

## Lubicon Nation in a battle of survival

May 21, 2008

by: [Kate Harries](#)

TORONTO - Despite widespread condemnation, the process to approve a massive natural gas pipeline across the unceded territory of a small Cree nation in Alberta appears set to begin without any adjustment to address aboriginal concerns.

The 500-member Lubicon Lake Indian Nation is fighting a desperate battle for survival in the midst of frenzied oil and gas development that has devastated traditional resources on its land and is jeopardizing its future as a people.

Several United Nations committees as well as a special U.N. envoy who visited the Lubicons last year have called on the federal government to return to the negotiating table with the band, which has never signed a treaty with Canada, and on the provincial government to halt extraction activities in the Lubicon region until settlement is reached.

Instead:

" TransCanada Pipelines, North America's largest natural gas shipper, has turned down the Lubicons' request that the company recognize their land rights and deal with their concerns about impacts on the environment and traditional uses before seeking regulatory approval of its \$1 billion project. Arthur Cunningham, the company's senior aboriginal policy adviser, refused a request for an interview.

" The Alberta Utilities Commission says Lubicon has not demonstrated that it has a right to participate in the hearing to be held later this year on the pipeline.

" Alberta Aboriginal Relations Minister Gene Zwozdesky considers the Lubicon territory to be provincial Crown (public) land, transferred to the province by the federal government in 1930, and the Lubicons to be "legally landless" until they reach a settlement with Canada.

" The Canadian government has not named a negotiator to start talks with the Lubicons, despite a promise to do so by former federal Indian Affairs Minister Jim Prentice. In a letter to current Minister Chuck Strahl Feb. 6, Lubicon Chief Bernard Ominayak said he is willing to meet with whomever the government appoints.

" The Lubicons continue to live in abject poverty, their water contaminated, their subsistence economy eliminated, and subject to a multitude of medical problems including tuberculosis, asthma, skin rashes, cancer and stillbirths.

"It's one of Canada's greatest shames," said Dr. David Swann, an opposition member of the Alberta legislative assembly. "They're a band that is living really very much below the average of even most reserves."

The nation has been working since the 1930s to achieve a settlement with Canada after being left out of Treaty 8 in 1899.

Swann said that when he visited the Lubicons, "I mainly caught the ethos of despair and depression there. After so many decades, it's predictable that they've lost hope in many cases that there's any commitment to resolving this issue at the federal level - and, of course, the provincial government doesn't help by approving every project that wants to go in and develop resources."

Swann joined a protest of around 60 Lubicons and supporters outside TransCanada's annual general meeting in Calgary.

Inside, TransCanada directors and executives were confronted by a group representing shareholders concerned about the Lubicon. They included Lubicon elder Reinie Jobin; the Rev. Clint Mooney of KAIROS, a Canadian ecumenical coalition; and Kevin Thomas of the Toronto-based Friends of the Lubicon.

"I think there's been delay on the part of the company and an attempt to end run the Lubicons," Mooney told the shareholders' meeting. He said he doesn't think what the Lubicons are seeking is unreasonable. "In fact," he said, "you could accede to them."

TransCanada CEO Hal Kvisle asserted that the company "complies with the highest ethical standards" and "respect[s] the rights of people in all parts of our business."

The pipeline is to connect new gas production in British Columbia and northwest Alberta to oil sands production to the East and markets in the U.S. TransCanada's first-quarter profits rose 69 percent.

Alberta has sold oil and gas exploration leases to thousands of acres of unceded Lubicon traditional territory, and approved oil and gas wells and pipelines. In April, the Alberta government announced tar sands leases on another 33,197 acres of Lubicon territory. The sale is to take place May 28.

Swann, a Liberal, recently questioned Conservative Minister Zwozdesky in the Legislature, calling for full consultation with the Lubicons on the proposed pipeline and pointing out that the nation deserves compensation and sharing in the resource revenues that have taken place in recent decades.

Zwozdesky replied that once the Lubicons reach a deal with Canada, "they would automatically start to participate in a very different way in some of the benefits that come from having a legally defined land base."

As for consultation, Swann noted in an interview that "this government continues to argue that they do consult - the only problem is, of course, that these consultations do not lead to any change in the plan that's developed."

The Alberta Utilities Commission has invited the Lubicons to provide more information on their assertion of aboriginal rights before making a final decision on whether they have standing at the pipeline hearing.

Lubicon Councilor Dwight Gladue appeared before the commission April 14, challenging its right to make decisions about development on Lubicon territory without Lubicon consent. The transfer of federal Crown land to Alberta in 1930 was without effect because the land had never been ceded to Canada by the Lubicons, he said.

"If TransCanada tries to build this pipeline across unceded Lubicon territory without Lubicon consent - based on approval of an application to an Alberta government regulatory agency that does not have legitimate authority in unceded Lubicon territory - the Lubicon people will oppose it every inch of the way, every way we can, for as long as TransCanada Pipelines tries to operate in Lubicon territory."