

# ABORIGINAL STEWARDSHIP AND PARTICIPATION IN CULTURAL AND NATURAL HERITAGE PLANNING AND POLICY: THE ALGONQUIN NATION IN THE OTTAWA VALLEY

Marijke Huitema

Department of Geography, Queen's University

## Abstract

*The current political and social climate in Canada (and Ontario) concerning Aboriginal land claims and resolution of treaty rights will potentially impact management and decision-making for future policy and planning directions pertaining to protected areas. Historically, the development of parks and watershed management has excluded the participation of Aboriginal groups and denied their connection to the natural and cultural history of many areas that were developed as public recreational lands and government reserves of economically viable resources. This is not to suggest that all parks and watersheds in Ontario have developed in a context of unresolved legacies, but we must be cognizant of the fact that the historical rights and heritage of Aboriginal groups needs to be addressed. This paper focuses on a case study of Algonquin Park and the present day land claim by Algonquin groups to historical rights in this area.*

## Introduction

This historical case study addresses the need to incorporate Aboriginal involvement in present-day parks agendas and planning, specifically the involvement of the Algonquin nation in Algonquin Park. Initially, park policy denied Aboriginal connections to the natural and cultural history of many areas developed as public recreational lands and government reserves of economically viable resources. This is not to suggest that all parks in Ontario have developed in a context of unresolved legacies, but we must be cognizant of the fact that in the present-day it is essential that the historical rights and heritage of Aboriginal groups be addressed. The historical political environment in which decisions were made regarding the development of Algonquin Park has direct bearing on present-day issues of possible Algonquin co-management and participation in resource management and interpretive programs that address the natural and cultural heritage of this area. These decisions were not principally about natural resource management but involved competing values and socially constructed meanings of land, resources, and ways of life. Accordingly, government officials did not collaborate with Aboriginal groups but, rather, with those stakeholders interested in the economic development of Algonquin Park.

This case study illuminates the objectives of park policy planners in maintaining the myth of the 'disappearing Indian', a policy that leaves unanswered questions regarding the lived experience of the people who inhabited the area. Indeed, it seems that the failure of government officials to resolve Algonquin families' claims for title to their lands within

Algonquin Park was intentional and exemplified new policy objectives to deal with what the government saw as 'the Indian problem'. Indeed, the nexus of late-nineteenth century discourses that became the basis of Algonquin park policy were symptomatic of dissonant ideologies and divergent Euro-Canadian and Aboriginal perceptions of nature, land and resources. Embedded in different ontologies, cultural constructions, and techno-economic systems, these differences resulted in the failure of park developers to communicate with the Indian department regarding apparent Algonquin interests in the Ottawa-Huron territory.

Thus, the ideological rationale for the development of Algonquin Park incorporated a culturally constructed perception of Aboriginal land tenure. This paper will demonstrate this theme by focussing on the history of a group of Algonquin families who once occupied the area of Algonquin Park.

## **Algonquin Occupation in the Ottawa Valley and Collective Claims to Territory**

The watershed of the Ottawa Valley and the Great Lakes was a zone of interaction and occupation for the Algonquin/Mississauga peoples and constituted a shared territory and a common resource base that supported their nomadic subsistence activities. Throughout the colonial period, the Algonquin people attempted to contest illegal expropriation and negotiate claims to their homelands in the Ottawa Valley. Historical accounts and extensive government documentation clearly indicate that the colonial government acknowledged Algonquin territorial rights to occupation but for many complex reasons refused to negotiate title to ownership (Huiteima, 2001: 63-96). Eventually, their lands were ceded by the Mississauga without acknowledging the Algonquin claims to these lands and, thus, dispossessing them of their rights. These cessions of Algonquin lands commenced with the Crawford Purchase of 1783, continued with the Rideau-Ottawa Tract treaties of 1819-22, and culminated in the Williams Treaty of 1923. Taken together, they constitute the basis for the continuing litigation to redress Algonquin claims to this long-standing disputed territory (Huiteima, 2001).

