

Wulustuk Times

Wulustuk - Indigenous name for St John River

This publication produced monthly at Tobique, NB, Canada E7H 5K3



Wulustuk Times:

Each month we gather and publish the latest, most current and relevant native information for our readers. Proceeding with this concept, we feel that a well informed person is better able to see, relate with, and assess a situation more accurately when equipped with the right tools. Our aim is to provide the precise tools and the best information possible.

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CONSULTATION REQUIRED BEFORE INITIATING PROJECTS ON INDIAN LANDS

“What is not yours cannot be sold”: Traditional Council of Tobique.

Before any major operation, exchange, barter, transaction or sale of natural resources can be expedited on Indian Land or territory, native consultation must precede.

According to the judgements and opinions of the Supreme Court of Canada Native Consultation must be held before any entity can enter into business or engage into resource sale, development or exploration on Indian Land.

This legal authority emanates from:

Sparrow v. R.

Calder v. Attorney General of B.C.

Guerin v. The Queen

Royal Proclamation of 1763

UN Declaration on the Rights of Indigenous Peoples

Constitution Act of 1982.

Dalgamukw v. B.C. (1997)

CONSULTATION REQUIREMENT

Situation, where natural resources are located on non-ceded Indian land or territory, non-native entities cannot arbitrarily enter that territory and proceed with disposal, sale, development or exploration of resources of any kind without undergoing native consultation and receiving formal (written) approval from the First Nation involved.

Neglecting to consult with native authorities is defined as, 1) illegal entry or invading a private aboriginal territory, or 2), trespassing on federal lands, where all such acts are subject to federal and tribal laws, regulations and sanctions, whereby 3) violators could risk possible conviction.

In the present situation where New Brunswick has agreed to sell NB Power to Hydro Quebec, the above mentioned legal authorities and other federal and international jurisdictions would, in effect, be bypassed, violated and transgressed if the NB Power/Hydro Quebec deal is completed as outlined in the various MOU's signed by the respective premiers. The violation would occur on the grounds that the lands and resources proposed for sale, or disposal, still have non-extinguished First Nation attachment intact and would therefore require native consultation prior to being offered for sale or disposal. Additionally, any sale or disposal of natural resources located on aboriginal land need universal approval from the First Nation(s) involved.

Upon the powers and authorities of the jurisdictional entities mentioned above, in concert with the local First Nations impacted, be it understood that any person or project contemplating project or business starts on Indian Land must initially comply and meet First Nation rules, regulations, sanctions and standards prior to establishing business.

This notice is authorized and issued by Wolastoqewiyik Traditional Council of Tobic, (WTCT), Tobique First Nation, NB. Canada

NB FIRST NATIONS UPSET OVER LACK OF CONSULTATION

CBC News

New Brunswick First Nation leaders are considering legal action against the provincial government for not consulting with them in the proposed NB Power deal with Quebec.

A group of First Nations chiefs met in Fredericton on Wednesday to express their frustration against what they believe is the New Brunswick government turning its back on a promise to consult on issues impacting their communities.

'By dealing with these massive assets that clearly have unresolved issues relating to our rights, without consulting us, is really a violation of the spirit of that agreement.'—

Stewart Paul, Tobique First Nation chief

Tobique First Nation Chief Stewart Paul said the provincial government signed an agreement in 2007 that First Nations would be involved in decisions on issues that involve them.

He said that hasn't been the case with NB Power, even though resources on First Nation lands would be part of deal.

Paul said it's not whether the proposed sale is a good idea or a bad one, what they're angry about is that it was set up without their involvement.

"By dealing with these massive assets that clearly have unresolved issues relating to our rights, without consulting us, is really a violation of the spirit of that agreement," he said.

Paul said if the provincial government does not consult New Brunswick First Nations about the deal, the matter could end up in the courts.

"I really think we have a very strong legal ground. We have constitutionally defined and protected rights that just can't be disregarded," Paul said.

"This is a very serious thing. And the constitution has to be upheld."

The New Brunswick government is proposing to sell a majority of NB Power's generation assets to Hydro-Québec for \$3.2 billion.

The deal includes selling the Point Lepreau Nuclear Generating Station, the utility's fleet of hydro dams and two smaller units. It's not just the proposed NB Power deal that has First Nations concerned.

