

PARTIAL AND TENUOUS PROTECTION

In 1988 the Lubicon reached an agreement with the Alberta authorities. Under this agreement, known as the Grimshaw Accord, the province promised to transfer just over 200km² of land to establish a Lubicon reserve with full rights to surface and sub-surface resources. It also undertook to transfer another 41km² of land to the federal government to be used as a buffer zone on which no development activity could occur without Lubicon consent.

Since the agreement, the province has not licensed any new development in the area of the proposed reserve or the buffer zone. However, because a final settlement has not yet been reached, the reserve land has never been safely put aside. There are concerns that the increased pace of oil and gas developments in the region could lead to new pressures to open this land to new development, as is the case with neighbouring regions in the province.

At the same time, the continued expansion of oil and gas activities in the larger Lubicon territory is creating an environment that makes a just resolution of the land dispute even harder.

FAILED NEGOTIATIONS

The Lubicon are seeking a reserve on a portion of their traditional land, funds to set up viable community infrastructure, recognition of their right to administer their own government and services on the reserve, and fair compensation.

There have been five rounds of talks between the Lubicon and the federal government since 1986. At several points during these talks, a negotiated settlement appeared to be close at hand. The last round of negotiations broke down in 2003 after federal representatives said they didn't have a mandate to further negotiate long-standing issues of financial compensation and self-government.



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Above: The Lubicon are raising a domestic bison herd as a replacement for the loss of traditional sources of food.
Cover: A disused Lubicon trapper's cabin overshadowed by an oil well, 2008. © Amnesty International

TAKE ACTION NOW

WRITE TO THE PRIME MINISTER OF CANADA:

The Right Honourable Stephen Harper
Office of the Prime Minister
80 Wellington Street
Ottawa, ON
Canada
K1A 0A2

- Noting that UN human rights bodies have repeatedly expressed concern over the lack of recognition and protection for the land rights of the Lubicon Cree.
- Urging the federal government to return to negotiations with the Lubicon with a clear commitment to finding a just resolution to the land dispute that will fully uphold the rights of the Lubicon Cree under domestic and international law.

WRITE TO THE PREMIER OF ALBERTA:

The Honourable Ed Stelmach
Premier of Alberta
Room 307, Legislature Building
10800 - 97th Avenue
Edmonton, Alberta
T5K 2B6

- Note that two UN human rights bodies have said that no further resource development should take place that could harm the rights of the Lubicon Cree.
- Support the right of the Lubicon to determine for themselves whether or not their rights are adequately protected when new developments are proposed.
- Urge the Government of Alberta to agree that – pending final resolution of the Lubicon land dispute – no new development activity should be permitted on Lubicon land except with the agreement of the Lubicon Cree.

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LAND AND WAY OF LIFE UNDER THREAT

