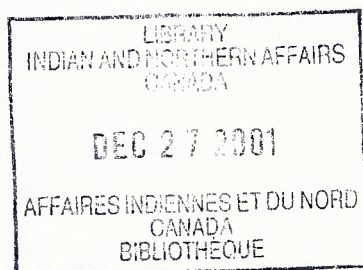




Camp Ipperwash





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TO RESIDENTS:

Camp Ipperwash

Camp Ipperwash (the former Stony Point Reserve) was appropriated from the Kettle and Stony Point First Nation by the federal government under the *War Measures Act* in 1942 for use as a training base. In 1942, the Chippewas of Kettle and Stony Point First Nation received approximately \$50,000 in compensation for land, improvements and relocation. This appropriation affected about 15 families. The First Nation has sought the return of Camp Ipperwash since the end of World War II. A 1981 Order in Council committed the government to return the lands when no longer needed for military purposes. In 1982, the federal government also reached an agreement with the Chippewas of Kettle and Stony Point First Nation, which provided compensation in the amount of \$2.5 million for the value of the land and interest accrued since the date of the 1942 appropriation. In the February 1994 budget, the federal government indicated it would negotiate the return of the land.

An environmental assessment and clean-up is necessary because the area was used for military purposes for 50 years and may contain unexploded ammunition. Many of the plants and animals in the area are unique and would be lost forever unless clean-up of the land is carried out in a careful manner.

Progress

Last fall, the Honourable Ronald A. Irwin, Minister of Indian Affairs and Northern Development, and federal officials met with the National Chief of the Assembly of First Nations and the Chief and Council of the

Kettle and Stony Point First Nation. Following positive discussions, on September 13, 1995, we signed a Memorandum of Understanding (MOU). The MOU provided that:

- the federal government would appoint a federal negotiator, acceptable to the First Nation;
- the federal government is committed to transferring the Camp Ipperwash land to the First Nation as reserve land;
- the federal government is committed to working out a mutually satisfactory environmental clean-up of the property;
- the First Nation would be extensively involved in the clean-up including the environmental assessment process;
- the federal government would support the First Nation in researching matters related to possible burial grounds at Ipperwash Provincial Park;
- the federal government would support healing in their community; and
- the Department of National Defence would consider funding a veterans' monument at the lands of Stony Point.

In September, the Honourable Robert Reid was appointed as special federal representative to help resolve issues surrounding the return of the camp and to recommend a process to resume stalled negotiations. He has also made a number of fact-finding trips to the area, submitted reports to the Ministers, attended a public meeting in Thedford in April and maintained contact with community leaders. Mr. Reid will continue to visit the area and is available to anyone wishing to discuss their issues and concerns.

With respect to negotiations on the return of Camp Ipperwash land, Mr. Ralph Brant was appointed chief federal negotiator in January 1996. Since the signing of the MOU, progress has been made at the negotiating table.

The federal negotiating team, led by Mr. Brant, and the First Nation community negotiating committee have held negotiating sessions over the past several months. These negotiations are being facilitated by the Indian Commission of Ontario (ICO). The ICO is a neutral body established by federal, provincial and First Nation leaders in Ontario to facilitate negotiations on issues of concern to First Nations. The ICO's role is to chair meetings, monitor undertakings and agreements, and maintain records of discussions. In order to keep local residents informed of progress in the negotiations, joint statements are issued to media at the end of each negotiating session.

At the May 8, 1996 session, the First Nation and the federal government reached an interim understanding on a joint approach to the environmental component dealing with the clean-up of the site. The parties also agreed on joint terms of reference to be drafted to guide the environmental review and clean-up. The First Nation and Canada will agree on a contractor who will complete the work. Public discussions will be held where environmental matters affect those persons outside the Camp Ipperwash area.

Each party will also receive advice from environmental experts throughout the process, and the environmental review will comply with applicable environmental regulations.

At the May 23 and 24, 1996 session, the parties agreed to proceed with joint research projects which will support the negotiations. Two of those projects are research on the history of the Kettle and Stony Point First Nation, and on persons living, or holding location tickets, at Stony Point.

At the July 4 and 5, 1996 session, the focus was on testimonials from residents of the former Stony Point Reserve (prior to 1942) and residents of Kettle Point.

At the August 20 and 21, 1996 session, both sides presented positions on ways to resolve issues. As well, a process is under way to hire experts who will advise the First Nation on the environmental assessment of the land. Work on joint historical research projects is also continuing. The next formal negotiating session is scheduled for September 18 and 19.

