

**In the Matter of the Commission of Inquiry into the
Circumstances and Events Surrounding the Death of
Anthony O'Brien (Dudley) George**

and

**Submissions on behalf of the Municipality
of Lambton Shores**

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Submissions on behalf of the Municipality of Lambton Shores

Communication is never a bar to resolution. In fact, communication is the cornerstone of any successful resolution. Failure to communicate creates barriers, generates tension and anxiety, and fuels rumours. The Ipperwash crisis is an example of how lack of communication can escalate a volatile situation involving various groups with differing perceptions and views. The only way in which to bridge the gap between various parties is to communicate. Communication should begin long before a crisis erupts; and it must be clear, meaningful, timely and direct.

Throughout the Inquiry, the Municipality of Lambton Shores [hereinafter “the Municipality”] has been concerned with the following issues:

1. communications between the Municipality and the Provincial government;
2. communications between the Municipality and the Ontario Provincial Police (OPP);
3. communications between the Municipality and the Federal government;
4. compensation; and
5. improving the land claims process.

1. Communications between the Municipality and the Provincial Government:

No communication occurred between the Municipality and the Provincial government prior to or during the occupation of the Ipperwash Provincial Park [hereinafter “the Park”]. The Ontario Native Affairs Secretariat (ONAS) was initially responsible for the task of communications, as reflected in the July 10, 1995 briefing note for the Honourable Charles Harnick. ONAS’ responsibility, as articulated in the briefing note, was:

To ensure that adequate processes are in place so that Aboriginal emergencies, including blockades and other forms of direct action, can be prevented, or if not prevented, resolved as quickly and safely as possible.

Reference: Exhibit P-303 Inquiry document 1011557 ONAS Briefing Note for Charles Harnick dated July 10, 1995

In the same briefing note, under the heading Current Status, ONAS has the authority in an emergency situation:

To develop recommendations, appoint a negotiator, recommend legal action, and ensure that adequate communication occurs with all affected groups, including the general public.

Reference: Exhibit P-303 Inquiry document 1011557 ONAS Briefing Note for Charles Harnick dated July 10, 1995

The potential for a takeover of the Park by the Stoney Point people was apparent to the Inter-ministerial Committee or blockade committee [hereinafter “IMC”] as early as May 1993. The Stoney Point people’s interest in the Park was brought to the IMC’s attention at its May 21, 1993 meeting. The minutes of the meeting record that a bailiff’s order was served by the Stoney Point First Nation for the purpose of asserting ownership of the land and an interest in co-management. The IMC members decided to form a working group to examine these and other issues relating to Camp Ipperwash and the Park consisting of ONAS, Ministry of Natural Resources (MNR), OPP and the Ministry of the Attorney General (AG). No communication plan between the Province and affected groups, such as the Municipality, developed out of this IMC meeting.

Reference: Inquiry document 1007826 Interministerial Committee (IMC) minutes dated May 21, 1993 at pp. 11-12

The potential takeover of the Park was raised over two years later, this time at the August 2, 1995 IMC meeting. The purpose of the meeting, as articulated in the minutes, was to gather information and develop recommendations regarding the Camp Ipperwash takeover and the potential Park occupation. The minutes of the meeting document a plan by the MNR and OPP to continue developing contingency plans in the event of an emergency. Again, no reference is made in the minutes to any contingency or communication plan that included communications between the Provincial government and the Municipality.

Reference: Exhibit P-506 Inquiry Document 1011682 I IMC minutes dated August 2, 1995

Several witnesses confirmed in their testimony at the Inquiry that ONAS was responsible for ensuring adequate communications with affected parties including the Municipality. Then MNR Minister Christopher Hodgson testified to an expectation that ONAS had engaged in a

communication plan during the summer of 1995. Mr. Hodgson understood that ONAS was the lead on communications for all of August 1995 and would have engaged with the local people and others:

A: ... ONAS was the lead on this issue – as First Nation issue in terms of issues. But they were very complicated. You had the recognized First Nation, you had the unrecognized. And if you're going to prevent this situation, I felt that – this is me speaking, that the lead Ministry should have been on the ground, meeting with all the affected parties to find out at the very least more information than we had on September 4th and 5th. That's just my opinion.

Q: All right. And when you say they should have been on the ground, that's not only as of the start of the occupation but that's at least a full month beforehand.

A: Let me be more blunt. If it was urgent enough to have a high level meeting on August 2nd involving various Ministries and various people, I thought the least somebody from the lead Ministry – he could have got in a car and driven down. And maybe he did. I just never got an answer to that.

**Reference: Evidence of Christopher Hodgson January 17, 2006 at pp. 276-277
Evidence of Larry Taman November 15, 2005 at pp. 84-85**

Despite this expectation, no communication plan developed out of the August 2, 1995 IMC meeting. Charles Harnick, then ONAS and AG Minister, agreed in his testimony that it would have been helpful to have a communication plan in place during the summer of 1995 that anticipated communications with the Municipality to help defuse tensions, but admitted he did not turn his mind to this issue at the time.

Dave Moran, Mr. Harnick's Executive Assistant (ONAS), testified that at the August 2nd meeting a general discussion took place regarding the need to reach out to the Municipality and communicate, however, he could not testify as to whether this was actually done. Furthermore, he could not indicate to whom the task was assigned or to which ministry. He gave evidence that he assumed the MNR or the Premier's Office took steps after the August meeting to defuse the situation in the community.

I think leaving the August 2nd meeting that I had assumed, I guess incorrectly, and in hindsight, that when -- that as a result of the August 2nd meeting that steps would be taken to [defuse] the situation.

Reference: Evidence of David Moran November 1, 2005 at pp. 132-133 and p. 136.

However, Jeff Bangs, Mr. Hodgson's Executive Assistant (MNR), confirmed that during the August 2nd IMC meeting, the MNR was not instructed to and did not take any steps to formulate a communications plan that anticipated dialogue with Municipal leaders.

Reference: Evidence of Jeff Bangs November 3, 2005 at p. 200

The month of August 1995 progressed with no dialogue between the Provincial government and Municipal leaders. Anxiety, rumours and fear swelled in the community. Then-MPP Marcel Beaubien testified to the anxiety levels in the community during this time. Mr. Beaubien considered himself a pipeline between his constituents and Queen's Park, in relaying information regarding his constituents' concerns to Queen's Park. He described this effort as a "one-way pipeline"; he did not receive any information from the Provincial government in return.

