



Six Nations Land Rights Issues

CANADA NEEDS TO GET INVOLVED !

December 11, 2012

Background

Six Nations of the Grand River is the largest First Nation community in Canada with some 24,000 citizens entitled to live on approximately 46,000 acres in Southern Ontario. This is all that remains (4%) from our original 950,000 acre lands in our 1794 Haldimand Treaty being "***Six Miles deep from each side of the River beginning at Lake Erie and extending in the proportion to the Head of the said River, which Them and Their Posterity are to enjoy forever***".

The Haldimand Treaty lands are within our 1701 Fort Albany (Nanfan) Treaty with the Crown; which protects and recognizes our rights to a larger area of land in south and central Ontario.

Between the years 1975 - 1995 Six Nations had worked on and filed a total of 29 "*Specific Claims*". Although the claims were being validated, arbitrary and unreasonable "take it or leave it" offers by Canada were not conducive to fair and just settlements for the Six Nations Community to consider. Nor was Canada's requirement that Six Nations must extinguish their children's' rights to those lands or there would be no settlements. This was not an acceptable and just process we could be a part of. Since 1995, Canada has refused to accept the many more Six Nations Land Rights issues researched and requiring resolution, but instead has closed all our files with no acceptable forum for Six Nations to seek just, fair and negotiated resolutions.

In the meantime, the Six Nations Peoples are frustrated and doing what they can to protect Six Nations interests in the lands. The unresolved Six Nations land rights issues impedes the governance of 38 municipalities and 700,000 persons in the Grand River watershed. Today you will hear from two of our neighbouring municipalities; the City of Brantford and the County of Brant to give testimony as to the urgent need for resolution to Six Nations Land Rights issues.

Summary of the Issues from Six Nations perspective:

1. Our Treaties are recognized and protected under Canada's Constitution Act, 1982. They promised "the perpetual care and maintenance of Six Nations" for our "posterity to enjoy forever." We cannot, and will not negotiate away our constitutionally recognized treaty rights. The extinguishment requirement in the current federal approach, "to achieve certainty," does not allow us to continue to enjoy the same forever, as provided in the Treaty and is therefore unacceptable.
2. The Specific Claims Tribunal Act, which was passed in 2008, does not deal with claims over \$150 million. A process to deal with large claims was promised but withdrawn by the federal government. There is no place for Six Nations to seek just, fair and negotiated resolutions for the validated Land Rights Issues before us today.
3. A new perpetual care and maintenance mechanism needs to be established that allows us to share our lands and resources with our neighbours and which allows for certainty on both sides. There is no need for the prerequisite of extinguishment to achieve certainty.
4. Canada cannot afford the cost of one time extinguishment payments if Six Nations is to receive a just and equitable settlements.
5. Joint venturing and partnering with developers, municipalities, Ontario and Canada will allow us to share in the benefits of the Haldimand Tract lands.
6. We have an alternative "global approach" to a settlement of our land rights issues, which we need the federal government to sign on to.
7. Six Nations is seeking a special House of Commons or Senate study on the Large Specific Claims process and in particular using Six Nations as a test case to review why there has been no federal Large Claim process produced to address liabilities exceeding \$150 million as proposed in 2010 to the Parliament of Canada's Standing Committee on Aboriginal Affairs and Northern Development.

RECOMMENDATIONS

We want to move forward with our neighbours guided by these principles for resolving Six Nations Land Rights issues; It is not the responsibility of the Municipality. It is not the responsibility of the Developer. It is not the responsibility of the Investor. It is not the responsibility of our Neighbours.

IT IS THE RESPONSIBILITY OF CANADA AND ONTARIO TO RESOLVE SIX NATIONS LAND RIGHTS ISSUES!

We are now going to recommend to you how we see Canada finally stepping up to the plate:

- A. To achieve these objectives, Six Nations Elected Council, Canada and Ontario need to establish a negotiation table with a mandate to formalize a joint work plan with short but realistic time frames.
- B. The need of mediators with appropriate mechanisms for dispute resolution to ensure good faith negotiations are practiced by all.
- C. There needs to be the options to go to neutral dispute resolution tribunals to resolve legal disagreements should impasses happen. The neutral tribunal will have the authority to make binding decisions on the validity of issues, compensation criteria and innovative means for resolving issues.
- D. Progress on these negotiations shall be reported directly to Parliament via a Standing Committee of Parliament.
- E. These efforts must start immediately.