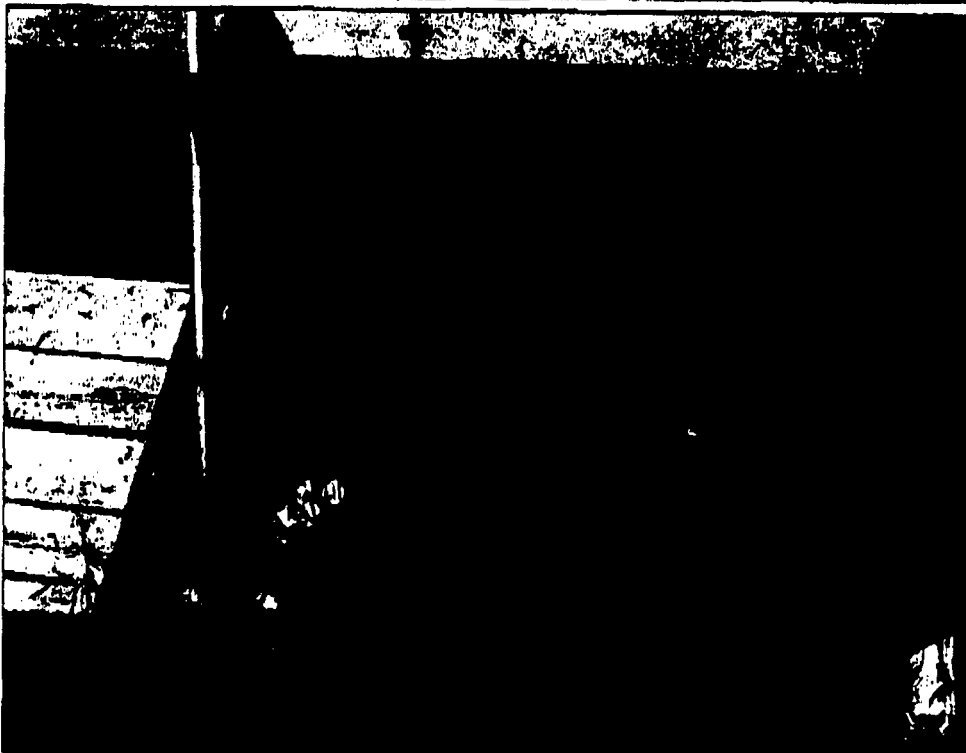
- Selon moi, il y a deux questions immédiates :

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. Présent 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 donne l'argent des rodéos

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

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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'instar des montagnons

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

Mi-ironiques, mi-condescendant gouvernements fédéral et provincial tentent du bout des lèvres les plaidoiries des fous du Lubicon. Qu'est-ce qu'ils ont encore ceux-là ? En 1940, on avait proposé une réserve de 66 km<sup>2</sup> tant qu'à tout casser il ne devait dans le coin que 127 Lubicons... « Ne lons pas, répondent les Indiens. Qu que vous faites des chasseurs qui se dent en forêt et couchent sur également de la famille ! »

Haussement d'épaules qui se v

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- Ils nous prenaient pour des imbéciles, me confie 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 hortale... »

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. ■

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**ACTION  
SUITE A DONNER**

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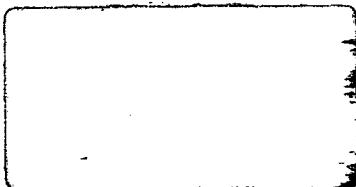
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---LUBICON LAKE INDIAN BAND

AVONS RECU DEUX AUTRES LETTRES DEPUIS REFTTEL. AVONS BESOIN URGENT  
VOTRE REACTION AFIN REpondre PLUS TOT POSSIBLE.

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Lubicon Lk Band		





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1	and copy of translation	

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RECEIPT ACKNOWLEDGED / ACCUSER RÉCEPTION

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Henry G. Korn  
The Canadian Embassy, BONN



ACC	REF	DATE
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OFFICE TRANSLATION (rm)  
Canadian Embassy  
17th November 1988

DER SPIEGEL, Nr. 46/1988

CANADA.

### Terrible Irony

**After 48 years of unsuccessful negotiations, the impoverished Lubicon Cree Indians are at last being given a reservation.**

Wooden stakes at the side of the road, ropes stretched across runways, protest signs everywhere - this is how Chief Bernard Ominayak and members of his tribe blocked the access routes to their ancient hunting grounds in October. They declared the area of 10 000 square kilometres in the north of the Province of Alberta "Lubicon Land" and themselves a "sovereign nation."