The First Nation and the federal government have also agreed not to proceed with court cases during negotiations.

Distinctions between federal and provincial jurisdictions

The federal government is working to address issues that fall within its jurisdiction: the return of Camp Ipperwash.

Ipperwash and the Pinery provincial parks fall within the sole jurisdiction of the province of Ontario. The Ontario Provincial Police (OPP), under the jurisdiction of the province, is responsible for law enforcement at Ipperwash and Pinery provincial parks, Camp Ipperwash and the surrounding area.

Resolution

The return of Camp Ipperwash to the Kettle and Stony Point First Nation calls for patience, understanding and cooperation. No one group can reach a solution alone.

The federal government wants a resolution of the Camp Ipperwash issue. It also supports any discussions between the First Nation and the province on matters relating to Ipperwash Provincial Park. We firmly believe negotiated solutions — with the support of all residents — will resolve these very important and complex issues.

It is important that we continue to share this information with you in the hope that we can address your concerns and answer what are very important questions. Robert Reid, our special representative on Ipperwash — and a vital link between the negotiations and the interests of the surrounding community — continues to keep us informed of developments. He can be reached through the Department of Indian Affairs and Northern Development at (819) 997-8404 or by fax at (819) 953-9465.

Ronald A. Irwin
Minister
Department of Indian Affairs
and Northern Development

David Collenette
Minister
Department of National Defence

Camp Ipperwash

YOU WANTED TO KNOW

WHAT IS THE FEDERAL GOVERNMENT'S RESPONSIBILITY WITH RESPECT TO CAMP IPPERWASH?

The federal government, as title holder of the land, is responsible for the land at Camp Ipperwash. This includes environmental issues and the return of the land to the Kettle and Stony Point First Nation.

WHAT IS THE PROVINCIAL GOVERNMENT'S RESPONSIBILITY WITH RESPECT TO CAMP IPPERWASH?

The provincial government is responsible for all matters relating to Ipperwash Provincial Park and the Pinery Provincial Park. The Ontario Provincial Police (OPP), operating under the authority of the Ontario government, is responsible for maintaining law and order. This includes policing at Ipperwash Provincial Park, the Pinery Provincial Park and Camp Ipperwash.

WHO IS RESPONSIBLE FOR LAW ENFORCEMENT, PUBLIC SAFETY AND SECURITY AT CAMP IPPERWASH?

The OPP is responsible for investigating and dealing with criminal acts which occur on Camp Ipperwash land.

WHAT IS THE PROCESS FOR THE NEGOTIATION OF THE RETURN OF CAMP IPPERWASH?

The federal government is negotiating with the Kettle and Stony Point First Nation negotiating committee to reach an agreement for the safe return of the land. The federal negotiating committee is headed by Ralph Brant. The First Nation is represented by a community negotiating committee. This committee represents the interests of the Kettle and Stony Point First Nation, including the interests of the residents of the former Stony Point reserve.

The federal government and the First Nation signed a Memorandum of Understanding (MOU) in September 1995 which provides:

- that the federal government return the land and negotiate with the First Nation to work out a mutually satisfactory environmental assessment and clean-up of Camp Ipperwash land;
- for the appointment of a federal negotiator acceptable to the First Nation;
- for funding to identify and protect burial sites within Ipperwash Provincial Park; and
- for the resources to support negotiations and develop a healing process in the community.

When the elements which will form an agreement for the return of Camp Ipperwash land have been negotiated, the First Nation and the federal government will sign an Agreement-in-Principle. When the Agreement-in-Principle has been ratified by the First Nation and approved by the government, a final agreement will be struck.

HAVE THE NEGOTIATIONS ACHIEVED ANYTHING?

Yes. The fact that we are having negotiations is progress in itself. Also:

- the First Nation has created a negotiating committee which represents the community, including the former residents of Stony Point;
- the First Nation and the federal government have agreed to use the Indian Commission of Ontario (ICO) as a facilitator for the negotiations. The ICO is a neutral body established by federal, provincial and First Nation leaders in Ontario to facilitate negotiations on issues of concern to First Nations. The ICO's role is to chair meetings, monitor undertakings and agreements, and maintain records of discussions. Also, after each negotiating session, a joint statement is issued to media so that local residents are informed of progress in the negotiations or on agreements as they are reached;
- agreement has been reached on the process to guide the environmental assessment and clean-up funded by the federal government;

- the federal government has agreed to provide funding to the First Nation so they may retain the services of an environmental expert and an expert on unexploded ammunitions to advise the First Nation on the environmental assessment and clean-up process;
- agreement has been reached on joint research projects into issues which support the negotiations. The joint research projects are: historical burial sites in the Ipperwash area, historical research on the original property owners at Stony Point, general history of the Kettle and Stony Point First Nation and oral history of the Kettle and Stony Point First Nation; and
- the First Nation and the federal government have agreed not to proceed with court cases during negotiations.