**Reference: Evidence of Marcel Beaubien January 18, 2006 at pp. 298-302 and pp. 67-68
Exhibit P-1023 Inquiry documents 12000029, 12000036, 12000037, 12000039 and 12000045
various constituent letters addressed to Mr. Beaubien dated June/July 1995**

The occupation of the Park commenced September 4, 1995. On the morning of September 5, 1995, the IMC assembled in a Toronto boardroom to gather information and develop recommendations regarding the Park occupation. At this meeting, the MNR was appointed as spokesperson in the short-term and tasked with communicating to both the public and the Municipality. The anticipated contact between the MNR and the Municipality is further documented in Julie Jai's September 5th notes, ONAS Acting Director of Legal Services and chairperson of the IMC, in which she writes "*MNR responsible for meeting with the Township*".

**Reference: Exhibit P-509 Inquiry document 1012288 IMC meeting minutes dated September 5, 1995
at p.3
Exhibit P-536 Inquiry document 1012579 Julie Jai's handwritten notes dated September 5,
1995 at p. 9**

Anna Prodanou, Acting Manager of Communications for ONAS, who also attended the meeting, testified to the same understanding as Ms. Jai:

It was very clearly stated in the meeting (September 5th) the MNR would be responsible for communications since this was their park and that was the practice of the committee.

Reference: Evidence of Anna Prodanou September 20, 2005 at p. 165.

Despite the clear transfer of this task to the MNR, no Provincial government officials from the Toronto office picked up a telephone to open dialogue with the Municipality. Jeff Bangs, Mr. Hodgson's Executive Assistant (MNR), testified that while the MNR was directed at the September 5th meeting to assume the role of Government spokesperson, he did not extend the role to include communicating with the Municipality. In fact, he did not turn his mind to who would be communicating with the Municipality at all.

Q: And -- and would communicating with external stakeholders such as the municipality been included in the role as -- as spokesperson?

A: I did not regard it as such. And the lead of -- the role of lead spokesperson, I understood to be with respect to the media and encountering the media predominantly at Queen's Park.

Q: Okay. Did you have -- did you form an impression or -- as to who would have that responsibility of communicating with external stakeholders, or did you not turn your mind to that?

A: No, I did not.

Reference: Evidence of Jeff Bangs November 3, 2005 pp. 200-201.

Furthermore, it was clear from Mr. Hodgson's evidence that he was adamantly opposed to the MNR taking on the role of government spokesperson on this issue. Mr. Hodgson viewed the occupation as an ONAS and OPP issue. Mr. Hodgson confirmed that he did not have any direct contact with the Municipality regarding the occupation of the Park.

**Reference: Evidence of Christopher Hodgson January 17, 2006 at p. 278
Evidence of Christopher Hodgson January 16, 2006 at p. 141**

This lack of direct contact with Municipal leaders and other involved parties was not consistent with Mr. Hodgson's actions during an earlier First Nations dispute near Owen Sound. Mr. Hodgson testified that in August of 1995, he was involved in resolving a conflict between local fishermen and residents, and the Chippewas of Nawash First Nation located in Owen Sound. When Mr. Hodgson learned of the Nawash dispute, he drove down to Owen Sound and met with the affected parties, including the Municipality. He testified that this approach helped defuse tensions in the area. However, he did not take this approach with respect to the Park occupation.

Reference: Evidence of Christopher Hodgson January 16, 2006 at pp. 143-144

Mr. Hodgson's was simply following the direction of his Deputy Minister, Ron Vrancart, who repeatedly advised him that the Park occupation was an ONAS and OPP issue and not an MNR issue.

Reference: Evidence of Chris Hodgson January 17, 2006 at p. 278

The IMC met the following day on September 6, 1995 without any dialogue between Provincial government officials and the Municipality. By the September 6th meeting, evidence of community concern and anxiety found its way into the Toronto boardroom as articulated by MNR staff on the ground. Peter Sturdy, regional manager conferenced via telephone into the IMC meeting, reported locals peppering the MNR staff with phone calls expressing concern, fear and anger. Mr. Sturdy was the only source to articulate the Municipality's concerns to those in attendance at the IMC meeting as reflected in Eileen Hipfner's, ONAS lawyer, testimony. When questioned whether she was aware of the tensions in the local community she stated:

No I did not have much of a sense specifically what the community had conveyed except as reported by the MNR staff and as recorded in my notes.

**Reference: Exhibit P-636 Inquiry document 1011784 Eileen Hipfner's handwritten notes dated September 6, 1995 at p. 2.
Evidence of Eileen Hipfner September 20, 2005 at p. 248**

Ms. Hipfner further testified that Mr. Sturdy's sources of information were proving unreliable and "*people [at the IMC meeting] 'were not reacting to what he was saying'*". Mr. Sturdy was an inappropriate person to fill the position of conduit between the community and the IMC; however, he was the only conduit the Municipality had. No Municipal official participated at the September 5th or 6th IMC meeting, and no one who did attend the IMC meetings attempted to contact the Municipality to validate their concerns.

Q.: And I just wanted to clarify, just that no municipal official participated in either a meeting on the 5th or 6th?

A: No.

Q: And is that -- from the rules or from the protocol, to your knowledge of these meetings, was that prohibited to -- to bring in a municipal official --

A: I don't know.

Q: All right. And when the -- when the reference was made to the newspaper article, the "Reign of Terror" article, you may recall, without getting into specifics, the newspaper article actually had some quotations in it attributed to the mayor. Do you recall that?

A: No.

Q: All right. And when the newspaper article -- it was brought to your attention, you didn't see it, somebody brought it to your attention I understand.

A: **All I remember is a comment from Chris Buhagiar who was an aide to MPP Dan Newman. I'd have to turn to my notes to be precise. But commenting on this -- this headline or perhaps it was a -- this headline and about it not have being particularly helpful in the circumstances.**

Q: And as I understand it from your evidence earlier in your -- in your testimony, you had indicated that there was a general feeling in the room that perhaps the mayor had gone too far with his comments.

A: **That his comments were perhaps ill advised and unhelpful.**

Q: All right. But you could help me on this. To the best of your knowledge, nobody ever phoned the mayor or contacted the mayor to ask him about his comments?

A: **It's not something that I would have any knowledge of.**

Q: All right. It's not minuted so if it's not minuted it probably didn't happen within the context of the meeting I take it.

A: **I have no recollection of such a thing being discussed.**

Reference: Evidence of Eileen Hipfner September 19, 2005 at pp. 126-127, p. 196, and pp. 197-198.

By the IMC meeting on September 6th, it was clear that some form of communications plan with the Municipality was necessary! Someone at the meeting (it is unclear who) suggested that MNR attempt informal communications with key people in the region and local politicians to defuse tensions. Despite this direction, no communications plan, informal or otherwise, materialized. Mr. Sturdy gave evidence that the task of formulating a communications plan was assigned to the MNR political office in Toronto. Yet Mr. Bangs, MNR Executive Assistant, testified that local MNR officials were communicating with people in the community and to his knowledge, no one from the MNR political office was taking steps to defuse tensions.

