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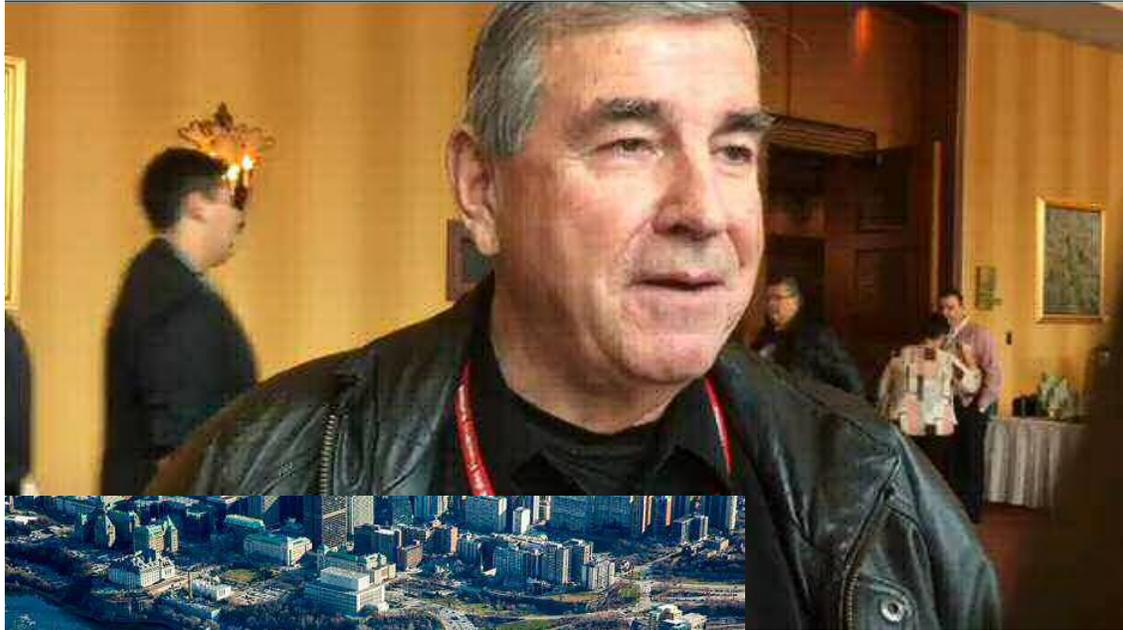
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Algonquin band's lawsuit declares ownership of Parliament Hill amid stalled land claim talks



DAVID AKIN | December 8, 2016 9:24 PM ET
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An aerial view of the area where the "Zibi" development will take place in Ottawa is shown in this undated HO-Build Green Solutions photo. There is a plan for a major new residential and commercial development that will revitalize 37 acres of prime land.

The parcel of land identified in the lawsuit as the Kichi Sibi Lands includes what those in Ottawa know as the LeBreton Flats, an area that is west of Parliament Hill, on the Ontario side of the Ottawa River, that is home to, amongst other things, the Canadian War Museum and could be [the future home of a new arena for the NHL's Ottawa Senators](#).

But the LeBreton Flats are also the site of a condominium development known as Zibi. Zibi is the creation of Ottawa-based developers Windmill Development Group and Dream Unlimited Corporation. Their development plan would see 1,200 condominium apartments along with new office and retail space built on a 37-acre piece of land that spans the Ontario-Quebec border 2 km west of Parliament Hill.

The development would reclaim and clean-up some polluted industrial land.

But those 37 acres are on what Algonquin bands, including Kitigan Zibi, say is sacred land. [In fact, nine of 10 federally recognized Algonquin First Nations, are opposed to the development.](#)

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The lawsuit claims that the federal and Ontario governments have “economically benefitted from the Kichi Sibi Lands ... or has permitted others to do so, without transferring those benefits to the Algonquin Anishnabe Nation.”