WHEN WILL CAMP IPPERWASH BE RETURNED TO THE KETTLE AND STONY POINT FIRST NATION?

The federal government considers the return of the land to reserve status as a high priority. The timing and dates of return will be

determined through negotiation. Safety and environmental concerns associated with the site must be taken into account.

LOCAL RESIDENTS ARE CONCERNED ABOUT THE LEVEL OF VANDALISM AND UNREST. THE LOCAL ECONOMY RELIES HEAVILY ON THE TOURIST BUSINESS. WHAT IS BEING DONE ABOUT THIS?

Mr. Robert Reid was appointed special federal representative last September to act as the liaison between community concerns and Ministers Irwin and Collenette, as well as federal officials. Mr. Reid has made a number of fact-finding trips in the area, spoken with community leaders on several occasions, attended a public meeting in Thedford in April, and submitted regular updates to the Ministers. He has also received a number of letters from individuals, officials and associations and is working on getting answers to all of their questions. Mr. Reid will continue to visit the area and is available to anyone who wishes to make their concerns known to the Ministers.

One way to stabilize the economy and ensure the tourist business remains high is to return the Camp Ipperwash land to the Kettle and Stony Point First Nation. Issues surrounding Ipperwash Provincial Park will have to be worked out between the First Nation and the province.

Criminal activities and civil unrest are matters for the police, in this case, the OPP.

IS THE FEDERAL GOVERNMENT PREPARED TO COMPENSATE THIRD PARTIES FOR ANY LOSSES AS A RESULT OF THE SITUATION SURROUNDING CAMP IPPERWASH?

No. The federal government has been advised that it has no legal or other liability to compensate third-party losses in this case.

THERE IS A PUBLIC PERCEPTION THAT BLOCKADES AND VIOLENCE SPUR THE GOVERNMENT INTO ACTION AND THAT THERE ARE TWO LEVELS OF JUSTICE — ONE FOR ABORIGINAL PEOPLE AND ONE FOR NON-ABORIGINAL PEOPLE. IS THIS TRUE?

No. Criminal charges were laid by the province of Ontario against protesters at Ipperwash Provincial Park. As in any situation when criminal charges are laid, normal court procedures apply.

Policing matters fall within the jurisdiction of the provincial administration of justice.

WHY DIDN'T THE DEPARTMENT OF NATIONAL DEFENCE (DND) TEAR DOWN ALL OF THE BUILDINGS AT CAMP IPPERWASH WHEN THEY LEFT?

The federal government's commitment to return Camp Ipperwash land includes an option for the First Nation to keep any of the buildings/facilities which already exist on that land. This is the reason none were taken down or removed.

IS THE TAXPAYER STILL PAYING FOR THE HYDRO, GAS AND OTHER UTILITIES AT THE CAMP?

Yes. The federal government is paying for these basic services because of the health and safety issue it involves. As well, because the First Nation has the option of keeping any buildings or facilities it wishes for future use, it was felt these had to be maintained in a reasonable state.

WE UNDERSTAND THAT CHEMICALS AND TOXIC WASTE HAVE BEEN DUMPED AND STORED AT CAMP IPPERWASH. IS THIS TRUE?

Available information does not indicate that chemicals or toxic waste — other than those

normally used for cleaning, water purification, pesticides and vehicle/heating fuels or oils — were dumped or stored at Camp Ipperwash. The environmental investigation will provide further verification.

WHEN YOU NEGOTIATE WITH THE KETTLE AND STONY POINT FIRST NATION, ARE YOU DEALING WITH THE RIGHT PEOPLE?

Yes. The federal government is satisfied that based on the MOU which was signed in September 1995, the First Nation community negotiating committee represents all the interests in the community, including the former residents of Stony Point.

WHAT ABOUT IPPERWASH PROVINCIAL PARK?

Ipperwash Provincial Park is under provincial jurisdiction. This issue is not part of the negotiations on the return of Camp Ipperwash land. Officials of the federal government and the First Nation have each had meetings with the province to discuss the issues surrounding the park outside of the negotiating process.

