



# Haudenosaunee Confederacy Chiefs Council Oswego Grand River Newsletter

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December 2014 / January 2015

## Bill C-10

*The Senate has passed Bill C-10 the controversial "contraband" tobacco act that will adversely affect Haudenosaunee businesses. In a move to open talks with federal officials the Haudenosaunee Confederacy Council sent Mohawk Chief Allen MacNaughton to appear before the Senate Committee holding hearings on the bill before it made it to third reading in the Senate. Here is his presentation.*

## Tekarihoken

Our Treaty Relationship and long history of trade and commerce have historically been negotiated within internal and external discussions intended for peaceful resolutions. Many Indigenous Nations have Treaty Agreements with each other that predate contact with Europeans, and continue to be applicable today. These Treaties include Trade Relationships that are pipelines between our communities where trade and commerce interchange.

We are here to remind you that our history together provides for a mechanism in which we can engage in open, honest and respectful dialogue.

It is evident through these Senate Hearings that there has been NO prior consultation, prior discussions or meetings with our Haudenosaunee Confederacy Chiefs Council. The Canadian Governments historically oppressive, arbitrary imposition of unilateral laws is no longer a tolerable (continued on page 4)



*The Haudenosaunee Confederacy Chiefs Council and clanmothers met with environmentalist David Suzuki during his Blue Dot Tour in October. Mr. Suzuki is touring Canada to motivate Canadians to save the Mother Earth, our only home. (Photo by Jim C Powless, Turtle Island News)*

## Kanohstaton

The Installation of a fence around Kanohstaton has been completed along the north side of the property, running parallel to Thistlemoore Ave., as well as along the Plank Road from the front gate linking up with a fence behind the nearby garage.

The decision of the HCCC to install the fence was heightened by the on-going attempt by non Haudenosaunee citizens to disrupt the peace at Kanohstaton and was also a result of the collapse of the communications protocol agreement with Ontario.

Kayanase, as well as a number of Haudenosaunee citizens, were involved in helping with the clean up along the fence line, getting rid of garbage that had been thrown on the site, and cutting grass & brush in preparation for the fence. Some area residents along Thistlemoore also helped with the clean-up in a combined effort to combat the propaganda being deliberately circulated that suggested the fence

would create more tension and more problems.

One resident opposed the fence installation that was crossing behind her home on Thistlemoore because she had extended her yard 13 metres onto Kanohstaton, and claimed that she had been given permission from two of Ontario's former representatives on the land rights negotiations table. However the Ministry of Aboriginal Affairs has denied any involvement.

Prior to this, the Haudenosaunee Confederacy Chief's Council and Ontario had been in discussions about the installation of a fence as part of the ongoing communications protocol agreement through the Ministry of Aboriginal Affairs (MAA), however the Ministry recently walked away from those discussions, insisting on a new table that included both the Haldimand County and Six Nations Elected Band Council.

The protocol agreement expired

in June 2014 and rather than renew the agreement, current Minister of Aboriginal Affairs David Zimmer decided to hold his own discussion tables with the Six Nations Elected Council Chief and Haldimand County Mayor and also included several local groups at Six Nations including the Men's Fire, and the group calling itself the Mohawks of Grand River.

Minister Zimmer's meetings were sparked by Haldimand County's threats to remove the hydro towers that blocked the front entrance to the site, claiming they were a barrier to emergency equipment, even though Haldimand County has not provided services to the site in over 8 years.

Confederacy Chiefs were invited to these meetings but did not attend. The HCCC reminded the Minister that what he was doing was actually setting discussions back 8 years, and that any third party interest had been removed from the (continued on page 2)



Official stamp of the HCCG

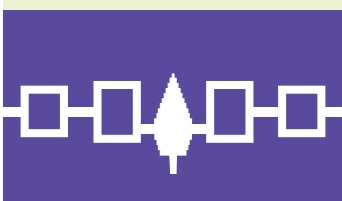
### The Haudenosaunee Confederacy Chiefs Council ('HCCG')

has legislated the Haudenosaunee Development Institute ('HDI') to represent HCCG interests in the development of lands within areas of Haudenosaunee jurisdiction, including but not limited to the land prescribed by the Haldimand Proclamation and the 1701 Treaty Area.