Pabineau First Nation Chief David Peter Paul said the provincial government called for proposals for more than 30 licences to search for oil and gas in January.

He said some of that land involved includes traditional aboriginal territories but they were not consulted before the announcement.

MAINE TRIBES PRAISE EXECUTIVE ORDER - 'STATE TO HOLD TRIBAL CONSULTATIONS'

Communication to improve between state agencies, tribal governments
BDN Staff

AUGUSTA, Maine — Leaders of Maine's Indian tribes praised an executive order signed Wednesday by Gov. John Baldacci that aims to improve communications between state agencies and tribal governments.

The executive order, which the governor signed during a ceremony at the State House with tribal leaders, requires agencies to consult with tribal representatives during the development of any legislation, rules or policies that could affect their communities.

To that end, the order directs all state agencies to appoint liaisons to the governments of Maine's sovereign Indian tribes. Those liaisons will report back directly to the head of the agency.

"The executive order is important not only in its initial phase but is designed to keep relationships between Maine state government and the tribal governments running smoothly for years to come," Baldacci said.

Tribal representatives described the executive order as an important step forward in improving state-tribal relations that have been strained in recent years. A key element to better relations, tribal leaders have said, is a formal recognition by the state of the tribes as sovereign governments.

The order specifically calls on state agencies to adopt policies that promote "positive government-to-government relations" between the state and tribes.

"This is the first time for the state to acknowledge a government-to-government relationship, and that is big in Indian Country," said Rep. Donald Soctomah, the Passamaquoddy tribal representative to the Legislature.

"It is recognition that there are distinct governments within Maine borders," said Chief Kirk Francis with the Penobscot Nation.

Soctomah and Rep. Wayne Mitchell of the Penobscot Nation were sponsors of a bill that would effectively achieve the same results, albeit through legislative changes. The executive order issued Wednesday means that the bill, LD 1625, is no longer necessary, Soctomah and Mitchell said.

The order also dovetails with similar agreements at the federal level.

"The order works together with what the Obama administration has been doing with the tribes, and that is direct consultation on issues that affect us," said Gov. William Nicholas of the Passamaquoddy Tribe at Indian Township. "I think it is going to benefit all of us in the end, the people of Washington County and across the state."

Relations between the tribes, the Legislature and the Baldacci administration have been turbulent in recent years.

In 2008, a tribal-state work group issued a lengthy list of recommended changes that included mandatory consultation before any legislation or policy changes affecting tribes.

Other recommendations included jurisdictional parity for all tribes, including the Micmacs and Maliseets, mandatory mediation to resolve tribal-state disputes before they go to court and regular reviews of the 1980 land act with tribes.

But the recommendations died in the Legislature's Judiciary Committee. There have also been high profile disagreements between the tribes and the Baldacci administration over proposals to expand gambling on tribal lands.

Chief Brenda Commander with the Houlton Band of Maliseet Indians described the order as a positive step in repairing those relationships.

"I think that down the road it will only improve," Commander said. "It's a first step, but we have a lot more work to do."

INUIT & ICELAND SNUBBED AT 5-NATION ARCTIC SUMMIT SCHEDULED MARCH 29 -NO CONSULTATION

Canwest

Foreign Affairs Minister Lawrence Cannon is under fire from Inuit leaders and Iceland's foreign minister.

Facing criticism from northern aboriginal leaders and Iceland's top diplomat over their exclusion from a five-nation Arctic Summit to be hosted by Canada next month, Foreign Affairs Minister Cannon has pledged to meet with a full spectrum of circumpolar stakeholders ahead of the controversial March 29 gathering of Arctic foreign ministers.

But his peace offering fell short of opening the summit to other stakeholders.

Cannon has come under fire from top Inuit representatives and Iceland's foreign minister, Ossur Skarphedinsson, since announcing that only he and his counterparts from the four other countries with Arctic Ocean coastlines - Russia, the United States, Norway and Denmark (through its ties to Greenland) - would be meeting at a resort in Chelsea, in western Quebec. The session is designed to explore "new thinking on economic development and environmental protection" in the rapidly changing polar region.