**Reference: Exhibit P-509 Inquiry document 1012252 IMC meeting minutes dated September 6, 1995 at p. 2
Evidence of Peter Sturdy October 20, 2005 p. 35
Evidence of Jeff Bangs November 3, 2005 at pp. 202-203**

Mr. Moran, ONAS Executive Assistant, agreed it would have been helpful to have a plan in place that contemplated defusing tensions well in advance of the September 6th meeting. But it wasn't until the September 6th meeting that Mr. Moran made an insightful suggestion to get a list of those who needed to be calmed down in an attempt to try and defuse tensions. Unfortunately, Mr. Moran never compiled the list.

**Reference: Evidence of David Moran November 1, 2005 at pp. 132-136
Exhibit P-536 Inquiry document 1012579 Julie Jai's handwritten notes dated September 6, 1995 at p. 5**

Following the September 6th meeting, Ms. Jai and Mr. Taman briefed Mr. Harnick on their expectations regarding communications with Municipal leaders. The expectation that MNR political staff would engage in communications was documented in a follow up e-mail from Ms. Jai to Mr. Lazor:

MNR political staff will work on informal communications with key people in the region (e.g. local MPP, Mayor of Bosanquet) to explain what the province is doing and to try and defuse tensions.

Reference: Exhibit P-653 Inquiry document 1011762 Email from Julie Jai to Yan Lazor dated September 6, 1995

Unfortunately, no formal or informal communications plan transpired. The only direct contact the Municipality had with Provincial government officials was September 12, 1995, almost one week following the shooting, with then-Solicitor General Robert Runciman. However, no records exist of a follow up meeting, nor could Mr. Runciman recall a second meeting with the Municipality.

**Reference: Exhibit P-994 Inquiry document 1001565 Press Release entitled "Runciman meets with Ipperwash-area leaders, residents dated September 12, 1995
Exhibit P-1003 Inquiry document 13000158 Town of Bosanquet Press Release dated September 18, 1995**

The occupation of the Park was a political "hot potato"; no one wanted to be seen as the government spokesperson on the issue, and consequently, communications with the Municipality were non-existent.

Recommendation #1:

It is recommended that the Provincial government communicate with the Municipal government in a clear, meaningful, timely and direct way prior to, during and post-occupation.

Clear Communications:

For effective communications, the identity of the contact person needs to be clear and easily ascertainable. The need for clear communications with the community was identified by Ms.

Jai in the *Ipperwash Crisis Management Interim Evaluation Report*. Following September 6, 1995, Ms. Jai conducted a survey of government employees involved in the Park occupation and compiled their comments into the report. In relation to communications, the report outlines the need to ensure all decisions and public statements are made from a common and current information base. Page 4 of the report reveals that the participants in the survey were nearly unanimous regarding the need for more decisive decision making, more communication with external stakeholders and a clear delineation of individual roles.

Reference: Exhibit P-711 Inquiry document 3000064 Ipperwash Crisis Management Interim Evaluation Report dated September 26, 1995 at p. 4

Another barrier to clear communications was raised at a February 1, 1996 MNR meeting to discuss crisis contingency planning and communication as related to the Park occupation. Page 4 of the recorded minutes of the meeting quotes a participant as stating:

Ipperwash is not a classic example on how to deal with crisis communications. There were too many spokespeople (initially), and when it became a police matter there was insufficient information flowing – internally and in the community/media”.

Reference: Exhibit P-895 Inquiry document 1008178 RHO Minutes dated February 1, 1996 at p. 4

Meaningful Communication:

Mr. Taman articulated the same observation with respect to the insufficient flow of information:

A: ... one of the things that happened here was that, because there was so much concern about not appearing to interfere in the operation, that, in the early stages at least, it had the effect of, kind of, strangling communication. So that the communications got treated a bit as though it were an ongoing police investigation. And if it were only an ongoing police investigation that might have been just fine. But the fact was, that it was also an ongoing incident in the community. It wasn't a historic incident about which you could say we have it under investigation; it was actually happening every day. And so my view was, and I think we all agreed on this, that we had to find better ways of communicating without prejudicing the operations so that local people would know what was going on, what the plans were to the extent there were plans and so on -- may I go on?

Q: Sure.

A: It's the point I was trying to make earlier that I think one has to be a little bit careful about the independence of the police model which is clearly apt in -- in a police investigation into a historic event. And you would expect the police spokesperson or you would expect the Minister, you know, the -- the Solicitor General would say I'm not at liberty to comment on that, it's in the hands of the police. But when you have an ongoing matter like this, it doesn't really meet the needs, does it? ...

A: ... I think it's important to remember that because this situation is an ongoing one, the failure to communicate is capable of exacerbating the issue because people -- there are

rumours about what's intended, there are rumours about what's going on, there are rumours about what might happen tomorrow, people get anxious and afraid. Then maybe somebody who's anxious and afraid does something that makes the situation worse. So, if the overall goal is to preserve public safety, make sure nobody gets hurt, I think it's critical that people who are being affected by the incident get some good communication -- appropriate communication about what is going on.

Reference: Evidence of Larry Taman November 15, 2005 pp. 85-88

Good communication and appropriate communication, as articulated by Mr. Taman, necessitate a two-way dialogue in which the Municipality is consulted on its views, concerns and ideas. In addressing the Commissioner at the Ipperwash Inquiry Community Consultation June 21, 2006, Lambton Shores Mayor Cam Ivey suggested that Municipal governments were also an ideal point of contact for the distribution of information, as most area residents know how to get in touch with their mayor or city councilors. Federal and Provincial representatives are less accessible.

**Reference: Evidence of Charles Harnick November 28, 2005 at pp. 95-96
Ipperwash Inquiry Community Consultation notes from the Part 2 community meeting in Thedford June 21, 2006 at p. 2 and can be found at
http://Ipperwashinquiry.com/policy_part/meetings/pdf/IpperwashInquiry_community_consultation_June21.2006.pdf**

ONAS, now Ontario Secretariat for Aboriginal Affairs (ONAS acronym will continue be used for clarity and historical purposes) plays a fundamental role in keeping Municipalities informed and current on Aboriginal issues and land claims in their area. This role is outlined in a "Public Consultations" Fact Sheet authored by ONAS to facilitate public understanding of the land claims process. The fact sheet states:

The Ontario Native Affairs Secretariat (ONAS) is committed to public consultations on Aboriginal land claims and self-government negotiations. We want to hear your views, concerns and ideas. We also want to provide you, the public, with a better understanding of the process of negotiations, government responsibilities, constraints and options.

