

LOCAL

CALEDONIA SPECIAL REPORT

Heads down, hopes high

Realtors, developers, banks, municipalities don't want to risk becoming targets

BY JOAN WALTERS

Few want to talk about it, the possibility that Caledonia-style action might disrupt their own communities, their businesses, their lives.

Beyond the long swath of Grand River watershed at the centre of the Six Nations dispute, municipal and corporate functionaries have their heads down and their hopes high.

At realty and development companies, banks and municipalities, most say they think the risk is low that other First Nations would ignite similar protests in frustration over one of Ontario's hundreds of unsettled claims.

The disorder that has swamped Caledonia for the past two years is an isolated case, they say, not a model for action by others.

But they don't really know. "There is no particular fear — or interest really — because it (Caledonia) doesn't relate to us directly right now," said an officer of a national commercial realty firm.

He was referring in part to the tens of thousands of dollars in payments demanded by a Six Nations body set up to regulate development within the 10 kilometres of land on either side of the Grand.

"Yes, we're aware of it," he said. "No, we're not worried."

Still, the realty official asked not to be identified, as did many others. The Spectator spoke to at municipalities and other corporations.

The ruinous outcome of 24 months of hot-headed confrontation has spooked outsiders. The land in question covers a busy suburban tract that encompasses the backbone of southwestern Ontario, just west of the GTA.

It is speckled with bucolic small towns like Fergus and Elora and embraces major cities like Kitchener and Waterloo.

Anyone who might be touched by the Caledonia dispute wants to stay below the radar.

"We're not on anybody's agenda right now," said a southern Ontario businessman who sits on a home-builders' committee.

"We don't want to be discussing this at meetings. Maybe we would attract fire then."

There is also the possibility in the minds of many of those watching closely that other bands might use Caledonia as a model to leverage action in stalled claims.

Almost 200 of Canada's 800 unsettled active land claims are in Ontario. (See map below.)

Any one of them could ignite. Six Nations has filed 29 claims with Ottawa in the past 25 years.

Caledonia: Two years later

Tomorrow — Two years of barricades, fisticuffs, arrests, removals, lawsuits, broken promises, and profound disruption. Settle at what cost? The money so far, the expenditures still to come.

Saturday — The community it used to be a lovely spot to raise a family. What becomes of it now?

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Watch historical video footage from the Caledonia stand-off.

One has been settled. In total, Ottawa has 1,366 claims on its books. Some experts estimate up to 1,000 more are likely to be filed in the next few years.

Canada and First Nations have been tussling over some claims since the British Crown was in charge of treaties in the 1700s.

"It's been going on for hundreds of years," says Dr. Richard Day, a social, political and cultural theorist at Queen's University.

"That's what we're seeing the effects of here."

It would be difficult to find an expert anywhere who condones the unremitting rowdiness and hardline violence of Caledonia.

But observers have warned for years that unresolved claims have created a line of powder kegs across Canada.

University of Western Ontario expert Michael Coyle says it's not possible to predict what may happen this year or five years from now in some location no one has anticipated.

The better way to look at it, he says, is to see that there is a movement toward constructive solutions, including a new package of legislation in Ottawa and follow-through on recommendations by the Ipperwash Inquiry in Ontario.

"As a country, we have been waking up over the last few years to the seriousness of all this," says Coyle, a law professor who has mediated land disputes.

That doesn't change the risk. Phil Fontaine, head of the Assembly of First Nations, told business leaders at Toronto's Canadian Club last summer that indigenous people were more likely to be "on the barricades than in the board-

Native claims

Canada	1,366
British Columbia	522
Ontario	267
Saskatchewan	144
Alberta	129
Quebec	116
Manitoba	92
New Brunswick	30
Nova Scotia	28
Yukon	25
N.W.T.	11
P.E.I.	2
Newfoundland	0
Nunavut	0

Total claims under review, litigation, negotiation or concluded, according to Specific Claims Branch of Indian and Northern Affairs Canada (1970-2007)

rooms" in future.

Smaller actions — such as the occupation of a quarry in eastern Ontario by the Tyendinaga Mohawk — are already regularized as tactics.

And the images of mega-confrontations like Oka are burned in to the consciousness of Canadians, including aboriginal people.

"It all looks like something new, but it isn't really," says Day, the Queens University professor.

"There's an unbroken string of this kind of thing going back to when European settlers arrived."

Movement is the key, experts say. Federal Indian Affairs Minister Chuck Strahl says the slow speed of Caledonia negotiations has led to "a sense of urgency on both sides."

"I know that reading the chief negotiator's comments, they want to get something moving," Strahl said. "They're feeling pressure in the (Six Nations) community."

Strahl says the trend in negotiations with First Nations is "away from confrontation and toward negotiations nationwide."

