

Reneging on pledge to natives

Apr. 1, 2006. 01:00 AM

[CAMERON SMITH](#)

In the run-up to the last provincial election, Premier Dalton McGuinty made a promise in writing that was important not only to Ontarians, but to the entire country — and now he's letting Natural Resources Minister David Ramsay break it.

McGuinty said in a letter to a coalition of environmental groups: "We will institute meaningful, broad-based land-use planning for Ontario's northern boreal forest before any new major development, including ensuring full participation by native communities. Land-use planning must protect the ecological integrity of this national treasure and help to provide a sustainable future for native people in northern communities."

First Nations treaty lands cover everything north of latitude 50 degrees in Ontario, from the Quebec border and Hudson Bay to the Manitoba border. There are about 4,000 mining claims in the area, one of which has become a lightning rod of dissent against Queen's Park policies, and Ramsay's stance in particular.

The claim is at Big Trout Lake, about 580 kilometres north of Thunder Bay, home to the Kitchenuhmaykoosib Inninuwug First Nation (KI). Platinex Inc. of Toronto had been working on a site for mining platinum, but KI declared a moratorium against further work until Queen's Park reached an agreement with it on how development should proceed.

Faced with an impasse, Platinex pulled out to await a resolution. Ramsay has now invited all First Nations to a "Northern Table" to discuss development across the north.

However, he says development should continue while the talks go on. "It would be very disruptive (to allow moratoriums) because ... we want to continue ... the wealth generation that (development) brings ... and as we do that we can discuss how we are going to share that wealth."

He also says there is "no legal right" for First Nations to impose moratoriums, adding that Ontario's Mining Act is a powerful piece of legislation that allows companies to stake claims on almost any piece of land in Northern Ontario.

What Ramsay is saying directly contradicts the Premier's promise. He's saying development can continue in the absence of official plans and in the absence of an assured sustainable future for First Nations.

Ramsay is also blatantly thumbing his nose at the Supreme Court of Canada, which ruled in November that the Crown has a duty to consult with, and accommodate, First Nations concerns before allowing development that might affect their treaty rights with regard to lands where they continue their tradition of hunting, fishing and trapping.

The court was unanimous in saying the Crown must act honourably and "in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue."

By saying development can continue while talks are held, Ramsay is not acting honourably, and it is no answer to say that the Mining Act binds his hands. The Supreme Court decision (Mikisew Cree First Nation v. Canada) deals with a constitutional issue, and constitutional law always trumps local laws, such as the Mining Act.

First Nations in Ontario's north have a justified and long-held grievance over the lack of a sustainable future while mining and lumbering proceeds on their lands. And all Canadians have a right to expect enlightened land use planning in the northern boreal.

McGuinty should call Ramsay on the carpet and instruct him to act honourably.

Cameron Smith can be reached at camsmith@kingston.net.