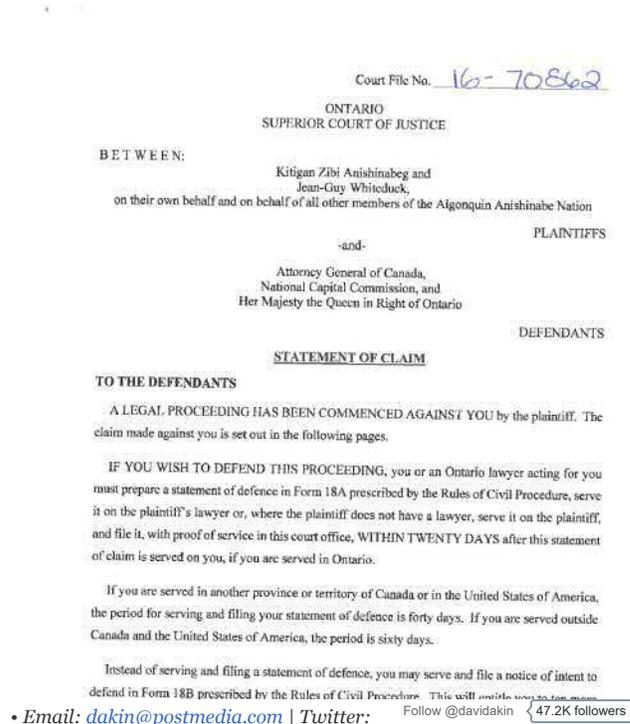
Whiteduck’s Kitigan Zibi band, which has about 1,500 registered members, claims in the lawsuit that title to these lands has never been surrendered and that it has also always controlled occupation of what is now Parliament Hill “through a variety of means which included arrangements for temporary possession, but also, in the absence of an arrangement, sanctions of increasing severity up to and including death to any invader.”

Modern-day Algonquins are unlikely to be seeking any sanctions as harsh as death but they are deadly serious that their claim should be taken more seriously than it is by the federal government.

“A number of policies [of the federal government] are still irritants to my people especially the land claim policies which are not in line with the most recent court decisions,” Whiteduck said in an interview.

The federal and Ontario governments have 20 days to respond to the claim.

[Kitigan Zibi Lawsuit claiming Parliament Hill](#) by [David Akin](#) on Scribd



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Quebec Algonquins file title claim to downtown Ottawa

Move comes after Ontario Algonquins signed agreement-in-principle worth estimated \$300M

By Hillary Johnstone, [CBC News](#) Posted: Dec 08, 2016 8:31 PM ET Last Updated: Dec 08, 2016 9:16 PM ET

In a move to block [a treaty between the Algonquins of Ontario](#) and the federal and Ontario governments, a group of Quebec Algonquins have filed an Aboriginal title claim for lands in downtown Ottawa, including Parliament Hill, the Supreme Court of Canada and Lebreton Flats.

The statement of claim, filed in Ontario Superior Court on Wednesday, says the Algonquin Anishinabe Nation — which encompasses several Quebec Algonquin communities — historically occupied the islands and land near the Ottawa River.

"We have brought this claim to the courts as a last resort — we are tired of being ignored by the Crown, and it is time for the Crown to address our Aboriginal title throughout Ottawa and the surrounding areas," said Chief Jean-Guy Whiteduck of Kitigan Zibi Anishinabeg in Maniwaki, Que.

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The move comes less than two months after the [Algonquins of Ontario signed an agreement-in principle](#) with the federal and Ontario governments that will eventually see roughly 36,000 square kilometres of land, including parts of the Ottawa Valley, signed over to the Indigenous people as part of a modern treaty.

'Sell their soul to the devil'

But a group of Algonquins in Quebec do not agree with that deal.

Whiteduck said they weren't consulted, and believes Ontario Algonquins sold "their soul."

The deal is estimated to be worth more than \$300 million.

