



MITCHIKANIBIKOK INIK

Algonquins of Barriere Lake
Les Algonquins du Lac Barrière

Kitiganik • Rapid Lake - Lac Rapide, Qc J0X 2C0
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PRESS RELEASE

Quebec Stealthily Lifts Mining Moratorium and Algonquins Respond by Preparing to Defend Their Ancestral Territorial Waters, Lands & Wildlife

(Kitiganik, Algonquin Territory/September 12, 2016) Last week our Chief and Council adopted the attached resolution opposing any mining activities (staking, exploration, development) within our ancestral (and current-use) **Trilateral Agreement** Territory and demanding the reinstatement of the mining moratorium, which had been in place since 2011.

Since time immemorial, our First Nation has used and occupied our lands for the pursuit of traditional activities, managing the lands and resources, as part of our way of life, on the basis of conservation and harmony with Mother Earth. However, impacts from flooding, logging and wildlife depletion, in the last 125 years have devastated the lands and resources and disrupted our traditional way of life.

To overcome these impacts and to maintain our traditional way of life and to improve the management of the lands and resources for the benefit of all, our First Nation encouraged the Governments of Canada and Quebec to cooperate in a partnership in developing a **conservation strategy** based on the principles of sustainable development as expressed in the 1987 Report of the *U.N. Committee on Environment and Development* (Brundtland Report).

In good faith, our First Nation signed a **Trilateral Agreement** with Canada and Quebec on August 22, 1991 to promote sustainable development of renewable resources and the reconciliation of resource-uses by our Algonquin Peoples' and non-Algonquin people within the territory identified by the **Trilateral Agreement**, which is our ancestral (and current-use) territory.

Despite some disagreements, our First Nation and Quebec came to an agreement on the **Trilateral Agreement** approach and process, which led to a **Bilateral Agreement** on May 22, 1998, for undertaking negotiations on co-management of natural resources and resource revenue sharing among other issues, under the **Trilateral Agreement** between our First Nation and Quebec.

In 2006, we came very close to a long-term agreement with Quebec, which unfortunately failed because Quebec refused to accept even a very small share of revenue-sharing on our ancestral Territory on behalf of our Algonquin Peoples'.

However, negotiations resumed in 2015, and if the current mining problem hadn't become an issue we had been hopeful of reaching a mutually-beneficial agreement with Quebec.

In June 2016, while our Council was negotiating a Draft Agreement with Quebec to implement the 1991 and 1998 Agreements the Quebec government stealthily lifted the moratorium on mining on our ancestral (and current-use) **Trilateral Agreement** Territory, which had been in force since 2011.

The moratorium on mining activities was lifted unilaterally by the Quebec Ministry of Energy and Natural Resources without any prior advice to, or consultation with, our Algonquin Peoples' as directed by the Supreme Court of Canada in recent case-law.

In August, 2016, representatives of our Algonquin Peoples' had specifically asked for confirmation from the Special Representative of Quebec, Mr. Mario Gibeault, that no mining activities were contemplated on the Seaman forestry sector located on our ancestral (and current-use) **Trilateral Agreement** Territory, and had obtained written confirmation on August 6, 2016, that no mining activities were contemplated;

As a result of the lifting of the moratorium, the mining company Copper One announced immediately after that it was preparing to start mining activities on our ancestral (and current-use) **Trilateral Agreement** Territory;

Mining activities are completely incompatible with both the terms and intent of the **Trilateral Agreement** of 1991, the **Bilateral Agreement** of 1998, and the 2006 Recommendations flowing therefrom, which is to ensure the continuation of our Algonquin Peoples' traditional activities and the sustainable use of renewable resources, the very reason the moratorium was imposed five years ago, paradoxically the mining activities contemplated would take place within Quebec's largest Wildlife Reserve.

Our Algonquin Peoples' have forcefully and consistently voiced our opposition to mining activities on our ancestral (and current-use) **Trilateral Agreement** Territory. As such, no mining activity (staking, exploration or development) will be accepted on our ancestral (and current-use) **Trilateral Agreement** Territory.