Yesterday, the Ottawa-based Inuit Tapiriit Kanatami - the main national organization representing Canada's 50,000 Inuit - added its voice to a growing chorus of criticism over the summit's exclusive guest list.

"It is inconceivable that the government of Canada would contemplate holding a conference to discuss economic development and environmental protection in the Arctic without the active participation of Inuit, who will have to live with the consequences of any new government policies. This reeks of paternalism," said Pita Aatami ITK's a/pres.

"As we have said many times before, a specific and direct relationship with Inuit should be at the core of any Arctic discussions. That remains our position and we fully expect that Inuit, through the Inuit Circumpolar Council, will have a seat at the conference table."

The ICC's Canadian arm and the Yukon-based Arctic Athabaskan Council had previously slammed Cannon for limiting invitations to the summit to the "Arctic 5" foreign ministers, including U.S. Secretary of State Hillary Clinton.

This week, Skarpheoinsson complained that all eight northern nations represented in the Arctic Council - a polar forum that includes the "Arctic 5" as well as Iceland, Sweden and Finland - should be participating in the summit.

"I think this is the wrong way," Skarpheoinsson told the CBC. "I think Canada should rather try to build up consensus and solid support among all the eight Arctic Council countries."

The Arctic Summit is being held just ahead of a two-day meeting of G8 foreign ministers in Gatineau, across the Ottawa River from Parliament Hill.

Catherine Loubier, Cannon's spokesperson, defended the Arctic Summit as a "ministerial-level discussion between states that have unique interests in and responsibilities for the Arctic Ocean."

But she stated that federal officials "meet regularly" with the territorial governments, the ICC and other northern indigenous groups, and promised that Cannon would have discussions with a full range of Arctic stakeholders "prior to the ministerial meeting of Arctic Ocean coastal states."

While acknowledging the Arctic Council remains "the premier body for Arctic co-operation," she said the agenda for the March summit "is being developed to focus on issues of particular relevance to the Arctic Ocean coastal states, and reinforcing ongoing collaboration in the region, including through the Arctic Council."

INNU THREATEN HYDRO-POWER BLOCKADES

Seguin, Globe/Mail -March 2, 2010

Death of a native hunter in Labrador last week has Quebec's Innu leaders threatening to disrupt economic development in region to assert their ancestral hunting rights.

PUBLIC AWARENESS CAMPAIGN ON UN DECLARATION ON RIGHTS OF NATIVE PEOPLES

The W.T.C.T. Public Awareness Campaign on the U.N. Declaration on the Rights of Indigenous People.

Possible slogans or themes: i) Begin Local; Grow Global ii) No Indigenous Rights; No Human Rights

Purpose:

1. Raise public awareness on the United Nations Declaration on the Rights of Indigenous People.
2. Inform the public about this U.N. Declaration.
3. Educate the public on the rights of Indigenous people.
4. Raise public awareness on the U.N. Declaration to the level of their awareness of Canada's peacekeeping role.

Goal:

1. Persuade and convince the four non-signatory countries (Canada, U.S.A., Australia and New Zealand) to support and sign the U.N. Declaration.
2. Persuade and convince governments and the general public to view and utilize the U.N. Declaration as a legitimate, legal, viable and serious international instrument.
3. Persuade and convince governments to incorporate and adopt as many of the important principles contained in the U.N. Declaration as possible.
4. Persuade and convince Indigenous governments and Indigenous people to work to enhance the legitimacy of the U.N. Declaration by framing our issues in terms of the U.N. Declaration's rights and freedoms in political and legal initiatives.
5. To form alliances with concerned and caring individuals and groups to work together toward our common human concerns and goals.

Noteworthy reference points:

Canada presently has two glaring blemishes against its international reputation in its treatment of Indigenous people:

1. The Sandra Lovelace v. Canada case of 1977 - 1981 involving the treatment of Indigenous women.
2. Canada's refusal to sign the U.N. Declaration making it one of only four non-signatory countries.

WORKSHOP FOCUSING ON 'TERRITORIAL RIGHTS' TO BE HELD IN FREDERICTON, MARCH 30-31

In recent years, Canadian courts have recognized First Nation interests in their lands. The law is evolving quickly and many First Nations are using consultation and accommodation to gain greater control over their interests in their traditional lands.

