

# LUBICON CAMPAIGN FACTSHEET #1

## Timeline

**“Indians should not be deprived of their occupation rights without compensation and their formal consent.”**

– David Laird, Chair of the Treaty 8 Commission, 1899

### 1899 Left out of the treaty process

On June 21, 1899, First Nations leaders sign a government-prepared treaty covering a vast area of northern Alberta and parts of northern British Columbia, northern Saskatchewan and the Northwest Territories. The Lubicon Cree are overlooked during the Treaty process. They are not given the opportunity to join other nations in signing onto Treaty 8. While they do not give up any rights to their lands and resources, there is also no formal legal recognition of these rights.

### 1939-1940 Promised legal recognition of a homeland

Federal government representatives meet with the Lubicon for the first time. Plans are made to survey and establish a Lubicon reserve. This promise is never kept.

### 1971 Opening of Lubicon territory begins

The province of Alberta begins construction of an

all-weather road to allow resource development on Lubicon lands. The Lubicon try to initiate negotiations to protect their rights, but the federal government dismisses the Lubicon as “merely squatters on provincial Crown land with no land rights.”

### 1974-76 Lubicon claims blocked

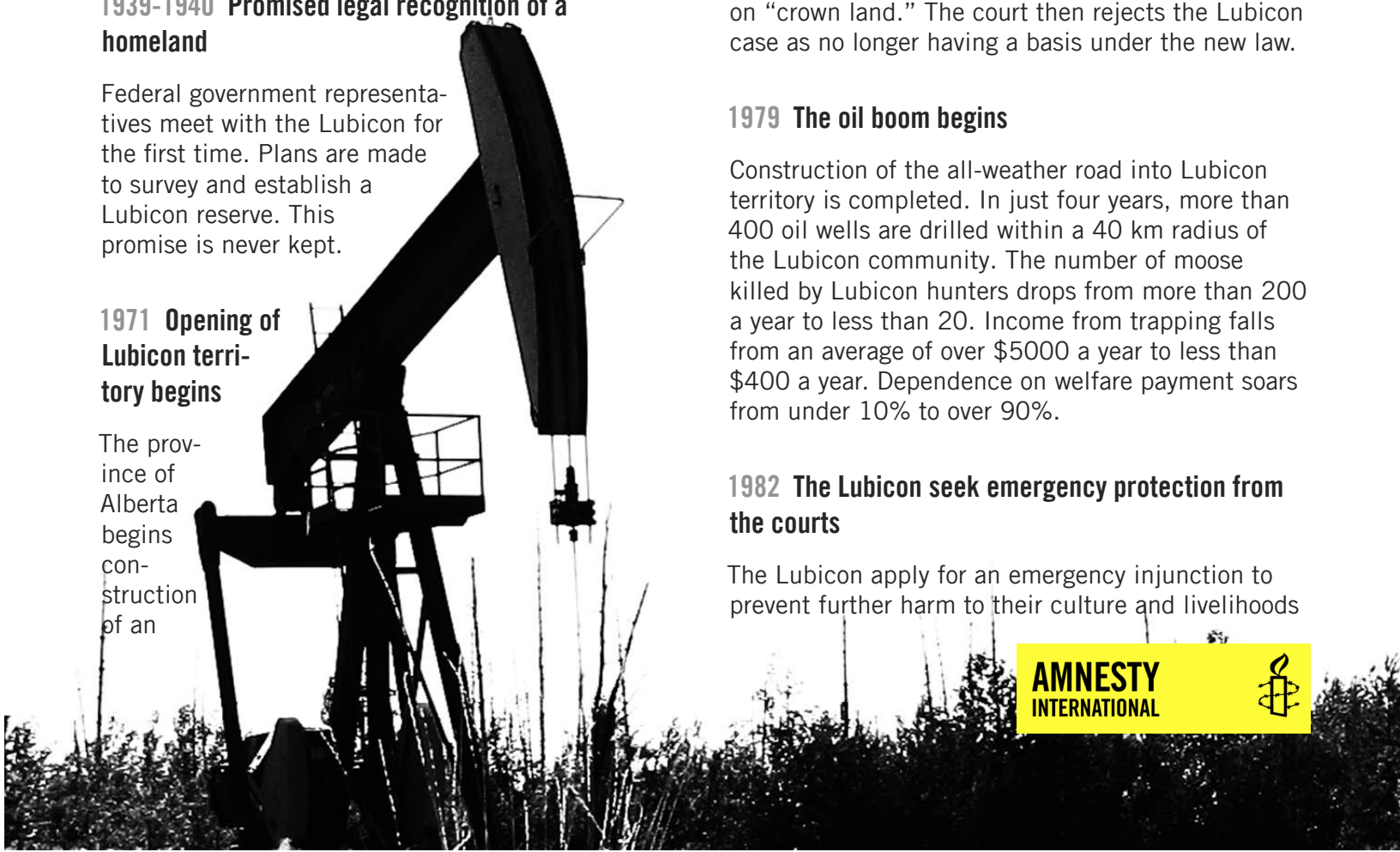
The Lubicon try to file a notice that they are contesting title to their land. The Alberta land registry office refuses to file this notice. When the Lubicon take the matter to court, the Alberta government passes a new law that retroactively prohibits certain claims on “crown land.” The court then rejects the Lubicon case as no longer having a basis under the new law.

### 1979 The oil boom begins

Construction of the all-weather road into Lubicon territory is completed. In just four years, more than 400 oil wells are drilled within a 40 km radius of the Lubicon community. The number of moose killed by Lubicon hunters drops from more than 200 a year to less than 20. Income from trapping falls from an average of over \$5000 a year to less than \$400 a year. Dependence on welfare payment soars from under 10% to over 90%.