WHEN WILL IPPERWASH PROVINCIAL PARK OPEN?

That is a decision for the Ontario government to make. The federal government remains hopeful that the province will find ways to address the interests of the First Nation with respect to the possibility of burial grounds within the park.

WILL IPPERWASH PROVINCIAL PARK BE RETURNED TO THE KETTLE AND STONY POINT FIRST NATION?

This is a matter for the First Nation and the province to negotiate. This matter is separate from the federal government's negotiations with the First Nation on the return of Camp Ipperwash land.

WHEN IS THE FEDERAL GOVERNMENT GOING TO SETTLE THIS GRIEVANCE?

The First Nation has been seeking the return of the former Stony Point Reserve since the end of World War II. In the 1994 budget, the federal government indicated it would return the land to the First Nation. Federal legislation requires that an environmental assessment be completed

DIAND fulfils the lawful obligations of the federal government to status Indians as outlined in treaties, the *Indian Act* and other legislation.

The department provides programs to registered or status Indians living on reserve, including financial assistance for education/schools, housing, roads, and water and sewage systems, and for funding of social and family services. The *Indian Act* determines the department's responsibilities with respect to Indian moneys, estates, and reserve lands, and for elementary and secondary education. The department also negotiates and oversees the implementation of land claim settlements, promotes economic development, and implements practical forms of self-government.

It is within these processes that the negotiations for the return of the Camp Ipperwash lands are being conducted.

WHO IS ENTITLED TO BE A STATUS INDIAN?

Registered Indians are people recorded and identified as such under the *Indian Act*. Most registered Indians are members of an

Indian Band. This helps to determine membership in a First Nation (band). A Treaty Indian is also registered under the *Indian Act* and is a person who is a member of a First Nation — or affiliated with a First Nation — that signed a treaty.

WHY DO CHILDREN OF A STATUS INDIAN AND A NON-ABORIGINAL (OR NON-STATUS INDIAN) BECOME A STATUS INDIAN?

The *Indian Act* does provide for the registration of children as status Indians if one parent is a registered Indian.

WHAT BENEFITS ARE STATUS INDIANS ENTITLED TO?

Status Indians living on reserve may receive financial assistance for housing under programs provided by their band (in most cases, houses are owned by the First Nation, not by the families residing in them), education (primary and secondary) and to exemptions relating to federal and provincial income tax (for income earned on reserve) and, depending on the goods purchased, provincial sales taxes. Registered Indians living both on and off reserve are entitled to health benefits above and beyond

what is covered through regular provincial Medicare and to post-secondary education assistance. Indians living off reserve are not entitled to housing and to exemptions from federal and provincial income tax and provincial sales taxes.

Like all Canadian citizens, registered Indians who meet the eligibility requirements may receive social assistance and social services. These programs are provided by the federal, provincial, territorial, municipal or First Nation governments (bands).

Status Indians are also eligible for universal social security benefits which the federal government provides to all Canadians through the Canada Pension Plan, Old Age Security, Guaranteed Income Supplement and Child Tax Benefit.

WHY DON'T REGISTERED INDIANS PAY FEDERAL INCOME TAX, THE GST OR PROVINCIAL SALES TAXES?

Under sections 87 and 90 of the *Indian Act*, status Indians and First Nations (bands) are exempt from paying federal and provincial taxes on their personal and

real property if these are located on reserve. Since income is considered personal property, a registered Indian is generally exempt from paying federal and provincial income tax when income is considered to be situated on the reserve. Status Indians who live off reserve do pay personal income taxes.

Whether registered Indians pay provincial sales taxes depends on where the goods are purchased and where they are delivered. The general rule of thumb is this: provinces and businesses do not charge status Indians the provincial sales tax on goods they purchase on a reserve or on goods purchased off reserve but delivered to the reserve. Information on exemptions relating to the GST is available from any local Revenue Canada office.

DOES DIAND CO-SIGN BANK LOANS FOR STATUS INDIANS?

The federal government does not co-sign bank loans for individuals. There are, however, programs available for both incorporated and unincorporated Aboriginal businesses through Industry Canada. Similar programs are offered to non-Aboriginal entrepreneurs.

prior to clean-up activities. The First Nation community negotiating committee and the federal government are now in negotiations to work out the details of the environmental assessment and clean-up, among other things.