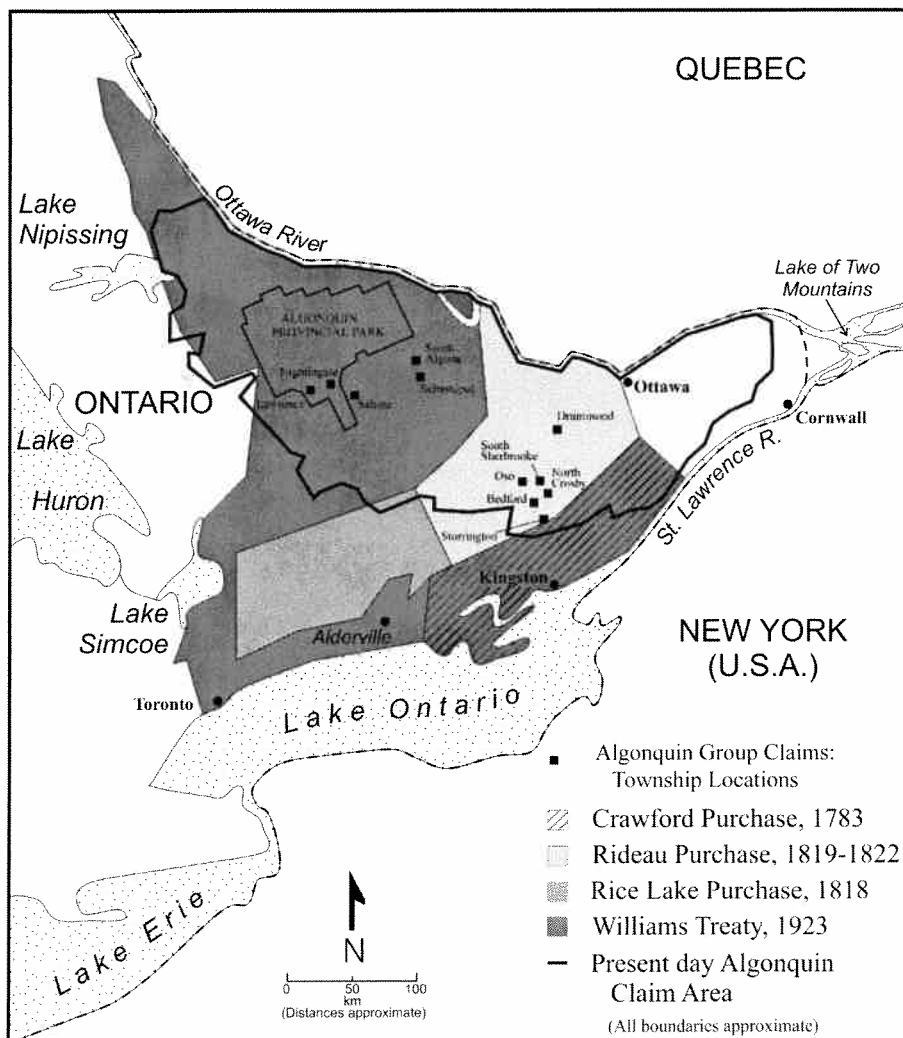
## **The Social Construction of Government Policy and Legislation, and Indian Policy Objectives:**

Initial research intended to demonstrate that the objectives and development of Algonquin park policy failed to integrate the Department of Indian Affairs' (DIA) policies of native assimilation and/or relocation. However, it now seems possible that the question of the 'Indian problem' had no place in the social construction of ideas regarding 'wilderness', nature, and preservation, although ironically the 'noble savage' had always been seen as an integral part of 'nature' and 'wilderness' - the embodiment of 'wild nature' so to speak. It seems the prevailing view of government officials was that:

*...[a]s they have not fulfilled the divine command, to subdue the earth, their*

*pretensions to ownership, in this respect are untenable. Their unsettled habitation in these immense regions cannot be accounted a true and legal possession, and the people of Europe...finding land of which the savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it and to settle it with colonies. ... We do not, therefore, deviate from the views of nature, in confining the Indians within narrower limits.* (Government of Canada, JLAUC, 1844-45, Section 1, unpaginated-hereafter, Bagot Commission)

**Figure 1.** The boundary of the present-day Algonquin land claim, which corresponds with their historically occupied territory and also illustrates the overlapping land cessions negotiated by the Mississauga (Huitema et al., 2002: 87-112.).