HDI has established and administers a regulatory framework which identifies, registers and regulates development in compliance with a number of regulatory obligations including the Haudenosaunee Green Plan ('HGP') and the Haudenosaunee Development Protocol ('HDP').

HDI is also charged with ensuring that the perpetual care and maintenance of the Haudenosaunee is maintained with respect to Haudenosaunee interests.

View our online **TABLE TALKS SHOW** with HDI director **Hazel E. Hill** or listen to our podcast on our website



(continued from front)

lands during the original negotiation process between the Haudenosaunee and the Crown in 2006, therefore any interest the municipality may have had, had already been dealt with. They also reminded the Minister that the elected band council is a federal board answerable to Indian Affairs and therefore, had no interest outside of what was already being represented by MAA. The HCCG advised the minister that the communications protocol agreement needed to be renewed and extended an invitation to meet.

When Minister Zimmer finally agreed to meet with representatives of the Confederacy Chiefs in August, the meeting ended in somewhat of a stalemate and had become heated at one point with the Minister shouting and finger pointing in response to a comment that had been made suggesting

that the Minister's attempt to create a new group that included Haldimand and the Six Nations Band Council and other small groups was an attempt to undermine the Haudenosaunee Government structure and was likened to cultural genocide.

The Confederacy followed up that meeting with a letter to Premier Wynne inviting her to meet with the HCCG and restore the communications process. However, rather than accepting the invitation to meet, the Premier referred the HCCG back to the Ministry of Aboriginal Affairs. In early September, the HCCG sent a letter inviting Minister Zimmer to our council. Minister Zimmer accepted the invitation to attend at the November 1, 2014 council. Minister Zimmer presented a letter to the council inviting them to attend his discussion tables. Council accepted the letter as information but

have not attended any sessions. Minister Zimmer held his second meeting in early December.

We have also moved forward with planting approximately 50 cedar trees at Kanonhstaton to enhance the look of the property, and have expanded the cutting of the weeds to cover a larger area of the property. As the final touch, a few Haudenosaunee citizens worked endlessly to design, fabricate and paint a gate for the front line which speaks clearly and loudly that you're entering Haudenosaunee Treaty Territory! *Awesome job everyone!!!*

As part of the larger restoration plan, a team of HDI environmental monitors and recent graduates from our environmental monitoring course are currently working on a rehabilitation plan for Kanonhstaton which will be provided to the HCCG for consideration.



## Border Crossing Rights

The Jay Treaty of 1794 and the Treaty of Ghent of 1815 do contain explicit language recognizing and protecting Indian border crossing rights. The United States has implemented these rights for people - but not for goods. Under U.S. immigration law, a person who is at least 51% North American Indian by blood has the same right to enter and reside and work in the United States as a U.S. citizen. This is not the same thing as having "dual nationality." Canada, on the other hand, has not implemented

the Crown's promises in these treaties that Britain made with the United States. We consider that, for Haudenosaunee purposes, there are both Aboriginal rights to travel through all of Haudenosaunee territory, and treaty rights to do so. Treaty councils in 1795 and 1815 confirm the Jay Treaty and Treaty of Ghent promises. The United Nations Declaration on the Rights of Indigenous Peoples, which Canada has affirmed, also provides for the rights of Indigenous peoples affected

by international borders. Yet there are about two hundred Haudenosaunee families who are being denied full rights as a result of deficiencies in Canadian immigration laws. We have met with representatives of the Canadian Department of Immigration, Department of Justice, and Department of Aboriginal Affairs. We have proposed a simple change in the Immigration Act that would remedy the great majority of the problems. Our next meeting would be with senior Aboriginal Affairs officials.