Other Canadian Indian chiefs, Church representatives and even a Dutch Europarliamentarian from the Greens Party were helping the Lubicon Cree to protect their borders. Oil companies such as Shell Canada and Petro Canada, which have been working this remote area for almost ten years, removed their expensive equipment and temporarily closed down about 400 feed pumps.

After five days the Canadian police stormed the barricades. 27 rebels, including two sympathizers from the FRG, ended up in prison. The "independence" of the Lubicon Cree was abolished again by means of an injunction.

Nevertheless, the small Indian tribe had achieved a longed for goal through their spectacular campaign: Under pressure from TV reports and nationwide headlines, the Prime Minister of the Canadian Province of Alberta, Donald Getty, approved the establishment of a reservation for the Lubicon Cree, although the tribe numbers only 477.

After talks lasting seven hours held in one of the bedrooms at the Mile Zero Motel in the farming town of Grimshaw, Getty agreed with Chief Ominayak on the return of almost 250 square kilometres of land to the original inhabitants. "A beautiful reservation in an advantageous location," is how the Prime Minister extolled the area.

The Lubicon Cree Indians have been fighting for this for 48 years. But the sudden concession came so unexpectedly that they were not even able to celebrate the conclusion of negotiations with their traditional ceremonial drums. They had left them behind in the bush.

Sumptuous victory celebrations would have been out of place anyway. The Indians' lack of rights and above all the advances made by the oil companies into their territory have completely destroyed the self-confidence and social structure of the Lubicon Cree.

90 years ago Canadian missionaries and civil servants persuaded the Indian tribes in the north of Alberta to agree to treaties to enable them to use the land for white settlers - without using force, unlike the USA. The Lubicon Cree lived so far away from the only two navigable

- 2 -

rivers, Peace River and Athabasca, that no one reached them there. Consequently, they didn't have any legal titles for their land either, and were considered "squatters".

Up until 1979 they lived modestly, but adequately, from fishing and hunting. A trapper earned up to Can.\$ 6000 a year (DM 8600), and only 10% of the population were dependent on social security, considered a low figure at the time.

The Lubicon Cree's contact with the outside world remained minimal. Ominayak, who is now 38 years old and has been Chief since 1978, was the first to attend a Canadian school and learnt English there.

He could only watch helplessly as the development of the oil deposits in Alberta brought misery upon the Lubicon Cree. Suddenly oil tankers were rolling into Little Buffalo, their main town, day and night, although up until then it had only been possible to reach the place in a laborious two-day journey from the nearest settlement.

The traffic on the highways drove away the game. Instead of their usual "bag" of 200 elks a year, the men were now shooting only about a dozen, and 95% of the tribe were by this stage dependent on social security. Over the past two years one in ten of the weakened and demoralised Indians has contracted open tuberculosis, one of the worst epidemics in Canada since the Depression in the '30s.

"We will soon be reaching a point," says Chief Ominayak, "where we'll be saying that we have to fight regardless of the consequences."

At the Olympic Games in Calgary the Lubicon Cree organized an effective boycott - against an exhibition of Indian art sponsored by the Shell oil multinational organization, of all people. The World Council of Churches issued a statement that the way the oil companies were behaving could lead to "consequences of almost genocidal proportions."

For despite the high reputation the Canadian Government enjoys for its worldwide commitment to the observation of human rights, they treat their Indian minority with no more consideration than the USA shows for its original inhabitants.

Suicide, which used to be taboo among the Indians, is nowadays more common among them than among the Canadian palefaces. The unemployment rate and the spread of alcoholism are also way above the national average. The enormous sums from the oil business flow right past Canada's original inhabitants, even though their land now belongs to them.

The Government in Ottawa assuages its troubled conscience with an inflated bureaucracy which swallows up about Can\$ 3 billion (DM 4.3 billion) per year and is supposed to look after 375 000 state recognized Indians. In theory the funds would suffice to provide every Indian with \$ 6 000 tax free.

"It's a terrible irony," jeered columnist Frank Howard from the Ottawa Citizen, "that instead we have financed a system of Townships like those in South Africa where we are perpetuating Third World poverty in a subarctic environment - no matter how much we invest there."

- 3 -

The Lubicon Cree in particular have hardly any chance at all of achieving prosperity. Although they have been given the oil mining rights for parts of their new reservation, attempts have already been made in the past to find the liquid gold there - always to no avail.

