

CONNECTING OUR PAST TO OUR FUTURE

THE LONG POINT FIRST
NATION OF CANADA

A HEALTHY ENVIRONMENT
IS A HUMAN RIGHT

AMNESTY
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'We take the issue of our land, our territory, our environment very much to heart, because we want the best for our children and our community.'

Diane Polson, one of the protesters arrested in 2004 at the barricade to block logging, May 2009

‘OUR ONLY REAL WEALTH, OUR ONLY WEALTH THAT COUNTS, IS OUR FREEDOM TO BE ON THIS LAND.’

Gérald Hunter, one of the protesters and the first to be arrested in 2004 at the barricade to block logging on Long Point First Nation lands, May 2009

The Long Point First Nation (Kakinwawigak) – part of the Algonquin Nation of Québec Province, Canada – have been repeatedly uprooted from their lands to make way for industrial developments. In the first half of the 20th century, they were driven from their lands and resettled time and again in order to make way for hydroelectric reservoirs. Each time the water flooded their lands, covering the graves of their loved ones, members of the community were left to cope with the disruption to their lives and relocate, with little or no support from the authorities.

Most of the community eventually came to settle on a 0.5 km² plot of land at the mouth of the Winneway River (known as the Winneway community); other families settled a few kilometres away. The Winneway community was legally designated an “Indian settlement”, a designation that entitles members of the community to basic federal Indian services, such as health care, education and housing. Families who settled elsewhere have never been granted official recognition and so have not received help from the federal or provincial authorities who continue to regard them as “squatters”.

The community is now under mounting pressure from the federal government to

become an “Indian reserve” under the Indian Act. The federal government has stated that unless the community agrees to this, it will no longer be able to guarantee subsidies for infrastructure and housing. The community wishes to enter into formal negotiations with the federal government (together with the provincial government) to discuss the legal status of their community as well as their claims to their traditional lands.

Despite these pressures, the Long Point First Nation continue to defend their lands, culture and way of life.

THE RIGHT TO BE HEARD

The Long Point First Nation never agreed to give up their rights to their lands and resources. No treaty was ever signed with the Canadian government. For decades the Long Point First Nation have struggled to secure their right to stay on their land and to control how it is used.

In 2002, an interim agreement was negotiated and signed to resolve a crisis between the Long Point First Nation and forestry companies. This committed the parties to a process for arriving at a formal agreement over natural resources and set out certain principles which would underpin the relationship. However, the

agreement was never implemented. Since then, the situation has deteriorated and the pressures on the Long Point First Nation have intensified.