The National Centre for First Nations Governance (NCFNG) has developed a new Territorial Rights workshop that will provide First Nations with a framework to leverage the law for maximum benefit.

NCFNG is pleased to offer the Territorial Rights workshop to the Atlantic Region's First Nations as part of our new governance workshop series. This workshop is a promotional workshop and is being offered free-of-charge to the participants. In addition to no charge, NCFNG will also provide breakfast, lunch and nutritional snacks.

The 1.5 day workshop will be held in Fredericton on March 30th and 31st.

Registration will remain open until the twenty (20) participants confirm their participation. To confirm your attendance or to obtain additional information, please contact Ms. Jody McDonald at, jmcdonald@fngovernance.org or call 506.444.9185. Participants will be accepted on a first come, first serve basis.

Beaver Paul
Manager, Atlantic Region
National Centre for First Nations Governance
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HEARINGS PLANNED FOR EVICTION OF NON-NATIVES FROM MOHAWK RESERVE

Gazette

Public hearings will be held this spring into the Kahnawake law under which the Mohawk band council issued eviction notices to 25 non-aboriginals this month.

While authorities refused to say yesterday whether forcible evictions would be carried out before proceedings begin, the hearings will address some of the same sensitive issues underlying the expulsions from the Mohawk reserve, across the St. Lawrence River from Montreal.

The hearings on Kahnawake's membership law are expected to begin in April.

"From what we've seen in the last three weeks, we expect the hearings will be well attended," said Joe Delaronde, a spokesperson for Kahnawake's band council.

The Kahnawake membership law, first passed in 1984, stipulates, among other criteria, that people must have four or more Mohawk great-grandparents to be entitled to reside or own land in the reserve.

News of the hearings comes as the political momentum behind evicting the non-aboriginals appears to be slowing down.

Outside media have been asking authorities when the evictions are to start. But Delaronde is saying the band council will act according to its own timetable and ignore the media spotlight shining on the community.

Since the eviction notices were issued in the first week of February, four residents have left voluntarily and 11 have contacted the band council to discuss their cases. Ten have not responded.

Under federal law, aboriginal communities receive funding based on Ottawa's band-member registries. Kahnawake is rare in that it also keeps its own membership list. The hearings will deal with the reserve's list and, therefore, be separate from the federal government's registry and its accompanying rights and status.

Because the issues are touchy, causing many to feel angry, threatened or hurt, much of the deliberation has been taking place discretely within the community.

Both sides have their supporters, and some say the situation is complicated by the fact that both sides are right, in a way. On the one hand, those who advocate evictions and promote race-based membership have a point. Mohawks in Kahnawake enjoy rights and status that stem from the Indian Act and other race-based acts that define and allocate benefits based on race, or bloodlines. They are, for example, allowed to work in the United States as North American Indians and without a green card so long as they can prove they have 50-per-cent aboriginal blood.

So unless the band council maintains a race-based membership list, Mohawks in Kahnawake are out of lockstep with the legal framework that provides many rights, benefits and monetary entitlements.

On the other hand, Kahnawake is strongly integrated into the broader community around it, much more so than other aboriginal territories. It's closer to downtown Montreal than most suburbs. Many children go to private schools on the island of Montreal. Ironworkers from Kahnawake travel the continent to work on high steel.

"It is going to take some time," Delaronde said of the hearings, which will be held as part of the community's public decision-making process.

For starters, Delaronde said, the public hearings have to find a way to reinstate the council of elders that oversee Kahnawake's membership law. The council of elders was suspended by the band council 21/2 years ago after complaints from reserve members. Yesterday, Steve Bonspiel, publisher of the Eastern Door, a weekly newspaper, said he agrees Kahnawake needs to debate the matter.

"Obviously, this issue has been around for a long time and it will be around for much longer," Bonspiel said. "It's time we got it right."

But Bonspiel questioned whether public hearings are the way to go, given the personal nature of the issue and how the threatened evictions have already rocked the community.

"You are talking about people's families, their status and background," Bonspiel said.

"There's a lot at stake."

"Many in the community don't want to air their dirty laundry, while others, especially those who are traditional, may boycott the hearings."