Initially 'Indian Affairs' was under the auspices of the Department of Crown Lands (DCL) and this department controlled the allocation of Indian lands, however, the objectives of the department were to maximize profit from lands and resources. Later, 'Indian Affairs' became a federal responsibility but Indian land was still a provincial concern and under provincial control. This conflict of interests created obvious barriers for native people attempting to retain title to their land. The ideology promoted by the DCL was that Indians had no more rights to land "*than a panther or a bear*" (Joseph Trutch, Commissioner of Crown Lands, cited in Dickason, 1997: 234) and that the lands they claimed were "*of no actual value or utility to them.*" (Joseph Trutch, cited in Berger, 1981: 222.) In addition, the DIA stated that their objectives were "*to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department.*" (Dickason, 1997: 302). However, government records indicate that the Algonquin claims to land in the Ottawa Valley were never resolved (Huiteima, 2001).

## The Algonquins of Algonquin Park

During the first half of the 18th century, the Algonquins petitioned as one nation but by 1842 individual groups of Algonquins began petitioning for title to their lands (Huiteima, 2001:103-116). Over the next half century, requests for land and compensation came from Algonquins who lived in the townships surrounding the proposed location of Algonquin Park, as well as other locations throughout the Ottawa Valley (See Figure 1). The DIA and the DCL suggested they relocate to reserves in Quebec or to the Golden Lake Reserve established in 1873 in the Township of South Algona. The Algonquins were quick to point out that these reserves in Quebec and South Algona were not their homelands and that their hunting, trapping, fishing, sugaring, and camping territories included all of the watersheds of the southern Ottawa Valley and that they did not want to be removed from their traditional homelands.

In 1863, 400 Algonquin families living in the northern areas of Haliburton and Hastings Counties requested 4,000 acres of homeland in the Township of Lawrence but were told by the DIA to move to the reserves in Quebec. They refused, and in 1866 the southeast quarter of the Township of Lawrence was reserved for them, but they had no rights to the timber and could not interrupt parties who had timber licences in this area. The DIA recommended that a sale of lands be authorized for them payable from Indian funds, including payment for the expense of subdivision. Apparently, this was never undertaken. In 1868, the Algonquins inquired whether the lands set aside for them in Lawrence Township would be surveyed, and again requested title to the land. The DCL replied that they had no funds with which to subdivide the township into lots, but if the Indian people could afford to hire a surveyor to do so, they would consider setting the land aside. Correspondence regarding title to the lands continued for the next 31 years.

In 1894, a year after Algonquin Park was established, the DIA advised the DCL that a request for a reserve had once more been made by the Algonquins in Lawrence Township and asked that they take the necessary steps to hand the land over to the DIA. The DCL replied that this land was not set apart as a reserve or as a grant to the Indians and that

when Crown Lands completed a report they would determine if the Algonquins had made any improvements on the land. Apparently, Crown Lands wanted the Algonquin people to meet the same requirements for homesteading as settlers who requested a claim to an area, but it seems this was only a ruse to prevent them from settling on lands intended for inclusion into Algonquin Park. Subsequently, in 1895, the DCL did request an inspection and report of the lands in the southeast quarter of Lawrence Township, which concluded, "*that he [the inspector] did not find a single Indian settler in the township... and that there had been no attempt at clearing the land.*" (NAC, RG10, vol. 2401, File 83-203, Aubrey White, to Hayter Reed, 1895/11/16:108230: 1). The report also stated that since the township was situated close to Algonquin Park, the presence of the Indians there would pose a danger to the preservation of the game in the park because, "*[y]ou know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest.*" (Ibid, 1895: 2). Crown Lands also suggested that it was difficult to apply a white person's law, with respect to killing game, to the Indian who depended for his livelihood upon what he could kill in the forest and concluded that, "*[u]nder these circumstances I think you will see how impossible it is for the Department to sell or grant the Indians any lands in the Township of Lawrence.*" (Ibid, 1895: 3). Although the DCL had been willing to reserve a quarter of the township to the Algonquin families in 1866, it seems they now wanted control of the timber and other resources available to them through the establishment of the park. A report from the Indian Agent supported this supposition when he advised the DIA that perhaps the Whitney [Lumber?] Co. "*has the most to do with keeping the reserve from them*".