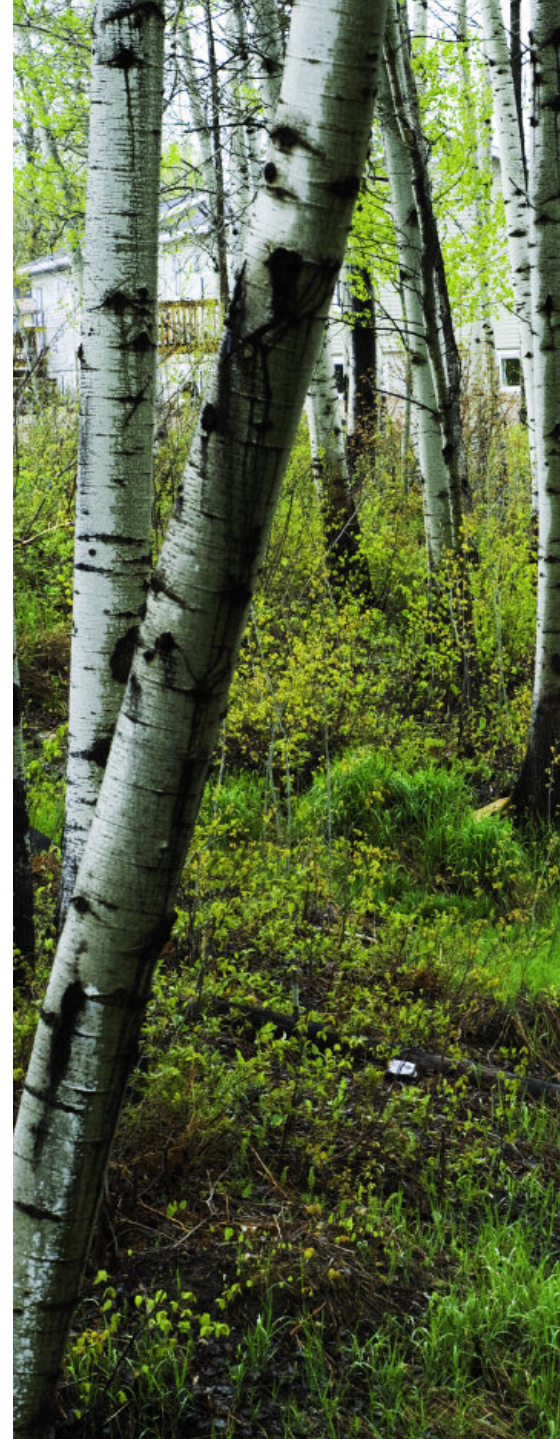
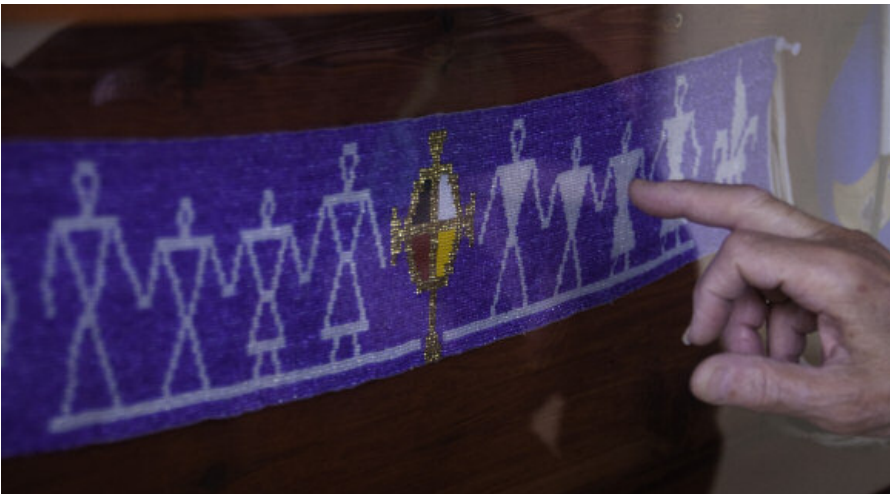
In 2004, the Long Point First Nation and other neighbouring Algonquins decided to protest against logging by Domtar Inc. The company had been authorized to cut timber on their traditional lands by the provincial government without adequate consultation with the affected Indigenous Peoples.

Fearing that the logging could do further irreparable harm to their way of life, the Long Point First Nation and the other Algonquin communities set up a checkpoint to prevent Domtar logging crews from entering their lands. They continued to press the government and the company to reconsider their actions and engage in meaningful discussions with the community. However, negotiations with the provincial government failed to make progress. After 84 days, riot police were sent in to remove the barricade on 24 November 2004. Twenty-three of the 28 protesters who were forcibly removed and arrested were women. All were subsequently acquitted of charges including obstructing the police and the use of property.

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After repeated protests over the logging, a Framework Agreement was finally reached between the Algonquins of Long Point First Nation and the Québec provincial authorities in February 2008. This Agreement provides for future negotiations on a range of issues – including public safety, social services, employment, the use of natural resources, economic development and Long Point First Nation land. Negotiations have started on some issues but not others, and there needs to be full implementation of the Framework Agreement.

‘All of the economic opportunities – mining, forestry, tourism, hydroelectricity, and so on – depend on natural resources.’

Chief Steeve Mathias, May 2009

However, despite the Framework Agreement, the Long Point First Nation continue to be excluded from decisions about the use and management of the natural resources of their

lands. The local municipality of Laforce, for example, did not consult them when it was preparing its development plan. Nor were they consulted about plans for an open-pit gold mine at Malartic, a municipality located on Long Point First Nation traditional lands.

This failure to consult ignores not only the Framework Agreement, but a series of Canadian Supreme Court judgements which state that federal and provincial governments have a constitutional obligation to consult First Nations and accommodate their concerns “even before they have proven their land titles and



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front cover: Elder Jimmy James Polson and his grandson Odin Maranda. Elders are concerned for the future of the next generations.

top left: Chief Steeve Mathias shows an Amnesty International delegate a map of Long Point First Nation territory, including the trapping zones that should be respected by the logging company.

bottom left: The local priest points to the woven wampum commemorating the Framework Agreement between the Long Point First Nation and the Government of Quebec signed in February 2008.

above: The traditional lands of the Long Point First Nation are central to their way of life. Logging is a major threat to their survival.

Decisions about developments on Long Point First Nation traditional lands must include adequate consultation with the community through a process that affords the community the meaningful ability to influence decisions that affect the Long Point First Nation.