### 1982 The Lubicon seek emergency protection from the courts

The Lubicon apply for an emergency injunction to prevent further harm to their culture and livelihoods





**“...the basic health and resistance to infection of community members has deteriorated dramatically. The lack of running water and sanitary facilities in the community, needed to replace the traditional systems of water and sanitary management... is leading to the development of diseases associated with poverty and poor sanitary and health conditions. This situation is evidenced by the astonishing increase in the number of abnormal births and by the outbreak of tuberculosis, affecting approximately one third of the community.”**

– Lubicon complaint to the UN Human Rights Committee

while the dispute over their lands rights remains unresolved. An Alberta judge denies the injunction after concluding that stopping oil development would cause “large and significant damages” to the government and the oil companies while any harm done to “a few individuals who hunt and trap” could be compensated later – if the Lubicon eventually proved their claim. The Alberta Court of Appeal later upholds this decision, concluding that, if the Lubicon do have rights to the land, they can be compensated later and “restore the wilderness.” The Supreme Court of Canada refuses to hear a further appeal.

### **1985-6 The federal government appoints – and then ignores - a special envoy**

The federal government asks E. Davie Fulton, a judge and former federal Justice Minister, to look into the Lubicon land dispute. After a year’s study - visiting Lubicon territory, meeting with the Lubicon people, and looking at all sides of the argument - Fulton states that the “weight of evidence” supports the testimony of Lubicon hunters and trappers that oil and gas development has nearly destroyed the Lubicon economy. Fulton outlines proposals for settlement in a report to the federal government. The federal government refused to act on his recommendations.

### **1986 Winter Olympic boycott**

The Lubicon announce a boycott of the 1988 Calgary Winter Olympics and the main cultural event – an exhibition of Indigenous cultural objects organized

by the Calgary Glenbow Museum and sponsored by Shell. Twenty-three major international museums eventually refuse to loan items.

### **1987 The Lubicon turn to the United Nations**

The Lubicon take their case to the United Nations under the complaints mechanism of the International Covenant on Civil and Political Rights. After concluding that the Lubicon had been denied effective political and legal recourse in Canada, the UN Human Rights Committee (UNHRC) agrees to examine their case. The UNHRC asks Canada “to take interim measures of protection to avoid irreparable damage” to the Lubicon Cree while the Committee reviews the evidence. No such measures are taken.

### **1988 New threats from logging**

The Alberta government grants Daishowa paper company of Japan timber rights to an area that includes the entire Lubicon territory.

### **The Grimshaw Accord**

The Lubicon withdraw from all actions before the Canadian courts and establish “passport controls” to stop oil companies entering their territory. After six days, the barricades are dismantled by the RCMP and many of those involved are arrested.

In the wake of the protests, the Lubicon meet with Alberta Premier Don Getty and reach an agreement

that becomes known as the Grimshaw Accord. Under this agreement the province agrees to set aside just over 200km<sup>2</sup> of land for the establishment of a Lubicon reserve – with full rights to surface and subsurface resources – once a final agreement is reached. The province also agrees that another 41km<sup>2</sup> of land will be set aside as a buffer zone on which no development activity will occur without Lubicon consent.

### **1989 The Federal government makes a “take-it-or-leave-it” offer**

The federal government makes its first settlement offer to the Lubicon. The offer is criticized by Alberta Premier Getty as “deficient in the area of providing economic stability for the future.” When the Lubicon reject the offer as insufficient to meet their needs, the federal government refuses to negotiate further.

### **Creation of the Woodland Cree**

The federal government quickly creates a new band, The Woodland Cree, within the Lubicon territory and opens its membership to people previously registered as members of the Lubicon Cree. Two years later, the Woodland Cree Band accepts terms similar to the federal government’s 1989 settlement offer to the Lubicon.

### **1990 UN Human Rights Committee condemns ongoing violation of Lubicon rights**

After three years of study, the UNHRC concludes that the failure to protect the land rights of the Lubicon Cree has led to historic and ongoing violation of human rights protected under the International Covenant on Civil and Political Rights. The Committee calls for a negotiated resolution to protect Lubicon rights.

### **1991 Daishowa boycott**

An international boycott of Daishowa is launched to protest the company’s plan to clear-cut on Lubicon land. In response, Daishowa announces it will stay out of Lubicon land that season.

### **1992-1993 Citizen’s Commission**

Prominent Albertans convene their own Commission to look into the Lubicon situation. The Commission concludes that Lubicon settlement proposals are reasonable and that the federal government has not negotiated in good faith. It recommends that royalties from Lubicon territory be held in trust until a settlement is in place

### **1994-5 Sour Gas Processing**

The province permits a sour gas processing plant to be built within four kilometers of the proposed Lubicon reserve. The plan is already built before the first regulatory hearings are held. Operations begin over Lubicon objections in 1995.

### **1995-8 Victory in Daishowa boycott**

Daishowa launches a lawsuit against the boycott organizers in Ontario. An interim injunction shuts down the Daishowa boycott for over two years pending a full trial. In 1998, a court declares the boycott legal and notes the “tragic, desperate and intolerable” circumstances of the Lubicon. Daishowa agrees not to log or buy wood cut on Lubicon land until their land rights are settled.

### **1992-2003 Negotiations fail**

Three rounds of negotiation take place over a period of more than 10 years. Many outstanding issues are resolved. Despite this, talks break down in 2003 after federal negotiators state that the government position will not change on the critical issues of self-government and compensation. There have been no subsequent negotiations.