Even so, there are issues at Caledonia that make it "a particularly tough situation." There is no alternative but to keep negotiating for as long as it takes, he says.

Michael Bryant, appointed Ontario's minister of aboriginal affairs in the fall, also believes a negotiat-

ed settlement is the answer.

For Bryant, the Ipperwash example shows the heavy-handed approach doesn't work.

Ipperwash Park on Lake Huron, where protester Dudley George was shot and killed by the OPP in 1995, was still occupied 12 years later. The province has decided to hand it back to the Chippewas of Kettle and Stony Point.

Opposition Leader John Tory, though, has been urging the Dalton McGuinty government to return "the rule of law" to Caledonia.

Tory says it's disgraceful that McGuinty has "looked the other way" during two years of harassment and unchecked violence.

Gilles Bisson, NDP critic of aboriginal affairs, agrees the Liberals let the situation escalate.

"The problem is they allowed this thing to get out of hand," Bisson said. "You have to deal with this stuff way before the horse leaves the barn."

Because where it hasn't been dealt with, it can flare up.

For regional municipal and business leaders, there is little discussion or acknowledgement of Caledonia or its potential spread. The fear of becoming a target is high.

But one municipal group raised the issue of aboriginal relations this month, believing it is important they be remedied.

The Association of Municipal Managers, Clerks and Treasurers of Ontario wants its 2,200 members to consider the benefits to towns, cities, villages and counties when they "consult and engage with aboriginal peoples."

While the federal and provincial governments are now explicitly bound by law to do that kind of consulting, municipalities are not.

It's time the municipal sector did it on their own, says an article in the group's February newsletter.

The article points out consultation hasn't always been a positive concept for aboriginal people.

In the past, mostly it has meant "telling people what you intend to do and then, not long afterward, going ahead and doing it," it says.

Instead, it is suggested a municipality should meet with the councils of local aboriginal communities to discuss how and when such talks should take place.

And there should also be other adaptations to the way things used to be done so that First Nations are more "part of the municipality's regular business."

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300 years of treaties and disputes

Treaties have been signed with First Nations since 1701, first by the British Crown, then the Canadian government.

Most involved First Nation people giving up rights to land in exchange for reserves and other benefits.

Today, Ottawa says "it is recognized that Canada has not always

honoured its legal obligations" under the treaties, and other laws.

First Nation treaty disputes have accumulated for the full 300 years, with little movement. Even Sir John A. MacDonald grappled with a Mohawk land dispute at Caledonia back in 1887.

Prime Minister Stephen Harper says the government's backlog of

more than 800 unsettled priority claims is not acceptable. Canada has 1,366 claims under review, in negotiation, in litigation or concluded. More than 250 are in Ontario.

Any one of them — even if the books are formally closed on a settlement — could flare up the way it's happened at Caledonia.

The Six Nations

The ongoing dispute is over the Haldimand Tract, given to Six Nations in 1784 for loyalty to the British Crown during the American Revolution.

The 3,850 square kilometre strip follows the Grand River from Lake Erie to its head near Dundalk, 10 kilometres on either side of the river. Claims in the area have been an issue for over 200 years.

Specific Six Nations claims

- 29 claims filed since 1976
- One claim settled to date
- 14 claims in litigation
- Unsettled claims include:
 - Improper accounting for Six Nations money held in trust by the Crown
 - Failure to compensate Six Nations under various lease agreements
 - Improper sale of Six Nations land by the Crown
 - Illegal taking of land by the Crown
 - Invalid takeover of oil

and gas rights. Across the province, as in other parts of the country, a wide variety of claims for land, compensation, mineral or other rights are in dispute.

Even claims thought to have been settled, or where the government has ruled it has no obligation, could flare up without notice.

Some experts believe it is reasonable to expect up to 1,000 additional claims to be filed across Canada in future.

Other Ontario claims

- 267 claims listed on the federal government's roster
 - 111 under review
 - 49 in litigation
 - 28 in negotiation
 - 78 concluded*
 - 1 sent to a commission
- They include:
- Algonquins of Pikwakangan claim to 3.4 million

hectares in the Ottawa and Mattawa river watersheds. Covers most of Algonquin Provincial Park, CFB Petawawa and the National Capital Region. Dates back to the 1770s, formally submitted in the 1980s, negotiations re-opened in 2006.

■ Caldwell First Nation, also known as Chippewas of Point Pelee, served as allies of the British during the War of 1812.

The band claims Point Pelee was to be reserved for them as a reward and that it never surrendered the land. Negotiations began in 1995.

■ Mississaugas of the New Credit claim the original Toronto purchase of 1805 was illegally conducted. The area forms much of what is now metropolitan Toronto. This is not a claim for land but for proper compensation.