Reference: Inquiry Document 3001718 ONAS Fact Sheet entitled "Public Consultations", included in the bundle of documents included in the ONAS Minister's briefing material dated July 6, 1995 at p. 95

The goals of public consultation as articulated by the fact sheet include:

- **an opportunity for Ontario to provide clear and accurate information to the public**
- **an opportunity for the public to provide input into the negotiation process before a final settlement is reached**
- **a reduction of uncertainty at the local and regional levels about land claims and Aboriginal self-government**

- o **local solutions to local issues**

The Municipality submits the goals of public consultation as outlined on this document should be extended to include Aboriginal emergencies, such as occupations and blockades. This assertion was supported by Mr. Harnick:

Q: I'm advised that it -- it's a public document and it's entitled, ONAS Fact sheet. And it discusses public consultations and -- with respect to land claims and self-government negotiations. And I just make -- it makes reference to educating the public and keeping them informed of -- of land claims and -- and other Aboriginal issues that seems to be part of ONAS' -- something that they attempt, at least, to -- to do in the community. Is that -- does that sound fair?

A: **Yes.**

Q: And --

A: **And it's a very significant part of -- certainly any land claim to keep the -- keep the people informed of what the land claim is about and to keep them informed and where appropriate consulted with.**

Q: And I'm wondering if -- if you would extend that to -- to Aboriginal Emergencies such as occupations if -- if the same type of policy or approach would -- would also be appropriate in -- in an emergency or occupation?

A: **Again, I -- I -- my recollection is that the guidelines provide for communication plans and I think what you're saying sounds reasonable.**

Reference: Evidence of Charles Harnick November 28, 1995 pp. 96-97.

Direct and Timely Communications

The Guidelines for Responding to Aboriginal Emergencies (Blockades) [hereinafter "*Guidelines*"] as referenced by Mr. Harnick in the above excerpt, provide for communications, but not for direct communications between government officials and the Municipality as to how the government is responding to the occupation. Rather the document provides for the following under Communications:

18. Communications regarding policing and public-safety matters at any site will be the responsibility of the OPP.

19. Ministries are responsible for communications activities associated with their program responsibilities.

20. The Secretariat is responsible for co-ordination of any corporate communications response and for providing a spokesperson when the issues are multi-ministerial, or involve a land claim or self-government negotiation.

21. Ministries will provide communications advise and support to ONAS when required.

Reference: Exhibit P-498 Inquiry document 1012232 "Appendix" Guidelines to Responding to Aboriginal Emergencies (Blockades) p. 3.

The *Guidelines* should provide for direct communication between the Municipality and the Provincial government, and indicate to whom this role is assigned. The Municipality submits this role should fall within the scope of the ONAS Minister's responsibilities. ONAS is responsible for public communications and education regarding the land claim process and negotiations. In the July 6, 1995 briefing materials for the ONAS minister, under the heading Roles and Responsibilities of the Minister, it states: *coordinate communications, negotiations, and mediation processes with First Nations, Aboriginal organizations, the federal government, and other provincial governments.* There is no mention of communications with Municipal governments. The ONAS Minister's role should extend to include direct and timely communications with Municipalities, in particular during an emergency or blockade.

Reference: **Inquiry Document 3001718 Corporate Policy and Services Division dated June 2, 1995 at pp. 162-164**
Inquiry Document 3001718 Roles and Responsibilities of the Minister p. 4.

The need for direct and timely communications with the community is also raised in Ms. Jai's *Ipperwash Crisis Management Interim Evaluation Report*. The report provided an opportunity to test the crisis preparedness of a number of Ontario public service organizations. Some of the comments with respect to the need for timely and direct communications were:

Verification of taxpayers' concerns, rumors were accepted from all areas and brought to the table without verification; need for local community contact – to hear, investigate/address rumors and to keep the community constantly informed; community liaison; better and earlier communication with the local community.

Reference: **Exhibit P-711 Inquiry document 3000064 Ipperwash Crisis Management Interim Evaluation Report dated September 26, 1995 at p. 1 and p. 4**

The need for timely communications was further noted by Ms. Jai and documented in the *Aboriginal Emergency Preparedness Plan*. Following the occupation, Ms. Jai reviewed the existing *Aboriginal Emergency Preparedness Plan* with a view to recommend possible improvements to the process. Under the subtitle How to Prevent Emergencies, she notes: *communicate what the government is doing in a consistent and timely way, to reduce tensions in Native and non-Native communities.*

Reference: Inquiry document 1011836 Aboriginal Emergency Preparedness Plan dated September 7, 1995

Following the occupation, the Solicitor General's office was responsible for keeping the local community updated via a fact sheet and OPP liaison person. The first update occurred September 24, 1995 and is marked "draft". There is no indication whether this document was distributed to the community. This lack of communication during and post-occupation did raise tensions in the community, according to participants at the Community Consultation June 21, 2006:

Participants described not knowing what was going on during or since September 1995, which appeared to greatly contribute to their anxiety and anger about these events, and their sense that they had been abandoned by police and government. Participants were promised that fact sheets would be distributed about the process of the land claim negotiations, and that public meetings would be held. None of this has occurred, and area residents have not been kept informed about the progress of negotiations, and do not know what is happening or will happen with the Army Camp or park."

Reference: Exhibit P-944 Inquiry Document 2000477 Memo to Larry Taman from Yan Lazor and attached bundle of material dated September 20, 1995 at pp. 7 and 16
Ipperwash Inquiry Community Consultation notes from the Part 2 community meeting in Thedford June 21, 2006 at p. 2 and can be found at http://Ipperwashinquiry.com/policy_part/meetings/pdf/IpperwashInquiry_community_consultation_June21.2006.pdf

Practices or policies that may assist in realizing the recommendation for clear, meaningful, timely and direct communications between the Provincial government and the Municipality are the following:

- (a) *establishing a communication plan that anticipates direct dialogue between the Province and the Municipality prior to a dispute escalating into an occupation, during and post-occupation;*
- (b) *establishing a communication plan that provides for a clear and easily accessible contact person to engage in consultation (two-way dialogue) with the Municipality;*
- (c) *utilizing the Municipality as an early point of contact for the distribution of information, and the receiving of information regarding the community's concerns;*

- (d) *ensuring ongoing communications and education with the community regarding potential Aboriginal issues, including occupations/blockades, in the community;*
- (e) *establishing and solidifying relationships between the Province and Municipal officials prior to a crisis – do not wait until the situation escalates;*
- (f) *extending the ONAS policy for public consultation in land claims and self-government to include Aboriginal emergencies such as occupations;*
- (g) *Extend the ONAS ministers’ role to include direct contact with Municipal leaders during Aboriginal emergencies or blockades (the lead minister should engage in direct communications with Municipal leaders);*
- (h) *Consult with Municipalities on how best to prevent and defuse tensions in the community.*

2. Communications between the Municipality and the Ontario Provincial Police:

Direct and timely communications between the Incident Commander and the Municipality is essential during a crisis situation. The relationship between an Incident Commander and the Municipality is one of mutual benefit. The Municipality provides important information regarding the concerns of the community, which assists in intelligence gathering and in providing information to assist police in strategizing for operational decisions. The Municipality is equally dependent on receiving timely and direct information from the Incident Commander to allay the concerns of their community and defuse tensions. This is a relationship of co-dependency.

