



When Freedom demands action

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Resolving Native Land Claims Responsibly

MPP Toby Barrett once told the media that he had been served an eviction notice by Native protesters. This clearly demonstrates that until these issues are resolved no person's deed to their property is safe. In fact, OPP Commissioner Fantino on Friday, Sept. 5, 2008 informed an audience in Brantford that their Land Titles deeds were in 'dispute.'

The Supreme Court has ruled that federal and provincial governments must consult with Native groups honourably, who in turn are required to negotiate in good faith. They do not have a veto over projects, nor can they impose obligations on third parties, i.e. landowners, during unproven claims.

It should be understood that the federal government has solved hundreds of land claims, and allegations that it is only government misfeasance that is delaying the rest are untrue. There is a small number of claims that turn violent and result in illegal occupations. With respect to these the federal government should not be giving in to blackmail and should continue to deal in good faith with the groups that remain peaceful.

Land claims negotiation has become big business where many people are making enormous sums during years of negotiations. The Turtle Island News reported that, just in 2007, the provincial government paid over \$880,000 to Six Nations for their negotiation team, their lawyers, etc. for the claims in Caledonia. Since 1995, the Federal Government has paid out over \$5M dollars to the occupiers in Ipperwash to get them to maintain the land at the army base they took by force.

Land Claim Dysfunction: A Big Business Victimizing Innocent Residents & Taxpayers

The following are the key problems regarding land claims:

- 1) Anyone can make a claim against any property with no documentation.
- 2) Once any native person walks on any property the Police act as if the claim is valid.
- 3) Negotiation teams earn big money for years.
- 4) Negotiations are politically motivated for public appearance versus settling legal claims.

- 5) All claims that turn to illegal activities receive special attention including additional cash. In Caledonia, Ontario Premier McGuinty paid Native protesters to get them to stop blocking the highway by giving them 293 acres of land.
- 6) All claims that turn to illegal activities are guaranteed to receive some settlement from the Government whether the claims are valid or not.
- 7) Some claims are simply unrealistic in how much they demand from the taxpayers of Canada.
- 8) Few in Government care whether their settlement has long term viability since they are only looking for a short term political solution.
- 9) Non-native communities are never consulted or communicated with.
- 10) The Federal and Provincial Governments and the OPP do not care whether innocent residents are victims of violence or crime as long as it doesn't make it on Toronto TV. 'Peacekeeping,' as Commissioner Fantino calls it, is code for saying that no harm can come to any Native person regardless of the crime or level of violence being committed – remember two people in Caledonia have almost died at the hands of Native protesters and in both cases the OPP did nothing to prevent these acts of violence.

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CANACE believes the following guidelines would increase the speed of settlements and ensure that impacts on both Native and non-Native communities are considered before any settlements are made:

- 1) Land Claims MUST be taken out of the hands of the politicians.
- 2) All claims must be ruled whether they are valid claims or not before negotiations begin.
 - a. A special judge or panel of judges should be assigned to handle land claims
 - b. Both sides should be allowed one year to produce evidence to the validity of the claim.
 - c. The Judge or tribunal rules whether the land claim is valid.
 - d. Government and Native groups have 18 months to negotiate a settlement.
 - e. Throughout the whole process all settlement offers must be made public.
 - f. If no settlement is reached the claim proceeds to binding arbitration.
 - g. Any illegal occupations or violence is deemed to be negotiating in bad faith and the claim goes immediately to binding arbitration.

- 3) The Federal Government must refuse any further negotiations with any group that is involved in violence or illegal occupations.
- 4) Change the law to allow victims of illegal occupations, physical assaults or property damage to seek compensation directly through the federal government, compensation to be funded from money that would normally be transferred to the Native Reserve that caused the damage. Victims should be able to file liens against any settlements or federal transfers.

Valid land claims should be addressed quickly and fairly. The above procedures would have all land claims settled in under 3 years without illegal occupations or violence. In comparison Oka and Ipperwash are still outstanding to this day and Caledonia appears to have no possibility of being settled any time soon. The instability caused by our current land claim policies is victimizing innocent people in Haldimand-Norfolk, and must be addressed as soon as possible – for the sake of all Canadians.

The people of CANACE have devoted two years to speaking out on behalf of the victims – both Native and non-Native – of land claim lawlessness and racial policing practices. We understand the importance of resolving land claims responsibly while marginalizing radical elements.