

Submission to the Anishinabek News – September 2009 Issue

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Intergovernmental Affairs

Commission Work in British Columbia

The first recommendation discussed in the mission statement of the BC Treaty Commission is: “The First Nations, Canada, and British Columbia establish a new relationship based on mutual trust, respect, and understanding — through political negotiations.”

Replace ‘British Columbia’ with ‘Ontario’ and this recommendation could have been from the Ipperwash Inquiry. In his final report, Justice Linden discusses how the creation of the Treaty Commission of Ontario should play an important role in creating a new relationship between Ontario First Nations, Canada and Ontario; something which is desperately needed, particularly after Ipperwash and other land claim disputes throughout the province.

The primary function of the BC Treaty Commission is to oversee the treaty process to ensure that the negotiations between First Nations, British Columbia and Canada are progressing and that each of the parties is using the process efficiently. Before its inception, there were nineteen recommendations given to guide “the independent keeper of the BC Treaty process” to success. The Commission helps to support headway in negotiations and ensures that the treaties drafted will be longstanding. It was seen as a constructive alternative to First Nation litigation and confrontations. And it seems to be working.

One of the main roles of the BC Treaty Commission is to improve the knowledge of people throughout the province and Canada on land claim and treaty issues. This is not a topic commonly taught in schools, certainly from a First Nations perspective, which leaves many Canadians confused as to what the government and First Nations are trying to accomplish. This naivety can and has been a major stumbling block to new and improved Nation to Nation relations. Education and public awareness will be critical for the Treaty Commission of Ontario as well, without this necessary step, things immediately become more difficult.

If the Treaty Commission of Ontario is able to set up based on certain critical principles, which serve as the foundation for the BC Treaty Commission, it would be a celebrated step forward for the province of Ontario and First Nations. This independent agency would help to process the growing number of claims more quickly and effectively. According to INAC, as of March 2008, there were 110 claims under review, 28 in negotiations and 1 at the ISCC; 81 have been concluded. It is imperative to the economies of these First Nations that these claims be solved so that there can be a larger sense of independence from the government in terms of First Nations governance, economy and education, to name a few.

It is not possible, nor would it be right, to follow the example of the BC Treaty Commission to the letter; the Anishinabek have a history and treaties which are distinctly different from the BC First Nations. Discussions as to what Ontario’s commission will look like have been ongoing; the Treaty Commission of Ontario is one of the sub working groups of the Ipperwash Implementation plan in which the Anishinabek Nation is participating. The discussions between

Ontario, Canada, the UOI and various other PTO's from the province have been working towards building the vision of what the Treaty Commission will be in Ontario. For First Nations, with the memories of Ipperwash, it cannot come soon enough.