Project Maple highlights the importance of communication with the local Municipality during a crisis situation. It states:

The communication exchange with the affected community is considered a vital component to the success of the operational plan. Consultation with the area stakeholders will be maintained throughout the operation of the plan. Local municipal officials will be updated and consulted on issues of a community concern.

Reference: Exhibit P-424 Project Maple dated September 1995 at p. 3

When former Mayor Fred Thomas attended at the command post the morning of September 6, 1995 at 8:17 a.m., Mr. Carson testified he was not surprised. In fact, Mr. Thomas' attendance was consistent with Project Maple's communication/consultation objective:

Q. When Fred -- Mayor Fred Thomas -- do you recall meeting with him at the Forest command centre on September 6th, 1995?

A: **Yes.**

Q: He came there about, in accordance with materials we've had and I won't pull them all forward, but it was about 8:17 in the morning?

A: **That sounds about right.**

Q: Okay. And when he came there, did he express his constituents concerns to you and ask questions of you?

A: **Oh, yes.**

Q: And, was that meeting in general keeping with the liaison that you told us about, exchange of communication?

A: **Oh, yes. I -- I certainly -- I certainly would have taken the opportunity to share with him, I mean, as I did with Chief Bressette, quite frankly. I -- I made a point of calling him, of -- of calling him, of -- of being proactive. I think, if I'm not mistaken, Mayor Thomas came to the command post on his own. But it certainly was something I would have expected, either in person or by phone, to -- to answer any questions because we had already had meetings prior to with Mayor Thomas. And I -- I understood the anxieties that were at play here and I certainly didn't have any difficulty with Mr. Thomas coming to the command post so that I had that opportunity to have that one-on-one discussion with him so that he could understand the -- the situation as we knew it.**

**Reference: Exhibit P-426 Inquiry document 1002419 at pp. 52-53
Evidence of John Carson June 2, 2005 at pp. 122-123**

Mr. Carson further characterized the meeting as essential from a public perspective:

Q. Okay. And you saw nothing wrong or improper in the meeting with Mayor Thomas on September 6th, I take it?

A: **I saw nothing inappropriate whatsoever.**

Q. In fact, would -- would it be fair to characterize it as a very important informational meeting?

A: **From a public perspective, I think it's essential, quite frankly.**

Reference: Evidence of John Carson June 2, 1995 at p. 124.

The information provided by elected Municipal officials to the Incident Commander is a valuable component in a police operation. Direct contact with Municipal officials is a practical means of relaying the concerns of a community. Mr. Carson agreed that receiving information from one source rather than each individual cottager and community member was more efficient and allowed the police to evaluate the relevance of the information.

Q: Right. And maybe to sum it up, it's -- I trust that when Mayor Fred Thomas, Chief Tom Bressette, Marcel Beaubien and other elected officials pass information along to you about concerns of their constituents, the cottagers, who are close in proximity to Ipperwash beach, it's

really just a more efficient means for you to get information than if you had to hear from each individual cottager, community member, and citizen?

A. It's also a valuable component that allows the police to evaluate the information that we may from other sources, and it may validate or support other concerns that we are aware of, or it may bring to our attention something that we are totally not aware of...it also provides us a vehicle to provide information that can be distributed through the community by another means.

Q: Right. These – but maybe if I can put it to you this way, in summary, when these elected political leaders communicate to you, or meet with you in some forum, they're really conduits for information. You get information from them, and information goes through them back out to the community, right?

A: Correct.

Q: But they're not there to tell you how to do your job?

A: Oh, absolutely.

Reference: Evidence of John Carson June 2, 2005 at pp. 129-130

Commissioner Gwen Boniface also agreed that two-way dialogue or liaison policing involves communicating with local elected officials and operates as a conduit to the public. She also agreed that this type of communications is not only appropriate but often times necessary for the OPP to be able to effectively manage incidents of community interest. She agreed that communications with local officials was appropriate in response to the Park occupation.

Reference: Evidence of Gwen Boniface June 14, 2006 at pp. 197-201

Recommendation #2:

It is recommended that direct and timely communication continue between the OPP Incident Commander and Municipal leaders during a crisis situation.

The OPP recognizes the importance of keeping the community informed during a crisis situation. In April 1996, the OPP published a paper entitled *Emergency Preparedness in the OPP, Working Group Report*. Page 2 of the report states:

Another central theme arising out of the consultations was the importance of proactive community policing. Dialogue between detachment commanders and community groups was highlighted as an especially valuable asset, as well as being an integral component of effectively defusing potentially contentious issues. This was found to be particularly the case where the detachments are located within close proximity of First Nations' communities.

Reference: Exhibit P-614 Emergency Preparedness in the OPP, Working Group Report submitted to the emergency preparedness steering committee April 15, 1996 at p. 2

Wayne Wawryk's draft paper prepared for Part 2 of the Inquiry, entitled *The Collection and Use of Intelligence in Policing Public Order Events*, highlights the importance of direct and timely consultation/communication with the community:

The community who are not involved in the protest want to know what is potentially going to happen and how they can arrange their lives to compensate. This is not an easy discussion as many have travel plans around the area or business to conduct. More and more, the police have to enhance special efforts to assign officers to communicate with the community. The facts, as they are known, help dispel apprehension and allow for the compensating actions to take place. A route of march for example can help people make their own decisions. In a prolonged situation, the surrounding community can both give and need support from the police. They can only do so if police efforts to talk to them are real and substantiated.

Certain opportunities present themselves when considering intelligence work in police order. First among them is local knowledge, constantly refreshed by human contact. Local police personnel should remain in contact with their community in the event of crisis. In smaller communities, the local police members should be the public face of community interaction leaving the crisis management to fully qualified people brought in. In order to do this, local members are part of the plan and in a position to give quality information to the public.

Reference: Part 2 paper entitled: *The Collection and Use of Intelligence in Policing Public Order Events* by Wayne Wawryk dated April 20, 2005 at p. 26 and p. 29, and can be found at http://Ipperwashinquiry.com/policy_part/research/pdf/Wawryk.pdf

The *Ipperwash Discussion Paper – Government/Police Relations* [hereinafter *Ipperwash Discussion Paper*] a discussion paper prepared by the Inquiry dated June 2006, further explores the need for an informed community. In doing so, the paper explores the *Patten Report*, a discussion on the relationship between police independence, accountability and transparency:

In a democracy, policing, in order to be effective, must be based on consent across the community. The community recognizes the legitimacy of the policing task, confers authority on police personnel in carrying out their role in policing and actively supports them...in the subordinate sense, police are employed by the community to provide a service and the community should have the means to ensure that it gets the service it needs and that its money is spent wisely...there is a democratic accountability, which the elected representatives of the community tell the police what sort of service they want from the police, and hold the police accountable for delivering it. There is transparency, by which the community is kept informed, can ask questions, about what the police are doing and why.