Chief Casey Ratt stated "*We have written the Quebec Premier and the relevant Ministers demanding that the lands within our ancestral Territory be withdrawn from staking and other mineral activity by the Minister, and that the existing mining claims be cancelled. We know the Quebec Mining Act provides authority for the Minister to restrict mining activities within our ancestral Territory and to cancel any existing mining claims in the territory.*"

Councillor Norman Matchewan added "*Our Algonquin Peoples' are monitoring on the land for any sign of mining activities and if any mining exploration operations are found we will take all necessary but peaceful measures to protect our waters, lands and wildlife.*"

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RESOLUTION OF COUNCIL

No. 08-09-16

Re: Mitchikanibikok Inik Position on Mining Activities (Staking, Exploration, Development) within the 1991 Trilateral Agreement Territory (Annexes I and II)

WHEREAS: Article 26 of the **United Nations Declaration on the Rights of Indigenous Peoples** provides:

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned*

WHEREAS: Article 32 of the **United Nations Declaration on the Rights of Indigenous Peoples** provides:

- 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.*
- 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*
- 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.*

RESOLUTION OF COUNCIL

No. 08-09-16

Re: Position on Mining Activities (Staking, Exploration, Development) within the 1991 Trilateral Agreement Territory (Annexes I and II)

WHEREAS: Article 37 of the **United Nations Declaration on the Rights of Indigenous Peoples** provides:

- 1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.*
- 2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.*

WHEREAS: #47 of the **Truth and Reconciliation Commission's** Calls to Action included the following:

We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

WHEREAS: The “free entry” system for mining on Indigenous lands without the Free, Prior, Informed Consent of Indigenous Peoples’ is one of those outdated colonial concepts;

WHEREAS: Since time immemorial, our Algonquin Peoples’ (Mitchikanibikok Inik) have used and occupied our lands for the pursuit of traditional activities and managing the lands and resources, as part of our culture and way of life, on the basis of conservation and harmony with Mother Earth;

WHEREAS: Impacts from flooding, logging and wildlife depletion, in the last 126 years have devastated our lands and resources and disrupted our traditional way of life;

WHEREAS: Our Algonquin Peoples’ (Mitchikanabikok Inik) are determined to overcome these impacts; to maintain our traditional activities and to improve the management of the lands and resources for the benefit of all, which is why our Algonquin Peoples’ (Mitchikanabikok Inik) strongly encouraged the Governments of Canada and Quebec to cooperate in a partnership in developing a conservation strategy based on the principles of sustainable development as expressed in the **1987 Report of the U.N. Committee on Environment and Development** (Brundtland Report);

WHEREAS: Our then customary Chief Jean Maurice Matchewan, along with the governments of Canada and Quebec signed a Trilateral Agreement on August 22, 1991, as a pilot project to promote sustainable development and the reconciliation of resource-uses by Mitchikanibikok and non-Mitchikanibikok people within the territory identified by the Trilateral Agreement, which is our ancestral (and current-use) territory; (see attached map Annex A)

WHEREAS: Our Algonquin Peoples’ (Mitchikanibikok Inik) persisted in engaging with Quebec, and while there were disagreements, our Algonquin Peoples’ (Mitchikanibikok Inik) and Quebec came to an agreement on the Trilateral Agreement approach and process, which led to a Bilateral Agreement on May 22, 1998, for undertaking negotiations under the Trilateral Agreement between our Algonquin Peoples’ (Mitchikanibikok Inik) and Quebec;

WHEREAS: Section 7 of the 1998 Agreement provided for Quebec negotiating co-management of natural resources and resource revenue sharing, among other issues with our Algonquin Peoples' (Mitchikanabikok Inik);

WHEREAS: In July 2006, the Quebec and our Special Representatives presented their Joint Recommendations to Quebec and our Algonquin Peoples' (Mitchikanabikok Inik), which are:

1. Recognition of the Trilateral Agreement Territory as a special management zone.
2. Implementation of the draft forest and wildlife plans within the Trilateral Agreement Territory.
3. Participation in the management of renewable resources.
4. Revenue sharing and access to resources.
5. Expansion of the Land Base of Rapid Lake.
6. Electrification of Rapid Lake.
7. A without prejudice legally binding agreement to implement the recommendations.