## KANADA

### Schreckliche Ironie

Nach 48 Jahren erfolgloser Verhandlungen erhalten die verelendeten Lubicon-Cree-Indianer endlich ein Reservat.

Holzpflocke an den Straßenrändern, Seile quer über die Rollbahnen gespannt, Protestschilder überall – so blockierten Häuptling Bernard Ominayak und seine Stammesgenossen im Oktober die Zugänge zu ihrem uralten Jagdgebiet. Sie erklärten das 10 000 Quadratkilometer große Areal im Norden der kanadischen Provinz Alberta zum „Lubicon Land“ und sich selbst zur „souveränen Nation“.

Andere kanadische Indianerhäuptlinge, dazu Kirchenvertreter und sogar ein holländischer Europaparlamentarier der Grünen halfen den Lubicon-Cree-Indianern bei der Grenzsicherung. Ölgesellschaften wie Shell Canada und Petro Canada, die seit fast zehn Jahren das abgelegene Land ausbeuten, schafften ihr teures Gerät weg und legten etwa 400 Förderpumpen vorübergehend still.

Nach fünf Tagen stürmte kanadische Polizei die Barrikaden. 27 Aufständische, darunter zwei bundesdeutsche Sympathisanten, landeten im Gefängnis. Die „Unabhängigkeit“ der Lubicon Cree wurde per einstweiliger Verfügung wieder abgeschafft.

Dennoch erreichte der kleine Indianerstamm mit seiner spektakulären Aktion ein lang ersehntes Ziel: Unter dem Druck von Fernsehbildern und landesweiten Schlagzeilen stimmte der Premier des kanadischen Bundesstaates Al-

berta, Donald Getty, der Errichtung eines Reservats für die Lubicon Cree zu, obschon der Stamm nur 477 Menschen zählt.

Nach einem siebenstündigen Gespräch in einem Schlafzimmer des Motels Mile Zero im Farmerstädtchen Grimshaw einigte sich Getty mit Häuptling Ominayak auf die Rückgabe von knapp 250 Quadratkilometern Land an die Ureinwohner. „Ein wunderschönes Reservat“, pries der Premier das Gebiet an, „in vorteilhafter Lage.“

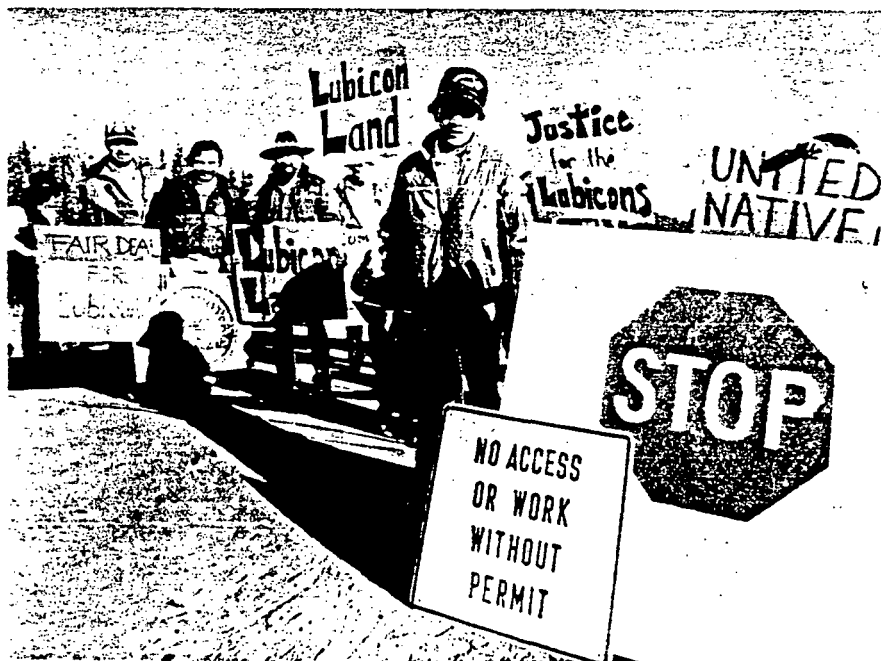
48 Jahre lang haben die Lubicon-Cree-Indianer darum gekämpft. Nun traf sie das plötzliche Zugeständnis so unerwartet, daß sie den Verhandlungsabschluß nicht einmal mit ihren traditionellen Zeremonientrommeln feiern konnten. Sie hatten sie im Busch vergessen.