In the Memorandum of Understanding, signed in September 1995, the federal government committed to working out a mutually satisfactory environmental clean-up of the property. The agreement also promised that the First Nation people would be extensively involved in the clean-up, including the environmental assessment process.

WHY IS THE GOVERNMENT ACCEPTING THE ORAL HISTORY OF THE FIRST NATION ELDERS?

For Canadians of European descent, most history is a written history. For First Nations, the tradition is an oral history, passed down from the Elders. For the Kettle and Stony Point First Nation, the oral history of the Elders is one aspect of the research being collected. A written history is also being researched, as well as a history of the original families who lived at the former Stony Point.

Other questions of interest:

WHERE DOES THE FEDERAL GOVERNMENT GET ITS AUTHORITY TO SETTLE LAND GRIEVANCES?

In 1763, the British Royal Proclamation directed that all lands for future settlement and development in British North America had to be purchased by the Crown in order to deal with Indian ownership.

Many of the grievances of Indian people relate to the terms and promises made in treaties that pre-date even the first days of our nation. Indians signed treaties before and after Confederation in 1867. No two treaties are identical, but they usually provide for certain rights including annual payments, the setting aside of hunting and reserve lands, and other benefits. Treaties were generally intended to resolve questions of land ownership.

The early treaties linked the government and First Nations in agreements that are still in effect today. But some of the treaties were quite vague, and understanding their original intent from a modern perspective has been the subject of much debate.

Understandably, First Nations want a fair and equitable interpretation of these treaties. They feel their ancestors were misled by the treaty-making process.

IF FIRST NATIONS PEOPLE FEEL THAT THEY HAVE BEEN TREATED UNFAIRLY, WHAT CAN THEY DO ABOUT IT?

First Nations can file a land claim with the department. There are two kinds of land claims: comprehensive claims and specific claims.

The main purpose of comprehensive claims settlements is to conclude agreements with Aboriginal groups that will resolve the legal uncertainty surrounding the common law concept of Aboriginal rights. Comprehensive claims agreements define a wide range of rights and benefits and may include: full ownership of certain lands; guaranteed wildlife harvesting rights; participation in land and resource management throughout the settlement area; financial compensation; resource revenue sharing; and means to assist economic development.

Specific claims arise from allegations that the federal government did not fulfil treaty obligations or mismanaged the administration of Indian lands and assets.

WHAT IS A TREATY LAND ENTITLEMENT?

Some bands did not receive all the lands they were entitled to under the terms of the treaties. First Nations grievances about these lands, or treaty land entitlements, have been left largely unresolved for over a century. Today, the government is ensuring that legal undertakings regarding land transfers to treaty Indians, made as long as a century ago, will finally be honoured.

WHAT IS THE FEDERAL GOVERNMENT'S RESPONSIBILITY UNDER THE INDIAN ACT?

At the time of Confederation under the *Constitution Act*, 1867, the federal government was given authority over "Indians, and Lands reserved for Indians." The *Indian Act*, first passed in 1876, assigns specific responsibilities to the Minister of the Department of Indian Affairs and Northern Development (DIAND).

DOES DIAND PAY LEGAL FEES FOR STATUS INDIANS?

There is a very small program called Test Case Funding.

The purpose of the program is to contribute to the legal and other associated costs of Indian-related cases having the potential to become judicial precedents.

Any individual or entity, public or private, can apply for test case funding. The criteria are: the litigation must involve important, unresolved Indian-related issues; the issue must have general application to a large number of Indians; the issue must be unresolvable through any other means and it must be in the interest of both the Indian people and the federal government to have the matter resolved in the courts; funding will not be provided if legal aid is available for the litigation. In addition, it is the practice of the department to restrict funding to cases at the appeal level. Due to the high demand and small budget, very few cases receive this funding.

WHY ARE FIRST NATIONS BEING ALLOWED TO ESTABLISH CASINOS ON RESERVE WHEN SOME NON-ABORIGINAL COMMUNITIES HAVE BEEN REFUSED PERMITS TO ESTABLISH THEIR OWN CASINOS?

The jurisdiction for gaming was transferred from the federal government to the provinces in 1985. As a result, it is the provincial governments that regulate gaming (including on reserves) and issue permits for the establishment of casinos.

THE LIBERAL RED BOOK OUTLINES PROMISES TO THE ABORIGINAL PEOPLE IN CANADA, INCLUDING RECOGNIZING THE INHERENT RIGHT OF SELF-GOVERNMENT. THERE IS NO BASIS IN LAW OR THE CONSTITUTION TO PROVIDE THIS LEVEL OF GOVERNMENT. WHY ARE YOU DOING THIS?