WHEREAS: In 2015, almost nine years after the Ciaccia-Lincoln Joint Recommendations were submitted, the government of Quebec confirmed to our Algonquin Peoples' (Mitchikanabikok Inik) its intention to establish a negotiation process to implement all seven of the Ciaccia-Lincoln Joint Recommendations including resource revenue sharing;

WHEREAS: In June 2016, while our Council was in negotiations the Quebec government lifted the moratorium on mining on our ancestral (and current-use) Trilateral Agreement Territory, which had been in force since 2011;

WHEREAS: The reasons and conditions which led to this moratorium are still as active and present as they were initially, and that moreover our Algonquin Peoples' (Mitchikanabikok Inik) have forcefully reiterated our opposition to mining activities on our ancestral (and current-use) Trilateral Agreement Territory during our current negotiations with the Quebec government;

WHEREAS: The moratorium on mining activities was lifted unilaterally by the Quebec Ministry of Energy and Natural Resources without any prior advice to, or consultation with, our Algonquin Peoples' (Mitchikanabikok Inik) as directed by the Supreme Court of Canada in recent case-law;

WHEREAS: In August, 2016, representatives of our Algonquin Peoples' (Mitchikanabikok Inik) had specifically asked for confirmation from the Special Representative of Quebec, Mr. Mario Gibeault, that no mining activities were contemplated on the Seaman forestry sector located on our ancestral (and current-use) Trilateral Agreement Territory, and had obtained written confirmation on August 6, 2016, that no mining activities were contemplated;

WHEREAS: As a result of the lifting of the moratorium, the mining company Copper One announced immediately after that it was preparing to start mining activities on our ancestral (and current-use) Trilateral Agreement Territory;

WHEREAS: Mining activities are completely incompatible with both the terms and intent of the Trilateral Agreement of 1991, the Bilateral Agreement of 1998, and the 2006 Recommendations flowing therefrom, which is to ensure the continuation of our Algonquin Peoples' (Mitchikanabikok Inik) traditional activities and the sustainable use of renewable resources, the very reason the moratorium was imposed five years ago;

WHEREAS: Moreover, and paradoxically the mining activities contemplated would take place within Quebec's largest Wildlife Reserve;

WHEREAS: Our Algonquin Peoples' (Mitchikanabikok Inik) have forcefully and consistently voiced our opposition to mining activities on our ancestral (and current-use) Trilateral Agreement Territory, and confirmed by the letter of our Council of Elders to the Quebec government of April 13, 2011, as well as, the repeated statements of our leaders before and since;

WHEREAS: The Quebec Mining Act in Sections 2.1 and 2.2 states that:

2.1. This Act must be construed in a manner consistent with the obligation to consult Native communities. The Government shall consult Native communities separately if the circumstances so warrant 2013, c. 32, s. 2.

2.2. Taking into account the rights and interests of Native communities is an integral part of reconciling mining activities with other possible uses of the territory

WHEREAS: subject to Section 304 of the Quebec Mining Act, the Minister is empowered to withdraw lands from staking and other mineral activities, and further, subject to section 281, is empowered to suspend or cancel existing mineral claims;

WHEREAS: The staking of mineral claims and the granting of mineral leases within the area of our ancestral (and current-use) Trilateral Agreement Territory is clearly contrary to sections 2.1 and 2.2 of the Quebec Mining Act and federally unconstitutional subject to the tests found in the Supreme Court of Canada decisions in the *Delgamuukw*, *Haida* and *Tsilhqo'tin* cases;

WHEREAS: The Quebec Government imposes mining restrictions on a large number of areas within the province. (see attached map Annex B)