DAN'S CORNER, Genocide's Children: Fighting Back

"...conquest and terror were acts of self-defense against (among others) the 'merciless Indian savages', whose crimes are denounced in the Declaration of Independence in a remarkable inversion of the facts that is scarcely noticed after 200 years."

-Noam Chomsky, from 'Perspective on Power; Reflections on Human Nature and the Social Order', The best reason for Canada to resume trade with Cuba is that the U.S. doesn't want us to...

I chose the above quote because it is particularly pertinent to this discourse. With this as an example I would now make a case for a sort of 'uprising of thought'.

First let me point out the fact that I took it upon myself to write this informal essay both as almost an answer to questions which may be raised by my book, a collection of short fiction (all of my principal characters are Native Normericans (sic), and I really wanted many of them to say so much more about the subjects we explore here).

It is self-evident that to be effective in the political arena groups must first agree on certain key points. With regard to my people specifically we must agree on collective thought structure before we can move toward meaningful discussion of reclamation of lands as well as of cultural and individual dignity. One way we do this by changing word and connotation.

So to begin some observations on the effect of the character of a people that can rationalize the attempted genocide of another population for the express purpose of theft of lands. Native Normericans as a people, in my experience, are steeped in self-hate and frustration as a direct result of an inability to reconcile a glaring injustice done to them. Their intuition tells them they are victims. Moreover, many haven't the internal resources to get to the root cause of their frustration, or, if they do, are unable to articulate it. This speaks directly to the inability to develop coping mechanisms and the resultant self-destructive behaviour that we can all see.

The present regimes which control this particular landmass have all played their role in the attempted genocide of the rightful owners of this land, but it is the distinctly merican (sic) attitude that is the most virulent and most harmful to Native Normericans, and indeed to all 'literate minded' people, to use Chomsky's words.

Oppression is inherent in any system of governance which was built on violence, the way to gain power is clearly the way to keep it. Indeed, the ghosts of the perpetrators of the violence are present in much of the bureaucracy's archaic formality. Distrust of the merican regime is not without merit if you've any common sense. If (a) something (like a global power with a gargantuanbureaucracy) is so large that it's character cannot be clearly defined with any practical ease. (b) the regime in question is so secretive and indeed exclusionary that private individuals are put off or discouraged outright from gaining any meaningful information about it. The first duty of any power structure is to see to it's continued survival; surely it must 'avoid the dangers of thought' and keep us from any 'inappropriate fact', to use Chomsky's words once again. (c) the very fact of the attempted genocide is taken as fact (a serious doubt if we are to believe the revisionists

or 'exclusionists' (sic)), it's obvious that, in the interest of maintaining popular support, the regime would have no choice but to vigorously suppress any meaningful discussion of such an embarrassing subject, especially when the party rhetoric is peppered with words like 'truth', 'justice' and 'equality'. The rhetoric doesn't hold water; by definition one cannot speak of or apply justice selectively. Given such a history, one would not deserve the privilege of being able to use such words.

I feel it necessary here to speak briefly to those who take the view that no one 'held title' to the landmass in question, the exclusionists, as I call them. The preschool logic which holds that, before the caucasian invaded no one 'owned' the land because there were no documents to verify the fact, is hubris born of pure racism. This stance is the very foundation of an ability to rationalize the most inhumane acts in written history. Further, the logic is simply not applicable. This having been our world, we'd no need of such formality as we did not recognize the concept of ownership of land. There is also the narrow-minded 'doctrine of change of course', Chomsky's term for the 'it happened two weeks ago so let's forget it' argument, as well as other (even sillier), arguments but it's quite clear that these views cannot be given serious consideration.

The attempted genocide, while highly virulent, left much to be desired, at least as far as those who would 'sweep it under a rug' are concerned. The regime that instituted the program of systemic genocide (which was official policy if the litany of the founding fathers is anything to go by) seemed not to have given any real thought to effectively covering their tracks. The official indoctrination of it's own people was and is one of denial through specific omission; which goes hand in hand with not letting anything 'inappropriate' enter the arena of discussion. This concept is used to great effectiveness to this day. The 'masses' themselves were/are an important part of the mechanism of invasion; keeping them away from any discussion of the ethics of what they were doing to the rightful owners of this land was relatively easy. One doesn't need a conspiracy when you have willing participants. Had they thought of it they would have crafted a comprehensive program for the complete extermination of the very fact of the attempted genocide, and therefore any need to deal with it.