By 1897, the Algonquins agreed to join other families in Sabine Township, but the DIA advised them to get consent from the Chief Ranger of Algonquin Park to settle there. The Algonquins replied that the land they were talking about was not located in Algonquin Park so it made no sense to get permission from the Park Ranger. The DCL informed the DIA that the Township of Sabine was included in a timber licence and that if the Indian Department wished to open a reserve there, they would have to purchase the lands from Crown Lands. In 1899, the DIA submitted a report which concluded that the Algonquins should relocate to Quebec or to the Gibson reserve on the shore of Georgian Bay, north of Penetanguishine. The issue of creating reserve lands for these Algonquins was never resolved, and many drifted to the reserve at Golden Lake. However, many also remained in the area, attempting to cope with settler and lumbering intrusions, and lost their power and ability to become recognized as owners on their own land.

Algonquin Provincial Park was established in 1893. Initially it was comprised of 18 townships but in 1911 it was enlarged to the east, west, and south, which resulted in the inclusion of Lawrence and Nightingale townships. The Friends of Algonquin Park's *Thumbnail Park History* concludes that:

*"[f]or most of Algonquin's history, human settlement was not a very important element. Scattered family groups of aboriginal peoples came to fish, hunt and pick berries, but their numbers were never large. It was not until the 1800's that big changes came...[when] pioneer loggers...reached Algonquin in search of the great White Pine trees."* (Algonquin Provincial Park, n.d., unpaginated)

The fact that 400 Algonquin families regarded this area as their homeland seems to be forgotten but can also be explained by historical perceptions of what constituted land ownership and settlement. An agricultural plot where Europeans lived and worked or a delineated timber reserve for the purpose of resource extraction and profit did not fit in with the Algonquin ontologies of lifestyle encompassed in the idea of a subsistence territory.

## Conclusion

The Algonquins of Golden Lake submitted a formal land claim in 1983, asserting unextinguished Aboriginal title to a 34,000 square kilometre area in Ontario's Ottawa Valley watershed. In the present day, Indian and Northern Affairs Canada (INAC) concede that the Algonquins of the Ottawa Valley have never signed a treaty or taken any treaty benefits. They state that there is a great deal of historical evidence indicating that the territory was primarily used and occupied by the Algonquins "*based on Algonquin use and occupation of lands in the Ottawa Valley since long before the advent of settler immigration.*" (INAC, 1996). Due to the existence of these unresolved land claims, there is often a "*negative impact on the economic development of the lands in question*" and this has caused misunderstanding, uncertainty and confrontation between the Algonquin nation and non-Aboriginal peoples (INAC, 1996). According to INAC the settlement of the Golden Lake land claim is a shared responsibility of the governments of Ontario and Canada; however they state that although "*the federal government shares jurisdiction over environmental management with the provincial government...[and] owns some land in the claim area...[m]ost issues for negotiation...are under provincial jurisdiction, including wildlife management, the parks system and provincial Crown land and resources.*" (INAC, 1996) However, INAC then further states that "*the federal government has exclusive jurisdiction in relation to Indians and lands reserved for Indians.*" Ironically, it seems that little has changed in the last 200 years.

Included in INAC's statement of shared objectives is the recognition by all parties "*that Algonquin Park remains a park for the appropriate use and enjoyment of all peoples.*" (INAC, 1996) The current political and social climate argues for the resolution of Aboriginal land claims and treaty rights and this will have an impact on the management and decision-making for future policy and planning of Canada's provincial and national parks. In light of continuing negotiations between the Algonquin nation and governing authorities, it is imperative that future dialogue concerning Algonquin Park development and management in regards to resource allocation and cultural and natural heritage planning and policy involves collaboration with the Algonquin people.

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