Kichesipirini Algonquin First Nation
Kichi Sibi Anishnabe / Algonquin Nation
Canada

By Honouring Our Past We Determine Our Future
algonquincitizen@hotmail.com

"A Turning Point In The Civilization"

Re: Ottawa's Great Forest and Beaver Brook Pond

The KNL Subdivision (owned by Urbandale) has a Plan of Registration File # of D07-16-03-0025 and consists of Parts of Lots 6, 7, and 8, Concessions 2 and 3 and Part of the Road Allowance between Concessions 2 and 3, as well as Parts of Lots 7, 8, and 9, Concessions 2 and 3 within the Geographic March Township, now Ottawa Ontario.

The portion of the property at Beaver Pond Forest has the municipal address of 300 Goulbourn Forced Road. Other two remaining phases of subdivision, municipal address of 535 Goulbourn Forced Road.

South March Highlands is the Richardson Ridge Subdivision (owned by Regional and Uniform), Plan of Registration File # D07-16-08-0002. Property at Richardson Ridge (the site of the old Richardson Farm beside the Broughton archaeological site now destroyed) consistng of Part of Lots 5, 6, and & and Part of the Road Allowance between Lots 5 & 6 in Concession 1 within the Geographic March Township, now Ottawa Ontario.

Kichesipirini (meaning: “people of the great river”) **kiche** –great, big, **sipi--**river, **ini--**people

Largest and most powerful group of Algonkin. Known variously as: Algoumequins de l'Isle, Allumette, Big River People, Gens d l'Isle, Honkeronon (Huron), Island Algonkin, Island Indians, Island Nation, Kichesippiriniwek, Kitcisìpiriniwak , Nation de l'Isle, Nation of the Isle, People of the Island, and Savages de l'Isle. Main village was located on Morrison's (Allumette) Island, Ontario, near present day Pembroke. The Kichesipirini are fortunate to be the most extensively documented of all the Algonquin nations, with clearly documented governance, culture, economic activities, and genealogies. Numerous sources clearly describe many details concerning this nation and assist in our understanding of how this nation lived and defined themselves prior to European contact.

Professor Evan Pritchard writes;

One band of “Anishinabe-Algonkians,” the “Kiche-sipi-rini” or “People of the Great River,” were possibly the first of this ancient culture to settle down in one place, Allumette Island. Allumette is the largest island in the Ottawa River, the river which forms the boundary between Ontario and Quebec, and there is evidence of sedentary Anishinabe-Algonkian settlements there going back at least 6,280 years, and occupation in the area dating back 7,000 years as it became inhabitable after the Ice Age. From this power base in the center of the trade route, their influence and language spread throughout North America. Hence they have been called “The First People.” Their relatives a few miles to the east who settled at Oka may be yet more ancient, and habitation in the Micmac region may go back 11,000 years, but all are of a common origin. Nonetheless, Allumette Island was a turning point in the civilization. There is little doubt that the Anishinabe-Algonkians of Allumette are the direct descendants of the so-called “Clovis’ people, long considered the oldest group of Native Americans.

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Ottawa Mayor,
Jim Watson

January 14, 2011

Consider this official notice of Aboriginal interest, as expressed by Kichesipirini Algonquin First Nation, in the areas currently known as the Beaver Pond Forest and the Ottawa's Great Forest.

It is imperative to note that the Kichesipirini Algonquin First Nation, Kichi Sibi Anishnabe, Canada, who maintain and assert a history of customary jurisdiction that is "certain in nature", "consistent with law", "in existence since time immemorial" and is "provable in court", yet there is no avenue for a fair examination of fact.

As stated in Partners in Confederation, "Aboriginal peoples are the bearers of ancient and enduring powers of government that they carried with them into Confederation and retain today."

As leader of the Kichesipirini Algonquin First Nation, as mandated by my community, it is our priority to protect and preserve the customary traditional government of the Algonquin Nation, as an Indigenous Peoples of Canada, against all encroachments, derogations and abrogations.

- Since it has been established that the purpose of s. 35(1) is to reconcile the prior presence of aboriginal peoples in North America with the assertion of Crown sovereignty, it is clear from this statement that s. 35(1) must recognize and affirm both aspects of that prior presence – first, the occupation of land, and second, the prior social organization and distinctive cultures of aboriginal peoples on that land.

- The source of Aboriginal title also reflects the relationship between common law and pre-existing systems of Aboriginal law. As Lamer C.J.C. explained in para. 114 of Delgamuukw: It had originally been thought that the source of aboriginal title in Canada was the Royal Proclamation, 1763: see St. Catherine's Milling. However, it is now clear that although aboriginal title was recognized by the Proclamation, it arises from the prior occupation of Canada by aboriginal peoples.

Our community has participated in our official capacity, in accordance to customary law, which is protected under international law, to protect and promote the international rights of the Algonquin Nation, the Kichi Sibi Anishnabe, The Anishnabe, and the polity Canada. These rights are protected within the Canadian Constitution.

Case law has provided further clarifications regarding those Aboriginal claims to title and rights protected in the Constitution.

Some of those clarifications we rely on are:

- Where there is ambiguity, it must be resolved in favour of the Aboriginal group. As such, in order for the Crown to justify an infringement of Aboriginal title, it must demonstrate a compelling and substantive legislative objective, it must have consulted with the appropriate Aboriginal group prior to acting, and in some cases, and compensations may be required.

- Whereas Section 35(1) protects the "existing" Aboriginal and treaty rights of the Aboriginal peoples of Canada and that the Supreme Court in Sparrow held that the word "existing" in s. 35 means "unextinguished" and that a right that had been validly extinguished before 1982 was not protected by s. 35. Sparrow further elaborates that the existence of extensive regulatory control does not imply extinguishment.