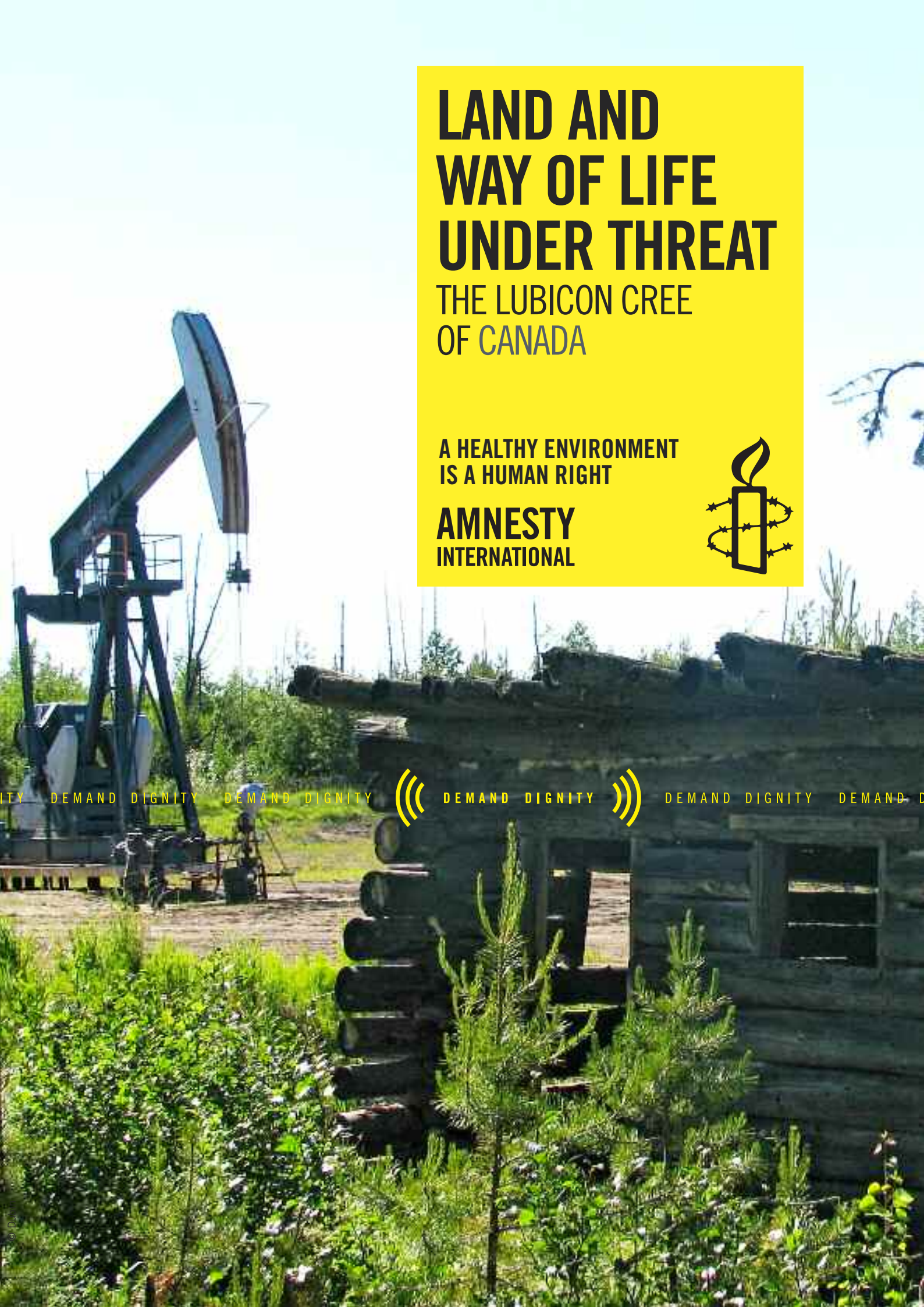
THE LUBICON CREE
OF CANADA

A HEALTHY ENVIRONMENT
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“THE CANADIAN GOVERNMENT AND THE OIL COMPANIES... PERSIST IN THE DESTRUCTION OF OUR LAND AND OUR WAY OF LIFE. AT TIMES WE MAY SEEM DEFEATED AND INCAPABLE, BUT I ASSURE YOU WE ARE NOT. AS LONG AS THERE ARE LUBICON PEOPLE LEFT, WE WILL CONTINUE TO FIGHT FOR A FAIR AND JUST RELATIONSHIP WITH GOVERNMENTS AND CORPORATIONS ALIKE.

Lubicon Cree member Cynthia Tomlinson, April 2008

Large-scale oil and gas development has drastically undermined the ability of the Lubicon Cree, an Indigenous People in western Canada, to maintain their traditional economy and live on the land.

The traditional territory of the Lubicon is in a part of the province of Alberta rich in oil and gas deposits, the source of the region's extraordinary economic boom. Twenty years ago, the head of the Alberta government publicly suggested that more than C\$5billion worth of oil and gas had already been extracted from the disputed land,

with the province receiving more than C\$1billion in royalties. Today this number is estimated to exceed C\$14billion.

Oil and gas development has all but destroyed the traditional hunting, trapping, and food-gathering economy of the Lubicon. At the same time, the Lubicon have not shared in any of the wealth it has generated.