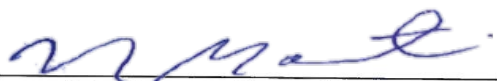
THEREFORE BE IT RESOLVED that our Mitchikanibikok Inik Council hereby confirm our Algonquin Peoples' (Mitchikanibikok Inik) position on mining activities as follows:


1. THAT no mining activity (staking, exploration or development) will be accepted on our ancestral (and current-use) Trilateral Agreement Territory for the same reasons which led to the moratorium of 2011.
2. THAT the absence of due and effective consultation and accommodation before the surreptitious lifting of the moratorium is a breach of the law and is not condoned by our Community.
3. THAT the lands within our ancestral (and current-use) Trilateral Agreement Territory be withdrawn from staking and other mineral activity by the Minister, and the existing claims be cancelled.

4. THAT considering the significant human and financial resources allocated and expended for the current negotiations, and the time and efforts made in good faith by both parties in search of a meaningful long-term agreement, our Algonquin Peoples' (Mitchikanabikok Inik) are prepared to continue our involvement in the negotiations with the Quebec government, subject however to the total absence of any mining activity on our ancestral (and current-use) Trilateral Agreement Territory.

5. THAT if any mining activity should occur on our ancestral (and current-use) Trilateral Agreement Territory, our Council will cease any involvement in the current negotiations, reluctantly withdraw from its cooperative activities with Quebec departments and agencies, and take any measures it deems appropriate to protect our Algonquin Peoples' (Mitchikanabikok Inik) interests in the face of breaches of the law.

ADOPTED in Algonquin Territory, this 8th day of September 2016.


Norman Matchewan, Councillor


Jeanette Wawatie, Councillor


Peter Poucachiche, Councillor


Hervey Papatie, Councillor


David Wawatie, Councillor


David Thusky, Councillor


Chief Casey Ratt

RESOLUTION OF COUNCIL

No. 07-09-16

Re: Position on Mining Activities (Staking, Exploration, Development) within the 1991 Trilateral Agreement Territory (Annexes I and II)

Active Mining Tenures and the
Mitchikanibikok Inik 1991
Trilateral Agreement Territory
(Annexes I and II)

RESOLUTION OF COUNCIL No. 08-09-16

Regarding Mining Activities (Staking,
Exploration, Development) within the 1991
Trilateral Agreement Territory (Annexes I
and II)

-  1991 Trilateral Agreement Territory (Annex I)
-  1991 Trilateral Agreement Territory (Annex II, Traditional Management Areas)
-  Réserve faunique La Vérendrye
-  Copper One Inc.
-  Other active mining titles



