



FREQUENTLY ASKED QUESTIONS

The 30-year struggle of the Lubicon Cree

Unrestrained oil and gas development has all but destroyed the traditional economy and way of life of the Lubicon Cree, plunging their northern Alberta community into extreme poverty. The federal and provincial governments have done little to help the Lubicon cope with the harm that has been done. The Lubicon don't even receive the basic services that other people in Canada take for granted such as sanitation and safe drinking water. The Lubicon have plans for rebuilding their community and economy, but so far have not been able to negotiate the needed compensation and legal protection for their land rights.

Why is the Lubicon situation a human rights issue?

The right to culture, the right to health, the right to an adequate standard of living and Indigenous peoples' rights to land are all human rights recognized and protected in international human rights standards. All of these rights have been compromised and violated by the massive scale of oil and gas development taking place on Lubicon lands without the consent of the Lubicon people.

Don't the Lubicon have a treaty?

No. In 1899, the Lubicon were overlooked when the Government of Canada negotiated a treaty with other First Nations in the region. The Lubicon have never given up their rights to their lands and resources. At the same time, their legal rights have never been formally recognized. This is what they tried to negotiate with the federal government. The Lubicon have no reserve and have been denied any say in the management of their territory.

In a recent statement to the United Nations, the federal government claimed that Lubicon land and resource rights were all surrendered in the negotiation of the 1899 treaty – even though the Lubicon were never part of those negotiations and have not received the benefits of that treaty. Claims that Lubicon rights could have been "extinguished" in this way are contrary to

fundamental principles of law and justice. The fact that the government would make such claims before an international human rights body is further indication of the need for public outcry.

What is the province of Alberta doing to protect the rights of the Lubicon?

In 1988, the Lubicon and the Government of Alberta reached an agreement known as the Grimshaw Accord. The province has honoured the agreement by not allowing any new development on the portion of the traditional lands that the Lubicon have designated for a future reserve.

However, the provincial government continues to license oil and gas development throughout the larger traditional territory of the Lubicon Cree with little consideration for the impact on Lubicon rights. United Nations human rights bodies have repeatedly stated that until the underlying land rights dispute has been resolved there should be no new development anywhere on Lubicon lands except with the consent of the Lubicon Cree.

Why have negotiations between the Lubicon and the federal government not led to a settlement?

The last round of negotiations broke down in 2003. There were two main issues that the Lubicon and

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the federal government couldn't agree on: the powers that the Lubicon will exercise to govern their own community and the amount of compensation needed to overcome the harm caused by decades of human rights abuse. On both issues, the government of Canada should be working cooperatively with the Lubicon to ensure that any settlement is consistent with the highest standards of human rights protection. Instead, the Government has taken an aggressively adversarial approach that has little to do with rights, or justice or fairness.

It's worth noting that the federal government has repeatedly been criticized for the way it handles the resolution of such disputes. Instead of working collaboratively to improve the living conditions of Indigenous peoples and address the injustices of the past, the government typically to deny the existence of Aboriginal rights and to make as few concessions as possible in order to minimize federal obligations.

What are the responsibilities of governments compared to those of the oil companies?

The federal and provincial governments are responsible for the failure to provide legal protection for Lubicon land rights and for allowing oil and gas development to go ahead without such protection. But corporations also have responsibilities. Corporations have a responsibility to uphold human rights, even when working in jurisdictions where local laws and policies violate these standards. In other words, just because the federal and provincial governments are ignoring

Lubicon rights, doesn't mean that corporations should also ignore these rights. Until the land dispute is resolved and Lubicon rights are protected in law, Amnesty International is calling on all corporations working in Lubicon territory to maintain an open dialogue with the community and not to proceed with any new development opposed by the Lubicon.

In what ways is the Lubicon experience similar to the situation of communities facing poverty and human rights violations in other countries?

While every situation is unique, the situation of the Lubicon Cree illustrates some of the common dimensions of the human rights abuses that drive and deepen poverty around the world. For many communities, and especially for Indigenous peoples, secure access to the land is essential to meeting the basic needs of daily life. However, communities are often left without adequate legal protection for their lands. And existing legal rights may be ignored or treated in a discriminatory way in order to benefit corporations and other private interests.

Resources

For more information on Amnesty International's work in collaboration with the Lubicon Cree, please see:

"Land and life under threat," Amnesty International 2008 campaign digest on the Lubicon Cree.

www.amnesty.ca/lubicon

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