The traditional territory of the Lubicon Cree covers some 10,000km² of low-lying forests, plains, rivers, lakes and wetlands.

“WE NEVER HAD ANYTHING FANCY BUT WE NEVER WENT HUNGRY. THEN ALL OF A SUDDEN THEY FOUND OIL AND WE WERE CAUGHT IN A SITUATION WHERE WE WERE IN THE WAY.

Lubicon Chief Bernard Ominayak, quoted in *Last Stand of the Lubicon Cree*, John Goddard, Douglas & McIntyre, 1991



The government of Alberta opened an all-weather road into Lubicon territory in 1979. Since then more than 2,200km of road, primarily serving the oil and gas industry, has been built on their land. In the last three decades more than 2,000 oil and gas wells have been drilled on their territory and more than 56km² of their land has been cleared for the industry.

The Lubicon have consistently raised objections about the exploitation of oil and gas deposits on their land. However, these have been routinely dismissed or ignored. In 1971, when Alberta began making plans to develop these vast oil and gas resources, the provincial government dismissed their objections, calling the Lubicon “merely squatters on provincial crown land with no land rights to negotiate.” In reality, the Lubicon people were overlooked by the federal government when land rights treaties were signed with other

Left: Lubicon Chief Bernard Ominayak, 2008.

Above: A camp beside a lake on Lubicon territory, 2008.

Above right: Oil and gas installations in the Lubicon Cree territory, June 2008. The Lubicon estimate that there are more than 2,000 oil and gas installations on their traditional territory.



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Indigenous Peoples in the area in 1899. The Lubicon have never ceded any rights over their traditional lands.

In 1990, the UN Human Rights Committee concluded that “historical inequities” and “more recent developments” had endangered the way of life and the culture of the Lubicon Cree. The Committee urged Canada to reach a negotiated settlement with the Lubicon.

Fifteen years later, with no such settlement in sight, the Committee expressed concern that Lubicon land “continues to be compromised by logging and large-scale oil and gas extraction.” After its 2005 review, the Committee called on Canada to ensure that the Lubicon were adequately consulted

“before granting licences for economic exploitation of the disputed land”.

Despite this call for action, there have been no real negotiations since 2003. Meanwhile the pace of oil and gas development on Lubicon land is increasing. In the last three years alone, the Alberta government has sold new leases to approximately a quarter of the Lubicon’s traditional territory. The Lubicon had no say in these decisions.

IMPACT ON THE LUBICON CREE

When the Alberta oil boom began in the 1970s, the Lubicon lived almost entirely off the land. Trapping provided a modest income while the forest and the waters provided virtually all their subsistence needs.

Large-scale oil and gas development on their land led to a sharp decline in wildlife and severely disrupted hunting, trapping, fishing and the gathering of food and medicinal plants. A survey of Lubicon hunters and trappers found that the number of animals killed for meat or fur fell by roughly 90 per cent in the first few years of oil and gas extraction.

Without official recognition of their rights over their traditional territory, the Lubicon have found it extremely difficult to develop alternatives to the collapsing traditional economy. In the first four years of oil development on their land, the percentage of Lubicon families dependent on federal social service payments as their primary source of income rose from 10 to 90 per cent.

In their submission to the UN Human Rights Committee, the Lubicon stated that as a result of the drastic changes to their economy and way of life:

“the basic health and resistance to infection of community members has deteriorated dramatically. The lack of running water and sanitary facilities in the community, needed to replace the traditional systems of water and sanitary management... is leading to the development of diseases associated with poverty and poor sanitary and health conditions. This situation is evidenced by the astonishing increase in the number of abnormal births and by the outbreak of tuberculosis, affecting approximately one third of the community.”

Lubicon complaint to the UN Human Rights Committee, 1984

“ [THE LUBICON] ARE BEING ACTIVELY PUSHED OUT, LANDS ARE BEING TAKEN AWAY, THE AREA IS BEING POLLUTED.

UN Special Rapporteur on adequate housing, 2007