MITCHIKANIBIKOK INIK

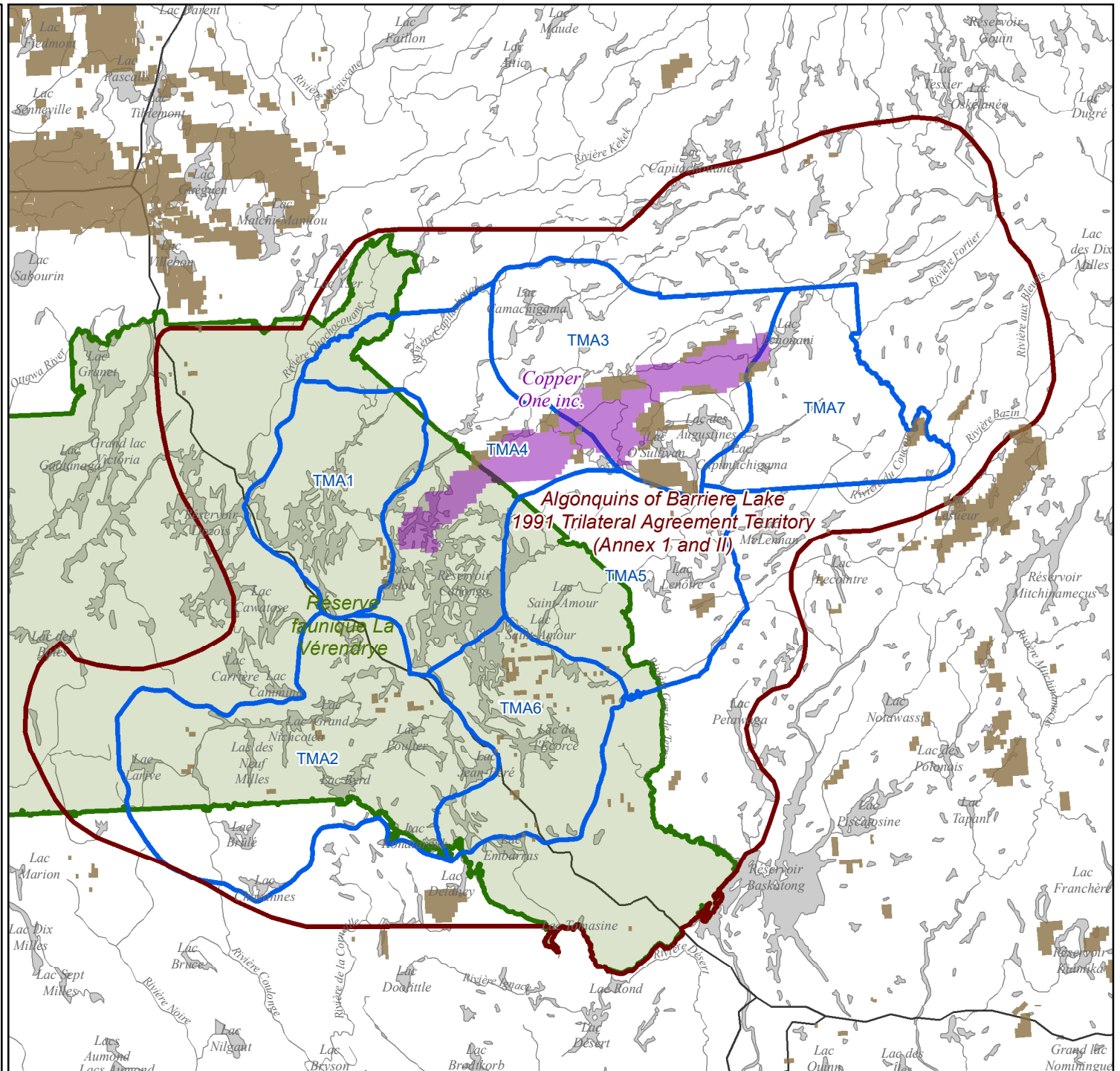
Algonquins of Barriere Lake
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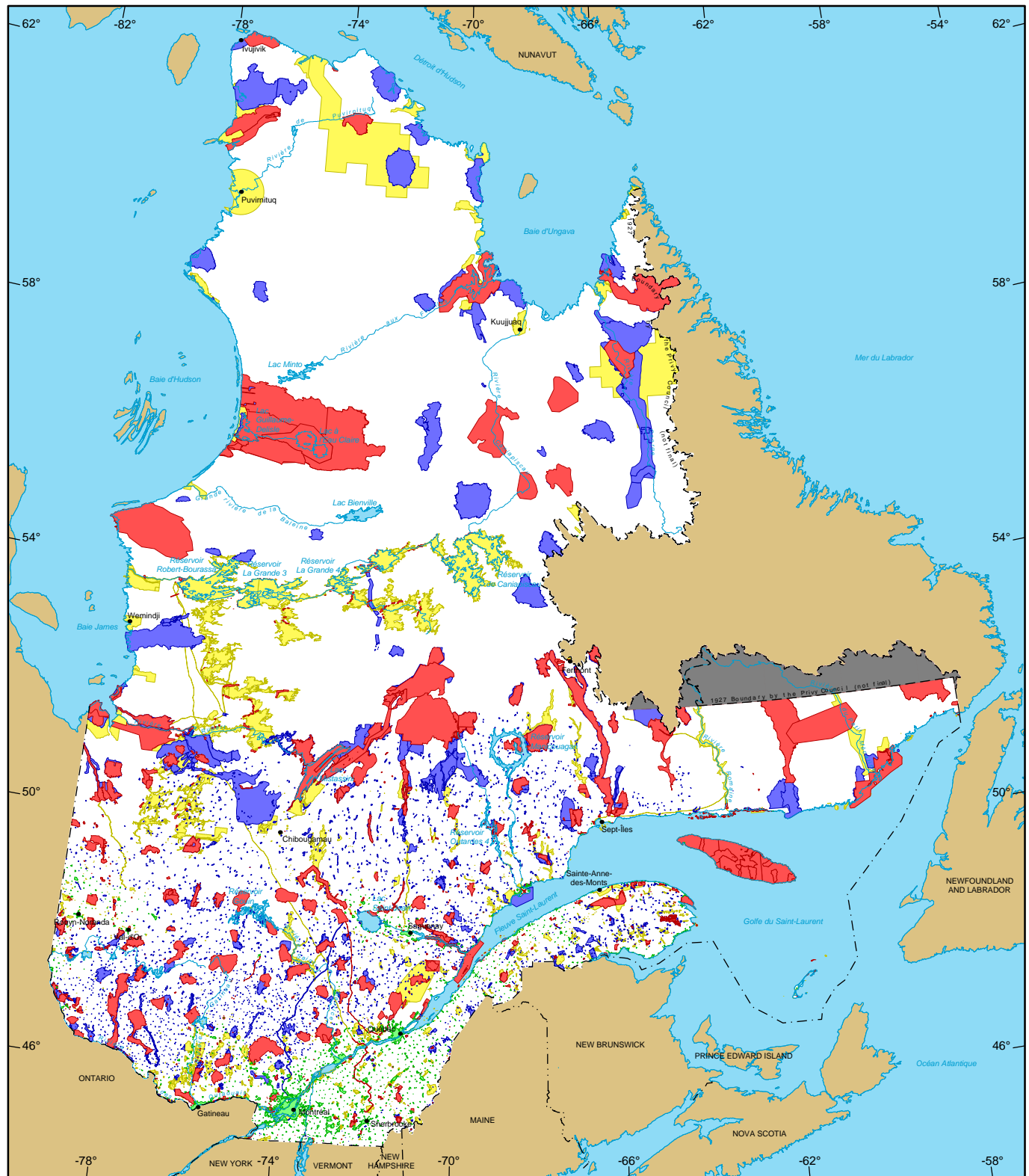
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Source: Mining titles, Ministère de l'Énergie et
des Ressources naturelles GESTIM
(September 6, 2016)
Projection: NAD 83 UTM Zone 17
Map produced by David Carruthers,
PlanLab Ltd., September 6, 2016



Mining Restrictions in Québec



Mining Restrictions

- | | |
|---|--|
| <ul style="list-style-type: none"> Major Exploration prohibited
17 642 389 ha Major Urban perimeter
635 804 ha Major Land Suspended Temporarily
13 497 371 ha | <ul style="list-style-type: none"> Major Withdrawal from Staking Order in Council
2 897 400 ha Minor Exploration Under Specific Conditions
12 469 352 ha |
|---|--|

Metadata

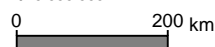
Coordinate System
Conic Conformal Lambert with two standard parallels (46° and 60°)

Sources

Mining data, MERN, 2016
Cartographic Reference, MERN, 2011 (BDGA 1M, BDGA 5M)

Note : The areas calculated represent the sum of the surface area of each individual mining restriction. The calculation does not take into consideration the possible overlapping of some areas.

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Realisation

Ministère de l'Énergie et des Ressources naturelles
Direction du développement et du contrôle de l'activité minière
Notice : This document has no legal value.

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