The federal government views self-government as an existing right under section 35 of the *Constitution Act*. The right of self-government is said to be “inherent” because it is a right that flows from the fact that Aboriginal people were historically self-sufficient and self-governing before their contact with Europeans. In the modern context, the “inherent

right" likely means the right to manage matters internal to Aboriginal communities in ways that reflect their culture and traditions.

Self-government agreements will be negotiated between individual First Nations and the federal government. Self-government will be exercised within the existing Canadian Constitution. The *Canadian Charter of Rights and Freedoms* will apply fully to Aboriginal governments as it does to other governments in Canada. Where all parties agree, rights in self-government agreements may be protected in new treaties under section 35 of the Constitution, in addition to existing treaties, or as part of comprehensive land claims agreements.

Self-government has not yet been tested in the courts, and the Supreme Court has made no ruling. Recourse to litigation will remain available to Aboriginal people, the federal, provincial and territorial governments, and others. Litigation is time consuming and costly and the federal government believes the best way to make meaningful progress in implementing self-government is for governments and Aboriginal

people to work out, together, practical self-government agreements.

WHAT IS THE RED BOOK PROMISE ON ABORIGINAL PROCUREMENT?

A Liberal government is adopting federal procurement policies to stimulate the growth of Aboriginal business, an important factor in helping Aboriginal communities to become more self-sustaining. There is also a commitment to set up an Aboriginal Trade Commission to cultivate national and international markets for Aboriginal goods and services, including tourism, arts, crafts, and the products of traditional economies.

The procurement strategy, which will be phased in over the next three years, took effect April 1, 1996. Under the strategy, all federal government departments will be encouraged to set aside some procurements for competition by Aboriginal suppliers provided operational requirements are fully met. These include best value, competition, prudence and sound contracting management procedures.

Aboriginal firms will be given first opportunity to supply goods, services and construction contracts servicing Aboriginal communities and populations.

WON'T THE SET-ASIDE MEASURES OF THE PROCUREMENT STRATEGY UNFAIRLY DISCRIMINATE AGAINST NON-ABORIGINAL SUPPLIERS?

All Canadians will benefit from a stronger, more economically active Aboriginal business sector.

Only a modest portion of government contracts will likely be designated for mandatory set-aside for Aboriginal contractors.

Non-Aboriginal firms may still compete for contracts servicing Aboriginal populations if they have joint venture partnerships with Aboriginal firms. Moreover, to facilitate a smooth transition, exemptions from the requirement to set aside will be considered on a case-by-case basis where it can be demonstrated that existing suppliers would suffer significant damages by the imposition of the set-aside.

WHAT IS THE CURRENT STATUS OF THE CASE OF THE HOME OWNERS AT WEST IPPERWASH BEACH?

In November 1992, the Kettle and Stony Point First Nation filed a Statement of Claim against Canada, approximately 110 - 120 home owners, the Town of Bosanquet and mortgage companies.

The First Nation alleges that a 1927 surrender of a portion of the Kettle Point Reserve was invalid, that the patent issued for that land is void, and that the beach fronting on the property was never surrendered.

The First Nation is seeking \$37.5 million in damages against Canada and \$25 million in damages against the home owners. The home owners, mortgage companies and town have cross claimed against Canada asking for reimbursement for damages in the amount of \$40 million. Canada has repeatedly encouraged the First Nation to remove the home owners from the suit and deal solely with the Crown.

In March 1993, Canada invited the First Nation to submit its case as a specific claim. An expedited review was carried out, but revealed no basis for acceptance of the claim. The First Nation subsequently submitted its rejected claim to the Indian Specific Claims Commission (ISCC). This inquiry is still ongoing and we are awaiting their report.

In December 1994, Canada brought a motion for summary judgment on the issue of the validity of the 1927 surrender. The court issued its decision on August 18, 1995. It found the surrender was valid, thereby confirming the title of the property owners. The court has awarded costs in the summary judgment motion to the defendant parties. To date, no steps have been taken to recover costs.

The First Nation appeal of the Ontario Court decision (that the 1927 surrender of a portion of the Kettle Point Reserve was valid) was heard August 23, 1996. The court expects to hand down its decision shortly.

The West Ipperwash Beach litigation is separate from the Camp Ipperwash negotiations.

August 26, 1996