The *Patten Report* further notes the relationship between transparency and accountability:

...people need to know and understand what their police are doing and why. This is important if the police are to command public confidence and active cooperation.

Secretive policing arrangements run counter not only to the principles of a democratic society but also to the achievement of fully effective policing.

Reference: United Kingdom, Independent Commission on Policing for Northern Ireland (Rt. Hon. C. Patten, Chair) *A New Beginning: Policing in Northern Ireland* (London 1999) at p. 3 and p. 4
Ipperwash Discussion Paper-Government/Police Relations dated June 2006 can be found at http://ipperwashinquiry.com/policy_part/discussion/pdf/PoliceGovt_DiscussionPaper_June2006.pdf

The Municipality is the conduit through which questions are asked and answered. The Municipality submits that direct and timely communication with the community through its Municipal leaders can only assist the community in understanding the nature of the occupation and how it may affect their lives, and consequently defuse tensions and dispel rumours.

Recommendation #3

It is recommended that the OPP establish an equivalent to its Selection Liaison Committee to include Municipal leaders with the goal of fostering long-term relationships between the OPP and Municipalities.

The *Ipperwash Discussion Paper* also makes reference to the OPP's Select Liaison Committee as an example of an ongoing, expert consultation forum. Former Commissioner Thomas O'Grady gave evidence that he established the committee in 1996, which comprises of six to eight members of First Nation communities acting as advisors. The purpose, as articulated by Mr. O'Grady, is to foster relationships between the OPP and First Nation representatives at a time when not in crisis, so that if and when a crisis arises, the OPP can contact these representatives.

Reference: Evidence of Thomas O'Grady August 23, 2005 at pp. 49-50

The *Ipperwash Discussion Paper* questions whether the OPP could also have a formal consultation forum or relationship with a political organization like the Chiefs of Ontario, and/or an equivalent (or joint) committee with non-Aboriginal community members. The Municipality submits that a liaison committee to consult with community members regarding their concerns would be extremely beneficial in building long-term relationships between Municipal leaders and the OPP. However, such committees may not always be effective in fostering direct and timely communications in a crisis situation, such as an occupation.

Effective communication during a crisis situation necessitates immediate action and direct communication. Trying to convene a board to disseminate information when matters are happening very quickly is not practical. Municipal leaders represent the communities who elected them. The communities look to their Municipal leaders for information as to what is occurring in their community. Municipal leaders seek out and provide information to and from the Incident Commander on the ground. The Incident Commander should have enough experience in order to take that information and determine whether or not it is accurate and how to utilize it.

The Municipality plays a distinct and unique role as a conduit of information to its community members. The community, in a time of crisis, needs information quickly. The proper forum is direct contact, without filter, to the elected official to pass on to the community. In the end, there are better results when people are working from the same base of information.

3. Communications between the Municipality and the Federal Government:

The Municipality was excluded from communications with the Federal government regarding the return of Camp Ipperwash. The federal government dealt with matters by exclusion and secrecy leading up to the culmination of events, and their conduct was harmful.

Frustration with the federal government's refusal to meet with the Municipality was brought to the attention of Mr. Runciman at his meeting with the Municipality September 12, 1995:

The Federal government again refused to meet with Town officials and council is angered and dismayed by this. Over the past two years the Town has advised the Federal Government of its concerns, requested active involvement by our elected officials and asked for a chance to have input into actions that would have significant and long lasting impacts on Bosanquet residents and their children.

On Tuesday, 12 September, the Mayor requested a brief meeting with Minister of Indian Affairs Ron Irwin while he was in the area but was told that the Minister did not have time to meet with him.

Reference: Exhibit P-1003 Inquiry document 13000158 Town of Bosanquet Press Release dated September 18, 1995

In a June 22, 1994 press release entitled “Peaceful Solution to Camp Ipperwash Dispute Urged”, Municipal officials expressed their desire for a peaceful resolution to the ongoing dispute at Camp Ipperwash and to be included in negotiations:

Township officials have contacted the Department of National Defence, strongly requesting to be included in any negotiations undertaken. “All affected parties, including the Township, have to be part of negotiations,” said Chief Administrative Officer Ken Williams. “The Army Camp is located in our Township. We maintain the roads and provide fire and other services to and around the Camp and therefore should have direct input into any decisions reached. We’re ready, willing and able to meet any time, anywhere to work out a solution with our First Nation neighbours and the Federal and Provincial Governments.

Reference: Inquiry document 1300053 Township of Bosanquet Press Release entitled: “Peaceful Solution to Camp Ipperwash Dispute Urged” dated June 22, 1994

Recommendation #4:

It is recommended that the Commissioner reinforce the need for the Federal government to consult with the municipality with respect to the return of Camp Ipperwash.

The Municipality recognizes that the Commissioner may not have jurisdiction to make recommendations that encompass the Federal government, however, the Municipality is requesting the Commissioner reinforce the need for the Federal government to consult with the Municipality with respect to the return of Camp Ipperwash.

4. Compensation:

The financial impact on the Municipality and its community with respect to the West Ipperwash land claim and the Park occupation was devastating. Mr. Carson testified to the economic concerns of the community stating:

Well there was lots of commentary in the community. Of course, this was also the same period of time there was a civil suit that was underway in West Ipperwash, and there was certainly a very significant concern about the property values...”

Reference: Evidence of John Carson June 1, 2005 at p. 109

The concern for the economic loss of the community was further documented in the MNR’s “*An Assessment of Options for Resolving Grievances Concerning Ipperwash Provincial Park*” [hereinafter “*Assessment*”] dated April 16, 1996. The purpose of the *Assessment* was the

resolution of outstanding grievances surrounding the Park. One of the objectives, as noted in the *Assessment*, was to restore the local social and economic relationships, stability and benefits:

Municipal concerns over loss of economic benefits derived from the park and local resident concern over declining property value, and local businesses.

Reference: Inquiry document 1004043 MNR report entitled “An Assessment of Options for Resolving Grievances Concerning Ipperwash Provincial Park” dated April 16, 1996 at p. 5

The community’s concern is further documented in a March 5, 1996 briefing note from Peter Allen, MNR Deputy Minister Executive Assistant to Yan Lazor, Acting Secretary to the Native Affairs Secretariat:

The local municipality is becoming increasingly disenchanted with the government in its perceived inaction or inability to resolve the issue. There are increasing concerns relative to decreasing property in property values. Property values in the area of plummeted. Recently some properties were reassessed at less than 50% of the original value.