Ein rauschendes Siegesfest wäre ohnehin kaum angebracht gewesen. Denn die Rechtlosigkeit der Indianer und vor allem das Vordringen der Ölkonzerne auf ihr Territorium haben das Selbstbewußtsein und die Sozialstruktur der Lubicon Cree völlig zerrüttet.

Vor 90 Jahren hatten kanadische Missionare und Beamte den Indianerstämmen im Norden Albertas Verträge abgehandelt, um das Land für weiße Siedler nutzen zu können – gewaltlos, im Gegensatz zu den USA. Die Lubicon Cree lebten so weit abseits von den beiden einzigen schiffbaren Flüssen Peace River und Athabasca, daß niemand zu ihnen vordrang. Folglich hatten sie auch keinerlei Rechtstitel auf ihr Land, galten als „squatters“ (illegale Siedler).

Bis 1979 ernährten sie sich bescheiden, aber ausreichend von Fischfang und Jagd. Ein Fallensteller verdiente im

• Mitte: Häuptling Ominayak.



Straßenblockade der Lubicon-Cree-Indianer\*: „Ein wunderschönes Reservat“



Michael Nehls



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Der Name, der alles sagt.



#### Ölförderung im Norden Albertas: „Völkermordartige Konsequenzen“

Jahr bis 6000 kanadische Dollar (8600 Mark), nur zehn Prozent der Bevölkerung waren von Sozialhilfe abhängig, was damals als wenig galt.

Der Kontakt der Lubicon Cree zur Außenwelt blieb minimal. Ominayak, seit 1978 Häuptling und heute 38 Jahre alt, besuchte als erster eine kanadische Schule und lernte dort Englisch.

Ohnmächtig mußte er mitansehen, wie die Erschließung der Ölvorkommen in Alberta die Lubicon Cree ins Elend stürzte. Bis zum Hauptort Little Buffalo, der zuvor nur in einer mühsamen Zweitagestreife von der nächstgelegenen Siedlung aus erreichbar war, rollten plötzlich Tag und Nacht die Öltankwagen.

Der Verkehr auf den Highways vertrieb das Wild. Statt 200 Elche jährlich erliegen die Männer jetzt nur noch etwa ein Dutzend Tiere, 95 Prozent des Stammes sind inzwischen auf Sozialhilfe angewiesen. In den vergangenen zwei Jahren erkrankte jeder zehnte der geschwächten und demoralisierten Indianer an offener Tuberkulose, einer der schlimmsten Epidemien in Kanada seit der Depression in den dreißiger Jahren.

„Wir kommen irgendwann an einen Punkt“, so Häuptling Ominayak, „wo wir sagen, daß wir jetzt kämpfen müssen ohne Rücksicht auf Konsequenzen.“

Schon bei den Olympischen Winterspielen in Calgary organisierten die Lubicon Cree einen wirkungsvollen Boykott – gegen eine Indianer-Kunstausstellung, die ausgerechnet der Ölmulti Shell gesponsert hatte. Der Weltkirchenrat erklärte, das Verhalten der Ölkonzerne könne „zu völkermordartigen Konsequenzen“ führen.

Denn trotz des hohen Ansehens, das Kanadas Regierung für ihren weltweiten Einsatz zur Einhaltung der Menschenrechte genießt, behandelt sie ihre indische Minderheit nicht rücksichtsvoller als die Vereinigten Staaten ihre Ureinwohner.

Selbstmord, einst unter den Indianern ein Tabu, kommt bei ihnen heute sechsmal häufiger vor als unter den kanadischen Bleichgesichtern. Arbeitslosenrate und Alkoholabhängigkeit liegen ebenfalls weit über dem Landesdurchschnitt. Die Milliardeneträge aus dem Ölgeschäft fließen an den Ureinwohnern Kanadas vorbei, selbst wenn ihnen ihr Land nun gehört.

Die Regierung in Ottawa beruhigt ihr schlechtes Gewissen mit einer aufgeblähten Bürokratie, die etwa drei Milliarden kanadische Dollar (4,3 Milliarden Mark) pro Jahr verschlingt und sich um 375 000 vom Staat anerkannte Indianer kümmern sollte. Die Mittel würden theoretisch ausreichen, um jedem Ureinwohner steuerfrei 6000 Dollar zukommen zu lassen.