I use the term 'attempted genocide' fully aware of the fact that there are numerous cases in the record of entire tribes and/or cultures that ceased to exist, victims of the program of mass ethnic extermination implemented by the founding fathers. One is still a victim of genocide even if the perpetrators couldn't quite 'get the job done'. It is precisely this record that they (the founding fathers) would see erased.

I understand that it is difficult for many to recognize and effectively use 'semantics' as a weapon, but this is exactly what is used to great extent against them. Attitudes must be fought at the level of the rhetoric used, inroads to change can be made if we recognizes the lexicon of the present regime and make effective changes to our own. For now, until we enter into a discussion as a single unit, the most obvious change an individual can make is to take emphasis from the rhetoric of those in power while at the same time adding to one's own sense of autonomy. A clear definition of terms is where we must start, and further, is necessary for a change of perspective, namely from that of the victim to one possessed of clear purpose and direction which in itself is empowering.

To that end I say that there is no such thing as a 'native american' (if there is no america what do we call ourselves?). The word 'america' is a concept that was agreed upon by

men whose intent was to kill anyone they felt stood in the way of forming that republic. The very act of not capitalizing the word 'america', or leaving the 'a' off altogether, is one place we can start. Although this may seem trivial, this small act, if done by a single segment of a large population, is an excellent example of claiming power by thinking and acting with collective thought structure.

Further, 'Native american' as a term is untenable, because, if we agree that north america is entirely ours, we are precluded to that extent from making any further distinction beyond 'Native Normerican'. You lose something of yourself when you 'pledge your allegiance' to the very symbol of the attitude and method of men who (as stated by they themselves) would rather none of us exist to read these very words. Interestingly, this is the same symbol these men of power would have us reflexively look to defend the unjust acts their government perpetrates on the rest of the planet, it works well, a reflex, by definition, occurs without critical consideration.

I write this in the certain hope that my people will gain some understanding, both of their own sense of cultural identity (the fact that they're not americans or canadians), as well as sense of cohesion. I could simply say that indians that fly the merican flag the right way up are misguided legion of copycats. That aside, plainly what we must do is address the attempted genocide that we seem so afraid to look at. My people now, more than ever before, are ready to meet that challenge.

All My Relations, -kro

DEAN'S DEN, 'Hallow'

Hard have you fought for this one sheltered spot
As twilight and calm - the blizzard forewarned
The birds have all fled, and creatures sought bed
And a man, and his manners, are scorned,
When you're hunkered down in a lean-to
Curled up like a fetal ball
Buried beneath the buffalo robes
All the world seems awfully small,
Beyond the bounds of the balsam boughs
That bear the brunt of the storm
It's colder'n hell, at forty below
But your tight little hollow is warm,
The wild wind whistles thru the tops of the trees
And the long lanky hours are passing so slow
While the eer's of a life cut deep as a knife
And reflect in the ambers glow,
It's the last of the meat, and the last of the heat
Boding the bare beginnings of doubt
And, you know you can't trade your pelts for a blade
If you're here ... when the fire goes out!

D.C. Butterfield

**AFTER 65 YEARS OF HOLDING INDIAN LAND, ONTARIO SET TO GIVE UP
IPPERWASH -cp, mar. 1, 2010**

The Ontario government is poised to take the final legislative step in relinquishing control of Ipperwash park and putting it in aboriginal hands.

The Canadian Press has learned that the Natural Resources Minister, Linda Jeffrey, will introduce a motion Monday to convert the park to Crown land .

If approved, the motion will pave the way for 40 hectares along the the shores of Lake Huron to be transferred to the federal government which has the power to add it to the existing reserve.

The province has long promised to transfer the land to the First Nations -a key recommendation in the public inquiry into the death of native protester, Dudley George.

George was shot in the park by police during a confrontation in 1995.

The Actual turnover of the park is still years away, but provincial authorities say once the land becomes part of the reserve the First Nation will have complete control over its use.