

Renewing our vision and mandate for negotiations

At the Community Information Session on July 13, 2022, held at the Gathering Place on Bear Island, the Chiefs of the Teme-Augama Anishnabai and the Temagami First Nation presented the N'dakimenan Relationship Statement to about 30 in-person and virtual participants.

The *N'dakimenan Relationship Statement* is a proposed set of principles that would guide the renewed negotiations with Canada and Ontario. The *Statement* document was presented to begin discussion among Teme-Augama Anishnabai citizens, including Temagami First Nation members, about a new approach to the negotiations and the development of a new mandate by the citizenship.

The Joint Council of the Teme-Augama Anishnabai and the Temagami First Nation are proposing that we pursue a “living relationship agreement” which abandons the federal and provincial governments’ approach that we have to cede, surrender and extinguish our rights to N'dakimenan to reach a land settlement agreement. The Joint Council is seeking a mandate to negotiate a new relationship agreement that would recognize Inherent Rights, maintain our legal rights and authority over N'dakimenan, and implement self-determination.

There is no arrangement for Teme-Augama Anishnabai jurisdiction and stewardship of lands and waters outside of the “set aside lands”; save for the “duty to consult” process in which Indigenous Peoples can review and comment on Ontario’s land use and resource extraction plans. (It is important to note here that since Premier Doug Ford’s government gutted environmental protections from all legislation - the Chiefs of Ontario is in legal proceedings to overturn

Bill 197 - Indigenous Peoples and Ontarians have no legal recourse to protect the natural world, the natural environment, from destructive industrial uses by mining and forest extraction companies, for example.)

“Yes, we were adhered to the Robinson-Huron Treaty by the Supreme Court of Canada but we have our own reality to bring to the table. What does that even mean to us? At the table, we get to define what that relationship would look like. The Crown didn’t give us Inherent Rights.” Chief Shelly Moore-Frappier said.

Teme-Augama Anishnabai Second Chief John Turner reminded participants of the evolution of Canadian law and policy around the recognition of Indigenous Rights in the context of 2022 and the on-going talk about reconciliation. Second Chief Turner also gave a background on the negotiations of the Agreement-in-Principle toward the Treaty of Co-Existence in the early 1990s and the negotiation of the Draft Settlement Agreement in 2008. In both proposed Agreements, the “sole-stewardship lands” and the “set-aside lands” were identified and included a community and/or reserve site at Shiningwood Bay.

The main difference between the AIP and the DSA was that the AIP recognized our rights and interest in all of N'dakimenan; whereas the DSA was about fulfilling the terms of the court-ordered adherence to the 1850 treaty, to provide reserve lands and monetary compensation for the loss of title or surrender of N'dakimenan. Also, our jurisdictional and stewardship interest in all of N'dakimenan contained in the AIP was absent in the DSA.

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Basically, the proposed new approach for the negotiation of a relationship agreement is based on the following truths:

- Our rights and title to N'dakimenan come from the Creator. They are Inherent Rights.
- We did not attend or sign any treaty regarding our homeland territory, N'dakimenan.
- The decision of the Supreme Court of Canada adhering us to the Robinson-Huron Treaty of 1850 was a miscarriage of justice. The Crown used the intent to be taken into treaty by Canada and the "Temagami Indians"- addition of people to the RHT annuities list and the survey of a 100-square mile reserve at Austin Bay – as reason to extinguish title in 1991 by ruling of the Supreme Court. In the absence of evidence, the SCC made it up, out of the blue, without precedent. The SCC decision amounts to legal theft.
- We will stand by our Truth.
- The SCC ruled that the Crown owes a fiduciary duty to us.
- The SCC ruled that we determine our membership and beneficiaries.
- We cannot be expected to accept an 1850 agreement in 2023.
- We are obligated to honour the past, present, and future, our ancestors, and the Seventh Generation.
- We are obligated to protect and steward N'dakimenan.
- Law and policy and public opinion have changed and evolved. With a clear mandate and a shared vision for the future of N'dakimenan, we would have a strong, unified voice and we would gain support from our neighbours, friends, and allies in our 146-year struggle for justice for our people, for our homeland, and for all the life that N'dakimenan sustains.

Please take some time to think and talk about the new, proposed relationship agreement approach and please provide your input as we develop our vision and mandate for negotiations with Ontario and Canada over the next few months.

<https://thetaa.ca/negotiations/>