„Es ist eine schreckliche Ironie“, höhnte der Kolumnist Frank Howard vom „Ottawa Citizen“, „daß wir statt dessen wie in Südafrika ein System von Townships finanziert haben, wo wir Dritte-Welt-Armut in einer subarktischen Umwelt verewigen – egal welche Mittel wir hineinstecken.“

Besonders die Lubicon Cree haben kaum Chancen, je zu Wohlstand zu kommen. Zwar erhielten sie in Teilen ihres neuen Reservats die Ölschürfrechte. Nach dem flüssigen Gold wurde dort schon früher gesucht – doch stets vergebens. ♦

# CITY

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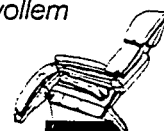
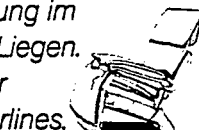
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---LUBICON LAKE INDIAN BAND

COMME BONN ET VIENN, VENONS DERNIEREMENT DE FAIRE L OBJET D UNE  
CAMPAGNE A PROPOS DES INDIENS LUBICON. AVONS RECU SEMAINE DERNIERE  
LETTRES DE DEPUTES ET SENATEURS LISANT COMME SUIT:

CIT DEAR AMBASSADOR, WE HEARD OF THE RECENT DEMONSTRATIONS OF THE  
LUBICON LAKE CREE IN THE NORTH OF ALBERTA. WE ALSO HEARD OF THE  
BRUTAL REACTION OF FEDERAL POLICE FORCE, RESULTING IN THE ARRESTS  
OF 27 PERSONS, INCLUDING THE ATTORNEY AND THE ADVISOR OF THE BAND.  
PARA. BY THE INTERVENTION OF DON GETTY, PREMIER OF ALBERTA, THE  
PRISONERS GOT RELEASED. DON GETTY AND LUBICON LAKE CREE CHIEF  
BERNARD OMINAYAK ALSO REACHED AN AGREEMENT CONCERNING FURTHER  
NEGOTIATIONS AND THE TEMPORARY SETTLEMENT OF AN INDIAN RESERVATION  
OF 16 SQUARE MILES. PARA. BECAUSE OF THE REJECTION OF A PREVIOUS  
AGREEMENT OF THIS KIND EARLIER THIS YEAR BY BILL MCKNIGHT, FEDERAL  
MINISTER OF INDIAN AFFAIRS, WE FEAR THAT THIS WILL HAPPEN AGAIN  
WITH THIS NEW AGREEMENT. PARA. IN LINE WITH OUR LONGTIME CONCERN

...2

J.T.

ACC	REF	DATE
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Lubicon Lake Band		

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FOR THE HUMAN RIGHTS OF THE INDIGENOUS PEOPLES OF CDA, WE WOULD LIKE TO URGE THE CANADESE GOVERNMENT TO ACCEPT NEGOTIATIONS AND THE FORTHCOMING AGREEMENTS BETWEEN PROVINCIAL GOVERNMENT AND THE LUBICON LAKE CREE. AND TO SUPPORT EVERY POLICY WHICH IS DIRECTED TO A PEACEFUL SOLUTION OF THE CONFLICT WHICH IS ACCEPTABLE FOR THE INDIAN PEOPLE. PARA. WE HOPE TO RECEIVE A POSITIVE REACTION SOON AND REMAIN, YOURS SINCERELY, FINCIT.

2. DEUX DES DEPUTES SONT NATIONALISTES FLAMANDS (VOLKSUNIE) ET LES NEUF AUTRES SONT ECOLOGISTES (ECOLO-AGALEV). LETTRES SONT IDENTIQUES ET POURRAIENT AVOIR ETE INSPIREES DU PARTI VERT EN RFA.

3. BIEN QU'IL Y AIT EU ACCORD ENTRE LUBICON ET GOUVT D ALBERTA, DETAILS A JOUR DE POSN DU GOUVT FED NE NOUS SONT PAS CONNUS. SI COMPRENONS BIEN, MINISTRE DES AFFAIRES INDIENNES A ACCEPTE PARTIE DE L ACCORD (TERRITOIRES) MAIS QUESTION SUR ELIGIBILITE AU STATUT D INDIEN RESTE EN LITIGE. NOUS NE VOUDRIONS PAS NOUS EMBARQUER DANS DISCUSSION AVEC GROUPE ICI ET SOUHAITONS EVITER UNE VERITABLE CAMPAGNE. TOUTEFOIS, POUR REPONDRE CONVENABLEMENT, VOUS SAURIONS GRE NOUS FAIRE PARVENIR DQP LETTRE REPOSE-TYPE QUI REFLETERAIT POSN FED DE FACON LA PLUS POSITIVE POSSIBLE.

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