Reference: Inquiry document 3001779 MNR Confidential briefing note from Peter Allen to Yan Lazor dated March 5, 1996 at p. 2

These concerns were further captured in a statement made by Mr. Thomas at a public information meeting April 28, 1996 which was faxed to various Federal and Provincial representatives. The statement posed several questions, including:

**The impact of the occupation of the Army Camp and Provincial Park on my residents has been extreme.
Residents have suffered through years of physical, emotional and financial stress. Is there any end in sight?
Because the issues involved are beyond the control and jurisdiction of the Town, we appeal to the federal and provincial government and all native people to assist us in restoring peace and harmony to our entire community.
Property values in the area have plummeted. Recently some properties were reassessed at less than 50% of their original value. How can we help these people?
The occupation of the Camp and Park has led to the loss of native and non native jobs.
Tourism is suffering which has added to the negative economic impact of job loss. Our entire community is suffering. How do we address this economic hardship?**

Reference: Inquiry document 1001181 Fax from Ken Williams to various federal and provincial government officials dated May 1, 1996 regarding a statement made by Fred Thomas at an April 28, 1996 meeting.

Kettle and Stoney Point First Nation Chief Tom Bressette also testified to the effect claims to the park were having on tourism in the local community as early as 1993. Chief Bressette met with an MNR official to discuss a 1993 claim to the park from Maynard T. George in 1993. In response to Mr. George's claim on the park, he stated:

... and I think, you know, that a general feeling that a lot of people have about, when you do something like this it -- it inadvertently draws an adverse effect from surrounding communities and it upsets the balance of how we deal with our neighbours.

Reference: Evidence of Chief Tom Bressette March 1, 2005 at p. 244

Recommendation #5

It is recommended that the Commissioner re-enforce the importance of compensation for Municipalities affected by declining of property values, loss of tax base, business revenue, and tourism.

The issue of compensation was raised at the Ipperwash Inquiry Community Consultation June 21, 2006. Notes prepared by the Commission outlined one of the common recommendations made by those citizens in attendance.

Innocent third parties should be compensated if land disputes disrupt activities in adjoining communities: several participants described the negative effect the events of September 1995 had on their property values. The events themselves disrupted businesses, employment, and medical treatment. In the aftermath of the events, participants described losing businesses because of diminished property values and the refusal of banks to ensure to provide credit or insurance to home owners, at which one participant attributed to the lack of police protection afforded by the OPP to property owners during the period immediately following September 6, 1995. The closure of the park had a tremendous economic impact on the area.

Reference: Ipperwash Inquiry Community Consultation notes from the Part 2 community meeting in Thedford June 21, 2006 at p. 3

The province is aware of the negative economic impact land disputes have on adjoining municipalities and we are pleased to note at Caledonia that municipalities and communities are being compensated. We are looking forward to the Province coming to the table and ask the Commission to re-enforce the importance of compensating municipalities.

5. Improving the land claims process:

Recommendation #6:

It is recommended that the Commissioner reinforce the importance of the Federal and Provincial government to keep Municipal leaders informed about progress in land claim negotiations.

Recommendation #7:

It is recommended that the Commissioner reinforce the need for the land claims process in Ontario to protect and inform the general public.

In Michael Coyle's March 31, 2005 paper prepared for Part 2 of the Commission entitled "Addressing Aboriginal Land and Treaty Rights in Ontario: an Analysis of Past Policies and Options for the Future", he addresses general principles in implementing an effective process for resolving land claims in Ontario. He suggests that an effective process for resolving land claims in Ontario should satisfy the following main criteria:

1. it should be timely;
2. it should be fair and perceived by all parties as fair;
3. it should strengthen the relationship between First Nations and the Crown;
4. it should take into account the division of responsibilities between the federal and provincial governments, without allowing that division to cause delays in the settlement of claims; and
5. it should protect the interests of the general public.

In addressing the fifth criteria, protecting the interests of the general public, Mr. Coyle focuses on the community's need to stay informed about the process of land claim negotiations to avoid tensions between Aboriginal and non-Aboriginal people in the area, and for the affected municipality to stay informed of the progress in claim negotiations. Coyle states in his paper:

The Ontario public has a legitimate interest in being informed about the nature and status of land claims in the province, as well as the steps being taken to resolve disputes about First Nations land and treaty rights. Public resources are used in dealing with these disputes, whether in the courts or through negotiation. Public resources and human lives are also affected by the failure to resolve the disputes ... Municipal governments are, however, significantly affected by land claim negotiations in several ways. First, the failure to resolve a claim in a timely and harmonious way can create tensions between Aboriginal and non-Aboriginal people in the area. Second, the settlement of a claim and the payment of settlement proceeds tends to bring investment and spending into the area, and it can also contribute to the renewal of ties between the First Nation and its neighbours. Third, a failure by the provincial or federal government to keep the

municipality informed about progress in claim negotiations can leave municipal leaders unable to address speculation in their community about the possible outcome of the claim.

Reference: Part 2 paper entitled: “*Addressing Aboriginal Land and Treaty Rights in Ontario: an Analysis of Past Policies and Options for the Future*” by Michael Coyle dated March 31, 2005 at pp. 47, 49, 62 and 63 and can be found at http://ipperwashington.com/policy_part/research/pdf/Coyle.pdf

To improve the flow of information from the Provincial government to the public and enhance information sharing and communications with municipalities, Mr. Coyle made the following recommendations in his paper:

Recommendations to Address the Public Interest

- i) In the interest of informing the public and to increase accountability for the manner in which Ontario addresses land claims, Ontario should provide specific information on the ONAS website about the nature of the outstanding land claims in Ontario, and about the status of the efforts to resolve each of those claims. In addition to a general summary of the number of claims in Ontario, and about the status of the efforts to resolve each of those claims. In addition to a general summary of the number of claims received, the number of claims at each level of the settlement process, and the number and value of settlements reached to date, the website should provide a brief description of the allegations made in each claim. The format could be similar to the reports provided to the public by Canada regarding its Specific Claims... The ONAS website should also offer a summary of the progress made over the past year toward resolving each claim.
- ii) To increase public accountability, Canada and Ontario should also publish a brief description of the land claims in which they are currently parties to litigation, and estimate the amount of funds spent by the government on such litigation on annual basis.
- iii) To enhance information-sharing with municipalities, Ontario and Canada should consider involving the province in all municipal consultations where a settlement contemplates the addition of land to reserve and the province has not been a party to negotiations.
- iv) To improve communications between municipalities, the Crown and First Nations about proposed changes to land uses while claims are negotiated, all parties should consider establishing interim consultation agreements with respect to lands claimed by First Nations.

Reference: Ibid at pp. 64-65

The Municipality supports the proposed recommendations to address the public interest in Ontario land claims as submitted by Mr. Coyle in his report.

