

## **Fact Sheet 2015**

### **Wiikwemkoong Islands Boundary Claim Negotiations**

The Council of the Wiikwemkoong Unceded Territory and the Government of Ontario are working together to resolve an outstanding land claim relating to the islands off the eastern shore of Manitoulin Island. The goal of this process is to conclude a fair and final settlement that will bring closure to these longstanding issues and foster reconciliation.

#### **What is the Wiikwemkoong Islands Boundary Claim?**

The Wiikwemkoong Islands Boundary Claim is a land claim relating to the islands off the eastern shore of Manitoulin Island. Wiikwemkoong Unceded Territory asserts that its rights and interests in and to these islands under the Treaty of 1836 have never been ceded or extinguished.

#### **The Negotiations**

The negotiating parties agree that the best way to resolve this claim is to work together to find common solutions.

Negotiations are proceeding well, but much work remains to be done before discussions on a proposed settlement can be concluded. This includes ongoing consultation with other First Nations and Aboriginal communities that may be impacted by these negotiations. There will also be ongoing consultation with individuals, groups and members of the public whose interests may be affected by a settlement of the claim.

#### **Land Selection and Consultation**

It is anticipated that a settlement will include both financial compensation and a transfer of lands to Wiikwemkoong.

As illustrated in the attached map for the Wiikwemkoong Islands Boundary Claim, the land component of the proposed settlement includes:

- Provincial Crown land within the area of the boundary claim; and
- Alternative Provincial Crown land on the mainland, and Philip Edward Island and surrounding islands, as replacements for patented lands that cannot be returned to Wiikwemkoong Unceded Territory.

The selections of alternative Provincial Crown land on the mainland and Philip Edward Island were influenced by a number of factors, including their proximity to Wiikwemkoong Unceded Territory's Point Grondine Reserve, proximity to infrastructure for community development, and the historical presence that Wiikwemkoong Unceded Territory has maintained in the area.

More information about the consultation process can be obtained by contacting Ontario's negotiator using the information below.

The lands may be transferred to the Government of Canada to be set apart as reserve upon request of Wiikwemkoong Unceded Territory.

The transfer of these lands may impact existing Crown land uses in the area, including existing licenses or permits.

Ontario will not take away private property from third parties to settle land claims. Any acquisition of private property is on a willing-seller/willing-buyer basis. Access to private property will be protected.

When land is being considered as part of the settlement of a land claim, a provincially-led consultation process is conducted in relation to the Crown land that is proposed to be transferred. In addition, to meet its consultation obligations under section 35 of the *Constitution Act, 1982* Ontario consults with other area First Nations and Aboriginal communities whose rights could be adversely impacted. If the lands are to be set apart as reserve, in accordance with the federal Additions to Reserve (ATR) Policy Canada will undertake reviews of the environmental condition of the lands and title to the lands, and will survey them. The feedback obtained from third parties and the public is considered as negotiators work to reach a consensus on the land component of a land claim settlement.

### **Toward a Settlement Agreement**

Following consultations regarding the land component of the proposed settlement, and discussions about financial compensation, negotiators will conclude their talks on a settlement proposal. The legal text of a proposed settlement agreement will be drafted by lawyers representing Wiikwemkoong Unceded Territory and Ontario.

Wiikwemkoong Unceded Territory members will then have the opportunity to say "yes" or "no" to the proposed settlement in a community ratification vote held according to its custom. Following the ratification by the members of Wiikwemkoong Unceded Territory, Ontario will approve the settlement agreement. The settlement is not final until the settlement agreement has been signed by both parties.

### **The Benefits of Negotiated Settlements**

The timely resolution of this claim through negotiation is in everyone's best interest. Negotiations lead to "win-win" situations that balance the rights and interests of all concerned.

The goal of negotiated settlements is to provide First Nations with fair compensation to right past wrongs and honour outstanding obligations. They also bring economic

benefits and certainty to First Nations and neighbouring communities, creating economic opportunities and potential new business partnerships in the region.

For more information, please contact:

Richard Aniol  
Sr. Negotiator  
Ontario Ministry of Aboriginal Affairs  
160 Bloor Street East  
4<sup>th</sup> Floor  
Toronto, ON M7A 2E6  
Tel: 416-314-6313  
Fax: (416) 326-4017

Media contacts for Ontario can be reached at (416) 314-9455 and Alanna Trudeau for Wiikwemkoong Unceded Territory at (705) 859-3122 ext. 272.

Comments and personal information concerning the claim and proposed disposition of Crown land are collected by the Ministry of Aboriginal Affairs to assist with decision making and to allow for follow-up with individuals as required. This activity occurs under MAA's mandate to resolve land claims and is in compliance with the requirements of the *Environmental Assessment Act*. MAA will provide MNR with copies of comments received. Comments not constituting personal information as defined by the *Freedom of Information and Protection of Privacy Act*, will be shared with others as appropriate, and may be included in documentation available for public review. Personal information will only be used/ disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection, use or disclosure of your personal information please contact Richard Aniol (contact information above).