"I guess because anyone who wants to sell their soul to the devil for a handful of peanuts, people are willing to listen to them, I guess," said Whiteduck. "Because we're not willing to do that.

"We're saying this is our land, we want to be partners in it, but we don't want to sell our soul to become a partner. A settlement like they're suggesting on the Ontario side is totally not acceptable to the Algonquins in Quebec," said Whiteduck.

"So we found no other choice but to take legal action ... We chose those sites because of their importance."

The statement of claim names the National Capital Commission, the Attorney General of Canada and Ontario's Ministry of the Attorney General as defendants.

Chaudière, Albert and Victoria Islands also named

The claim includes Lebreton Flats, where a consortium headed by the Ottawa Senators won the right to negotiate with the NCC to develop the land in the hopes of building a new downtown arena.

"If there is going to be developments, clearly on Lebreton Flats and other areas, we say, 'Look it, we have to be partners, and there has to be benefits to our nations,'" Whiteduck told CBC News.

"We're not against any sound, environmentally-friendly, development. And we're not about to displace anyone, that's not our intention. We're just saying that the land belongs to us, there has to be real consultation with us."

The Chaudière, Albert and Victoria Islands are also named in the claim, along with the lands where Library and Archives Canada sits.

CBC News sought comment from the lawyer representing the Algonquins of Ontario, but he said he could not immediately comment.

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Holiday Magazine

Algonquins file land claim for Parliament Hill

Claim filed for land stretching from parliamentary precinct to Lebreton Flats



James Munson

(<http://ipolitics.ca/author/james-munson-2/>)

Thursday, December 8th, 2016

Parliament Hill. iPolitics/Matthew Usherwood

Federal (<http://ipolitics.ca/category/policy/aboriginal/>)

Algonquins in Quebec have filed a territorial claim for the land under Parliament Hill, the Supreme Court of Canada and several other federal buildings.

Kitigan Zibi Anishinabe Chief Jean-Guy Whiteduck, on behalf of the Algonquin Anishinabe Nation, filed the civil suit in Ontario civil court Wednesday for a tract of land stretching from the parliamentary precinct's eastern edge all the way to the western border of the LeBreton Flats.

"They're frustrated," said Eamon Murphy, the Kitigan Zibi's lawyer. The Algonquin Anishinabe Nation have made petitions to government for over two hundred years complaining that land in the area is being used and developed without their permission, said Murphy.

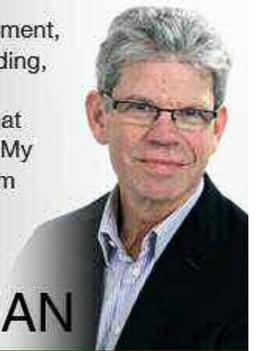
More recently, the proposed redevelopment of Chaudière Island and the LeBreton Flats have added to that sense of exclusion.

"They're very frustrated," said Murphy, who works for Victoria, B.C.-based

"Taxes, unemployment, government spending, the economy — complex issues that affect everybody. My job is to bring them alive for readers."

ALAN FREEMAN

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The claim was made in spite of an agreement-in-principal between Ontario and the Algonquins of Ontario for a land claim covering eastern Ontario. Many Algonquin communities — including Kitigan Zibi — say the Algonquins of Ontario are not sufficiently representative of the Algonquin people.

"The claim that is been filed in court is meant to be a pan-Algonquin claim," said Murphy. "Where what you see happening in Ontario is the Crown negotiating with a segment, if you will, of the Algonquin."

"It's a very distinctive approach because the claim you see in the court is the Algonquins saying, 'Wait a minute, what's happening in Ontario is not representative of all the Algonquin. We want the Crown dealing with us as a nation, not as these sort of side groups, if you will.'"

