

July 24, 2008

Honourable Dalton McGuinty
Premier of Ontario
Legislative Bldg
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Queen's Park
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Dear Premier McGuinty,

Our organizations – human rights groups, environmental movements, social justice organizations and faith communities with members throughout Ontario and across Canada – welcome your July 14, 2008 commitment to uphold and protect the rights of Indigenous peoples in a comprehensive planning process to promote conservation and sustainable economies in the Northern Boreal Forest.

A background paper accompanying your announcement described a “a new respect and working relationship” with First Nations in the Far North in which

- First Nations will have “much greater say on the future of their communities and traditional lands,”
- “the core cultural connection” of Indigenous peoples to their lands will be protected
- opportunities for job creation and income generation for northern communities will be balanced with protection of traditional Indigenous land use, and
- before new mines can be opened or new forest licenses are granted in the Far North, community land use plans must be prepared which the province has committed will only be carried out “in agreement with First Nations”,

The province also promised to move ahead with long overdue reforms to the Ontario Mining Act to ensure “early consultation and accommodation with local Aboriginal communities.” On July 16, 2008 the Toronto Star quoted Minister Bryant as stating that under these reforms “there will be no situation where exploration will take place on traditional territories or sacred burial grounds without the consent of First Nations.”

Our organizations fully support these principles and objectives. They are consistent with the obligations toward Indigenous peoples repeatedly affirmed by Canadian courts, by the protections afforded in international human rights law and the Ipperwash Inquiry’s call to deal justly and honourably with Treaty and Aboriginal rights.

We are also mindful of the shame that many Ontarians felt this year because of the senseless imprisonment of leaders and spokespersons for the Kitchenuhmaykoosib Inninuwug and the Ardoch Algonquin First Nation who had taken a stand for precisely these principles.

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Accordingly, our organizations strongly urge your government to ensure that these principles are applied consistently in the development of the Northern Boreal Forest plan and throughout the province. Not only should local use planning proceed only in agreement with First Nations, the broader plan for conservation and development in the Northern Boreal Forest and throughout the province should also be developed and implemented with the requirement of First Nations' consent at its foundation. The duty to involve Indigenous peoples in land use planning and to obtain their consent in local planning should be applied throughout the province wherever the rights of Indigenous peoples may be affected.

Finally, the much needed reform of the Mining Act should be undertaken through an open and democratic process of consultation that includes a distinct consultation process to respect the rights of Indigenous peoples. Pending the implementation of these reforms, your government must live up to the commitment made by Minister Bryant by ensuring that no new mineral claims are staked or recorded, or exploration permits or other mining leases or licenses granted without the consent of the affected Indigenous peoples. Where Indigenous communities have established moratoria on further development, these lands should be immediately withdrawn from staking and all present mining claims should be cancelled, especially within KI and Ardoch territories.

The Ontario government must provide the necessary funding to assist First Nations to build their own capacity to participate in the processes and activities envisioned by, and that evolve out of, the new approach to land use planning and First Nation consultation.

All these reforms should be implemented with the full participation of Indigenous peoples. We urge the province to work with Indigenous peoples to establish clear processes and timelines for moving ahead.

Signatories:

Amnesty International

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