- Aboriginal nations that enjoy traditional title enjoy inherent jurisdiction over territory reserved to an indigenous nation, not under federal statute law, but rather under the paramount natural, international and constitutional law that both predates and pursuant to sections 109 and 129 of the Constitution Act, 1867 supersedes federal, provincial, municipal statute law. These rights are clearly confirmed now in the Constitution Act of 1982 must then be understood as both being specific and contextual, meaning;

The Kichesipirini Algonquin First Nation has never come under the statutes of the Indian Act, therefore our inherent and inalienable rights have not been compromised or extinguished. We have not located to an incorporated Indian Act reserve, therefore our inherent and inalienable rights have not been compromised or extinguished.
It must be noted:

- Although s. 35 protects "existing" rights, it is more than a mere codification of the common law. Section 35 reflects a new promise: a constitutional commitment to protecting practices that were historically important features of particular aboriginal communities. It cannot confer any new rights.

The associated rights and jurisdiction of the traditional central government of the Algonquin Nation have never been extinguished.
In the case Roberts v. Canada, [1989] 1 S.C.R. 322, the Court unanimously held that:

"aboriginal title pre-dated colonization by the British and survived British claims of sovereignty."

There need not, and should not be, jurisdictional wrangling within Algonquin territory. Our priori jurisdiction exists. Neither should there be land claim processes in place, at the expense of the Canadian public, that cannot meet the legal requirements set out in the Canadian Constitution or case law, and grossly inflates what a legitimate process would require had there been an open and transparent fact-finding process. As we have repeatedly stated, negotiations should not be used as a means to circumvent law and responsible administration.

Any legitimate process, including consultations, must involve the Kichesipirini Algonquin First Nation in a manner that does not compromise their existing rights as protected in the Constitution.

We have a proven record of exercising jurisdiction in the Ottawa Gatineau region.

We have, for years, expressed our interests repeatedly to Mr. Stephen Harper. There has been no response, even though there is a constitutional obligation for him to respond, consult, accommodate, and in certain circumstances, compensate. These documents have also been expressed and accepted on record at the international level with the United Nations Economic and Social Council, The United Nations Office of the High Commissioner of Human Rights, and the United Nations Office of the High Commissioner of Human Rights Special Rapporteur on the Rights of Indigenous Peoples, the United Nations Forum on Indigenous Peoples, the United Nations University, and the International Criminal Court.
These claims of interest include our submission of the document Lasting Treaties, Living Covenants, February 2007.

We should remind you that:

- "The duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution."(Haida Nation, paragraph. 32)

- In the pre-treaty context "the duty arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it." (Haida Nation, paragraph. 35)

- Like all situations concerning Aboriginal rights they are context-specific, "spectrum" of duties: "The honour of the Crown gives rise to different duties in different circumstances." (Haida Nation, paragraph. 37)

- The duty is proportionate to an assessment of strength of the case to right or title, and to the seriousness of the potentially adverse effect upon the right or title claimed.

As set out in the Sparrow case:

"[A]dministrative law principles are not designed to address the very unique circumstance of the Crown-Aboriginal history, the Crown-Aboriginal relationship. Administrative law principles, for all their tremendous value, are not tools toward reconciliation of Aboriginal people and other Canadians. Lamer C.J. observed in R. v. Van der Peet, [1996] 2 S.C.R. 507, "aboriginal rights exist within the general legal system of Canada" (para. 49). Administrative decision makers regularly have to confine their decisions within constitutional limits. In all cases, the honour of the Crown requires that the Crown act with good faith to provide meaningful consultation appropriate to the circumstances. In discharging this duty, regard may be had to the procedural safeguards of natural justice mandated by administrative law." [Emphasis added; para. 41.]"

In the recent decision of Beckman v. Little Salmon/Carmacks First Nation, 2010, it was further articulated that "A treaty will not accomplish its purpose if it is interpreted by territorial officials in an ungenerous manner or as if it were an everyday commercial contract."

We have here before us a very unique opportunity. Let us make certain that we do not fail to recognize it, or let others corrupt its universal potential.

It is, as section 52 of the Constitution Act, 1982 declares, the Constitution to be the "supreme law" of the nation, unalterable by the normal legislative process, and unsuffering of laws inconsistent with it. The duty of the judiciary is to interpret and apply the laws of Canada and each of the provinces, and it is thus our duty, as Canadians, to ensure that the constitutional law prevails.

We assert that there can be no legal development of the property without appropriate consultation based on administrative justice, Constitutional obligations, and case law requirements. We consider any costs incurred by affected third party to be a direct result of the current federal government failing to adequately inform Canadian citizens.
The existing claim of the Algonquins of Ontario cannot meet the legal requirements or bring certainty to the outstanding issues, leaving municipalities in vulnerable positions regarding potential future liabilities.

The Kichesipirini Algonquin First Nation has repeatedly filed notices and claims with the current federal and provincial governments. We feel it unfortunate that Canadians are not given the proper information necessary that would allow them to exercise the democratic principles of free, prior, and informed consent, consistent with good faith relations, responsible governance, and legitimate contracts, and that vast amounts of hard-earned public monies are squandered because of a lack of appropriate information and procedural gaps.

The Kichesipirini Algonquin First Nation is committed to the Canadian Constitution, the protection of human rights, the Rule of Law, international law, the rights of Indigenous Peoples, and the legitimate interests of Canadians.

“A Turning Point In The Civilization”

Sincerely,

Paula LaPierre
Principal Sachem
Kichesipirini Algonquin First Nation
Kichi Sibi Anishnabe
Still Sovereign
Canada

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Kichi Sibi Anishnabe / Algonquin Nation
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