The Kitigan Zibi, a First Nations band under the Indian Act, describe themselves as being comprised of members who are among many successors to the Algonquin Anishinabe Nation. The Kitigan Zibi's reserve is near the town of Maniwaki, Quebec and has 1,577 residents, according to Indigenous and Northern Affairs Canada. The Algonquin Anishinabe Nation Tribal Council represents six communities in Quebec and one in Ontario, according to its website.

The agreement-in-principle between the Algonquins of Ontario, Ontario and Canada was reached in June 2015 for a territory that could cover 36,000 square kilometres once finalized. The Algonquins of Ontario represent 10 Algonquin communities in the province.

The Kitigan Zibi claim borders on the north along the Ottawa River and includes Victoria Island, Chaudière Island and Albert Island. On the south, it runs along Wellington St. from Parliament until it hits LeBreton Flats, where it continues along Albert St. until it ends at the beginning of the Sir John A. Macdonald Parkway.

The claim covers the home of Library and Archives Canada, the Confederation Building and the Canadian War Museum. Chaudière Island is a former industrial area that is being redeveloped as a residential area. The LeBreton Flats is being redeveloped as a massive commercial and residential zone that could include a new arena for the Ottawa Senators.

In their claim, the Kitigan Zibi Anishinabe say they have never given up title to the land, which they refer to as the Kichi Sibi Lands, after the Algonquin name for the Ottawa River.

They used the Kichi Sibi Lands for fishing, hunting, meeting, farming, gathering berries and medicinal plants, trade, travel and for sacred reasons such as burial sites, the claim says.

The Algonquin Anishinabe Nation did sign agreements with aboriginal and European nations, all of which confirmed the Algonquin Anishinabe Nation's title to the land, it says.

The claim names the Attorney General of Ottawa, the National Capital Commission and the Crown in right of Ontario as the defendants.

Canada and the NCC have made decisions about the lands without considering the Algonquin Anishinabe Nation and have benefitted economically from the lands without transferring those benefits to the Algonquin Anishinabe Nation, the claim says.

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Ontario has done the same, it says.

The Kitigan Zibi Anishinabe are seeking a declaration that the Algonquin Anishinabe Nation has aboriginal title to the lands, as well as a declaration that Canada and the NCC have infringed on that title. They also want a declaration that Canada has a fiduciary duty to negotiate in good faith with the Algonquin Anishinabe Nation for "reconciliation of aboriginal title to the Federal Kichi Sibi Lands or any portion of them."

They are seeking similar declarations against Ontario, says the claim.

The defendants have 20 days to respond to the claim.

The Windmill Developments Group, which is developing the lands on Chaudière Island, is not providing comment at this time, said spokesperson Rodney Wilts.

Correction: An earlier version of this story mistakenly described the Kitigan Zibi as being from Ontario.

Comments for this thread are now closed.

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Ned • 6 days ago

Canadians still pay \$1.53 per capita per year to the Royal Family that stole the land from the Algonquins in the first place. So if we pay the thieves who stole it \$1.53 per capita largely for them ceding Crown Lands that were stolen by force can't we at least give something to the rightful owners? If they wear a funny hat when we pay them would that make it work for you? Land isn't cheap and unless you want to take rich people's land to because it's inconvenient you really need to look at this racist double standard.

3 ^ | v • Share >



Brian Marlatt → Ned • 5 days ago

It will be interesting to see if there is any credibility to the land claims or any suggestion of sovereign title. Assumptions about title under the Westphalian system of international title seem to be absent and lesser claims expunged by time. As to the rest of your comments, they are inappropriate polemics.

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Nadine Lumley • 6 days ago

They should get ex-Chief Tubby Spence to go on another hunger strike for them. Clayton Kennedy could help out if needed.

1 ^ | v • Share >



Len Parker • 6 days ago

They can have it, and everyone who works there. Might even through in the rest of Ottawa, the TO and QC

3 ^ | v • Share >



Spencer Lane • 6 days ago

The Indian Act and all treaties between the Crown and all

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