Recommendation #8:

It is recommended that the Federal and/or Provincial governments assist, if requested, in negotiations between Municipalities and First Nation communities with respect to joint land use planning, municipal tax loss compensation, and the delivery of services by municipalities.

Perhaps the most devastating effect a land claim has on a Municipality is the tax base loss. Pursuant to the *Addition to Reserve Policy*, First Nations and Municipalities are required to

negotiate directly without the assistance or intervention of Federal or Provincial governments. The amount of compensation is decided on a case by case basis.

Mr. Coyle notes that although the municipality will no longer be obligated to provide services to the settlement lands, unless the First Nation makes arrangements to pay for them, the result is a reduced municipal budget. In the Federal governments *Addition to Reserve Policy*, First Nations are required to negotiate in good faith with municipalities in areas such as joint land use planning, tax considerations, and the delivery of services by the municipality. However, Mr. Coyle notes the difficulty in having negotiations without Federal or Provincial involvement.

The negotiations themselves can be sensitive, particularly where a First Nation considers that land being returned should never have been subject to municipal taxation in the first place.

Reference: Ibid at p. 63
Additions to Reserve Policy, Chapter 10 of the Land Management Manual, and can be found at www.ainc-inac.gc.ca/ps/lts/pdf/ch10

Recommendation #9

It is recommended that the Federal and/or Provincial governments establish a standard national or provincial rate for municipal tax loss compensation.

Currently in Ontario, municipalities negotiate directly with First Nations for tax loss compensation. In the provinces of Saskatchewan and Manitoba, the federal and provincial governments have recognized this dichotomy and have attempted to rectify it by entering into the Treaty Land Entitlement Framework Agreements (“TLE”) signed between both the Federal and Provincial governments, and the First Nations in recognition of treaty obligations. Further, the agreement represents the spirit of cooperation and recognition that municipal interests must be addressed. In Saskatchewan, the municipality can apply under the *Rural Municipal Tax Loss Compensation Agreement* for lost taxes. Under the Fund, both the Federal and Provincial governments are required to pay the municipality a sum that is equivalent to ninety percent of the tax loss within ninety days. In Manitoba, the municipalities apply to the Provincial government for its losses. Municipal tax loss compensation is offered to Municipal governments that meet the qualifications outlined in the *Manitoba Treaty Land Entitlement*

Agreement. Upon approval by the province, a one time payment, usually equivalent to five times the municipal net tax loss is forwarded to the municipality.

Reference: *Land Management Project, Building Capacity Through Communication: Additions to Reserve Policy, Book 3, (Municipal/Aboriginal Partnership in Land Management)* prepared by the Federal of Canadian Municipalities, in partnership with the Indian Taxation Advisory Board, the National Aboriginal Land Managers Association, and Indian and Northern Affairs at pp. 4-5, and can be found at www.fcm.ca/english/documents/additions.pdf
Rural Municipal Tax Loss Compensation Agreement dated October 6, 1993, and can be found at www.fnmr.gov.sk.ca/html/documents/tle/RM_Tax_Loss_Comp.pdf
Manitoba Treaty Land Entitlement (TLE) Framework Agreement dated May 29, 1997, and can be found at www.tlec.ca/tlec2/Default.aspx?PageName=Framework
Applications and Guidelines for municipal tax compensation can be found at www.gov.mb.ca/ana/interest/mtlcmctlc-guidelines.html

Under the *Addition to Reserve Policy*, in Ontario, there is no national standard rate for municipal tax loss compensation, consistency or set formula. Each compensation agreement is reached on a case by case basis. The lack of government involvement in negotiating compensation forces Municipalities and First Nations communities to reach an agreement for compensation on their own. This practice has the potential to create frustration and division between the two communities.

6. Summary of Recommendations:

The recommendations of the Municipality focus on communications between the Municipality and: the Provincial government, the OPP and the Federal government; compensation; and improving the process of land claims with a view of protecting the interest of the Municipality and the public. The recommendations are meant as suggestions to avoid violent confrontations over Aboriginal land and/or treaty claims in Ontario, consistent with 2(b) of the Commissioner's mandate (*Public Inquiries Act*, S.O. 2000, c.14 by authority of Order-in-Council No. 1662/2003 dated November 12, 2003). The Municipality was granted standing in both Part 1 and Part 2 of the Inquiry and has based its submissions on both the evidence in Part I and the research and policy papers, and meetings held in Part 2.

1. *It is recommended that the Provincial government communicate with the Municipal government in a clear, meaningful, timely and direct way prior to, during and post-occupation by:*

- (a) *establishing a communication plan that anticipates direct dialogue between the Province and the Municipality prior to a dispute escalating into an occupation, during and post-occupation;*
- (b) *establishing a communication plan that provides for a clear and easily accessible contact person to engage in consultation (two-way dialogue) with the Municipality;*
- (c) *utilizing the Municipality as an early point of contact for the distribution of information, and the receiving of information regarding the community's concerns;*
- (d) *ensuring ongoing communications and education with the community regarding potential Aboriginal issues, including occupations/blockades, in the community;*
- (e) *establishing and solidifying relationships between the Province and Municipal officials prior to a crisis – do not wait until the situation escalates;*
- (f) *extending the ONAS policy for public consultation in land claims and self-government to include Aboriginal emergencies such as occupations;*
- (g) *Extend the ONAS Minister's role to include direct contact with Municipal leaders during Aboriginal emergencies or blockades (the lead minister should engage in direct communications with Municipal leaders);*
- (h) *Consult with Municipalities on how best to prevent and defuse tensions in the community.*

2. *It is recommended that direct and timely communication continue between the OPP Incident Commander and Municipal leaders during a crisis situation.*
3. *It is recommended that the OPP establish an equivalent to its Selection Liaison Committee to include Municipal leaders with the goal of fostering long-term relationships between the OPP and Municipalities.*
4. *It is recommended that the Commissioner reinforce the need for the Federal government to consult with the municipality with respect to the return of Camp Ipperwash.*
5. *It is recommended that the Commissioner re-enforce the importance of compensation for Municipalities affected by declining of property values, loss of tax base, business revenue, and tourism.*

6. *It is recommended that the Commissioner reinforce the importance of the Federal and Provincial government to keep Municipal leaders informed about progress in claim negotiations.*
7. *It is recommended that the Commissioner reinforce the need for the land claims process in Ontario to protect and inform the general public.*
8. *It is recommended that the Federal and/or Provincial governments assist, if requested, in negotiations between Municipalities and First Nation communities with respect to joint land use planning, municipal tax loss compensation, and the delivery of services by municipalities.*
9. *It is recommended that the Federal and/or Provincial governments establish a standard national or provincial rate for municipal tax loss compensation.*

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 28th DAY OF JUNE 2006

**Janet M. Clermont
Counsel for the Municipality of
Lambton Shores**