The Long Point First Nation need to be able to access and control their lands in order to maintain and develop their way of life. These lands remain at risk while logging activities continue. Indeed, further threats are looming: there is a proposal for large-scale gold mining, and the Laforce authorities also have plans to develop the land.

ancestral rights". It also disregards the international principle that the free, prior and informed consent of Indigenous Peoples to developments that affect them must be sought and obtained, particularly

in connection with the development, utilization or exploitation of mineral, water or other resources. This international principle is affirmed in the UN Declaration on the Rights of Indigenous Peoples.

A WAY OF LIFE IN PERIL

The way of life of the Long Point First Nation has undergone drastic and rapid change in recent decades. Access to traditional lands is central to their identity. The Long Point First Nation community at Winneway are now confined to one site. Without unfettered access to their traditional territories, the community's ability to hunt and fish is severely restricted. This in turn has changed their diet, and illnesses previously rare in the community – such as heart diseases and diabetes – are now more common among members of the Long Point First Nation than among the Canadian population as a whole. Denied access to these traditional territories, many are now dependent on assistance programmes from the federal authorities.

'How can we plan for these generations if we don't have the right to decide how to pursue our own social and economic development?'

Jerry Polson, former Long Point First Nation Chief, May 2009

Social roles have also undergone dramatic changes. According to Sharon Hunter, a member of the Long Point First Nation, disruption of traditional ways of living on the land and the system of dependency created by government social welfare are among the historic traumas that lie at the source of the social problems that the community is now experiencing.

The Algonquins are the poorest of the 10 First Nations living in Québec. Many live in poverty, unemployment rates are high and there is a chronic housing shortage. According to those in charge of housing at the band council, 40 per cent of homes in Winneway are overcrowded. Many live in inadequate housing that denies people a safe home environment and puts families' health at risk. Poor housing also often exacerbates already serious problems of domestic and sexual violence. Women who experience violence have nowhere to turn; the nearest

shelter

is 100km away. Some survivors of sexual violence in the community provide support to other women who are living with the same pain. Martina Mathias told Amnesty International: "I share my story, to make them stronger." However, professional psychological support is extremely limited and under resourced.

Many members of the Long Point First Nation are too young to remember the way of life when the community could determine its own future with dignity and self-confidence; half of the current population of Winneway, for example, is under 15.

'How can you teach or learn a language that is no longer living? Our language is bound to our land. To live in our language, we must occupy and live on our land.'

Elder Howard Mc Martin, May 2009

TRANSPARENCY, RESPECT, AND TRUST

There is an urgent need for renewed efforts to bring about meaningful negotiations between the authorities and the Long Point First Nation. However, for these to be successful, they have to overcome the legacy of past failed attempts and repeated disregard for the needs and wishes of the Long Point First Nation. This requires a clear political commitment by both the federal and provincial governments to make their obligation to consult and accommodate the First Nations of Canada a reality.

'To put an end to this injustice, transparency, respect and trust are the indispensable ingredients for any negotiations.'

Chief Steeve Mathias, May 2009



below: Martina Mathias chose to speak out about violence against Indigenous women.



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above: Nelson King showing the map of the Long Point First Nation traditional lands.

TAKE ACTION NOW

Please write in English or French to the Premier of Québec

The Honourable Jean Charest
 Édifice Honoré-Mercier, 3e étage
 835, boulevard René-Lévesque Est
 Québec City, Québec
 Canada
 G1A 1B4

- Call for the implementation of the February 2008 Framework Agreement between Québec and the Algonquins of Long Point First Nation;
- Urge the Québec government to resume negotiations on the traditional land rights and economic development of the Long Point First Nation;

- Remind the Québec government of its duty – under the Constitution and in accordance with the UN Declaration on the Rights of Indigenous Peoples – to consult and accommodate First Nations before making any decisions that could have an impact on their rights and interests.

Write in English or French to the Prime Minister of Canada

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

- Call on the federal government to resume negotiations immediately with the Long Point First Nation regarding their legal

status, and rights to traditional lands; and to make a firm commitment to find a solution that is fair and fully respects all rights of the First Nation under national and international law;

- Remind the Canadian government of its constitutional duty to consult and accommodate the First Nations of Canada before making any decisions that could have an impact on their rights and interests;
- Call on the government to commit publicly to working with the First Nations of Canada to promote and implement the international human rights norms and standards affirmed in the UN Declaration on the Rights of Indigenous Peoples.

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for everyone to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

September 2009
 Index: AMR 20/010/2009

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