

July 9, 2008.

Statement re: Hydro-Quebec Plans in Algonquin Territory

My name is Shirley Odjick-Tolley. I'm a citizen of the Algonquin Nation, a resident in the Kitigan Zibi Anishinabeg community near Maniwaki.

My statement will be brief and to the point. I will also avoid boring you with the details of decisions of the Supreme Court of Canada and several appeal court rulings of provinces that support the Algonquin position. Your lawyers no doubt know about these as our lawyers do.

Our position at present can be summarized as follows, subject to further negotiation.

1. Our aboriginal title and proprietary rights on our traditional lands remain intact. They have never been extinguished by previous law, by treaty, or any other form of legal surrender.
2. Hydro-Quebec and the province of Quebec wants to expand its capacity and build new infrastructures on our traditional territory. This amounts to ceding to the province a part of our territory, encroaching on a number of our traplines, causing some deforestation, and affecting our traditional livelihood which depends on hunting and fishing.
3. There have been twenty years of decisions by the Supreme Court of Canada declaring that the aboriginal title and proprietary interests of First Nations in their traditional lands have to be respected. The operating principle laid down by the courts is a requirement for mutual accommodation based on consultation and negotiation.
4. Quebec therefore has a lawful duty to consult and negotiate with the Algonquin Nation to resolve these respective interests before a transmission line can go ahead as planned. At present, Quebec is conducting what amounts to purely information sessions for the general population in the region. This kind of process does not meet the most minimum standard of singling out and exercising a legal duty to consult and negotiate with the Algonquin Nation as required by law.

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5. Quebec can fulfill its legal duty by setting up a table where representatives of the province, Hydro-Quebec, and the Algonquins can meet for as long as necessary. The goal is to seek an accommodation and the trade-offs that will permit the transmission line to go ahead unimpeded.

6. One issue that we shall have to address, Nation to Nation, is that Algonquin law does not allow what could be regarded as the sale of any part of our territory to another party. However, we have always allowed sharing our land in ways that do not result in the extinguishment of aboriginal title. The principle of sharing therefore can be upheld, for example, by Hydro-Quebec assigning a percentage of its annual revenues to the Algonquin Nation for the long-term use of a right-of-way.

Migwech, thank you, merci.

A handwritten signature in cursive script, appearing to read "Mrs. Stolley". The signature is written in black ink and is positioned below the typed text.