# Identification Cards

**T**he new Haudenosaunee identification cards will meet and exceed international standards for travel documents. The cards will be secure and they will be part of a secure system. The main purpose of these documents is to ease border crossing for Haudenosaunee citizens, since Canada and the United States have stiffened their security requirements.

The Haudenosaunee Documentation Committee has been negotiating with the Department of Homeland Security, to ensure that the new cards will be an acceptable form of identification for entering the United States. We have also been meeting with the Canada Border Services Agency and Immigration Canada, for the same purpose on the

Canadian side. There have been rumours that the cards will disclose confidential information, or a person's DNA, or other biometric information. This is not true: the cards contain the kind of information that is in an international passport. At this point, we can't guarantee that the cards will be accepted by the United States and Canada. What we can say is: if you don't

want one of these cards, don't want a U.S. or Canadian passport, and don't want enhanced forms of identification from those countries, then you should be prepared not to travel outside the country. Meanwhile, discussion continues about clarifying who is a Haudenosaunee citizen, for the purpose of the issuance of a document confirming that.

# Haudenosaunee Passports

**O**ur passports have become a casualty of a tighter world security environment. The Iroquois Nationals lacrosse team was prevented from competing in the world championships in England in 2010 because the United Kingdom maintained that the existing

passports did not meet security requirements. New Haudenosaunee passports will meet those requirements, but their recognition by other nations will continue to be a challenge. Fewer countries – and airlines – are recognizing them as valid travel documents. If you are considering



international travel using a

Haudenosaunee passport, you should be careful to contact your Chief and begin planning to secure the necessary permissions several months before your travel date. For the time being, the passports

will continue to be issued only through Onondaga. We expect the secure system supporting the identification cards will also be used for the passports. Training on the new system has taken place with each of the Haudenosaunee communities participated in the training.

# The Haudenosaunee Wildlife and Habitat Authority

**T**he Haudenosaunee Wildlife and Habitat Authority has negotiated a series of agreements to provide safe hunting areas for Haudenosaunee deer hunters. While we have Treaty hunting rights all over southwestern Ontario, there are not many places where we can avoid coming into contact and potential conflict with other hunters and with landholders. At the same time, there

are places where large deer populations are threatening the balance of natural ecosystems: the managers of those places welcome working with us to restore balance. We have had agreements with Parks Canada about Navy Island; Parks Ontario about Short Hills Provincial Park; the Hamilton Conservation Authority about the Dundas Valley; and the Royal Botanical Gardens about its arboretum. These

are reciprocal agreements. On our side, it means a commitment that our hunters will maintain high standards of safety, discipline and conservation. On the side of our partners, it means ensuring that the hunting environment will be safe and protected. This is not just about deer hunting. We are also becoming involved in addressing the threat of invasive species of several kinds, to

restore the balance of our ecosystems. We are engaging in conversations with our partners about the impact of climate change. And, as important as the other achievements, we are building solid, respectful partnerships and working relationships with agencies and officials of other governments.



# UPDATE ON PROJECTS



## MTO – attempts at engagement Cayuga Bridge closure

The Haudenosaunee Confederacy Chiefs Council has been attempting to engage with the Ministry of Transportation since, as early as 2008 on a number of MTO projects including the Cayuga Bridge construction over the Grand River.

The HCCC instructed the HDI to respond to MTO notices in spite of the fact that the HCCC are not part of the Grand River Notification Agreement. The GRNA is an agreement signed by Ontario, municipalities and the Six Nations Elected Band Council agreeing to notify each other when they launch development projects along the Grand River. The HCCC is not a

signatory to the GRNA and informed both Ontario and federal representatives in 2006 that they would instead engage with the two governments through HCCC processes. The HCCC appointed the HDI to deal with matters relating to developments that infringed upon Haudenosaunee land and treaty rights.

As early as March 27, 2008 the HDI sent correspondence to the MTO to begin the engagement process on a number of MTO projects, including the Cayuga Bridge construction. The MTO did not respond despite numerous requests seeking engagement meetings.

In January of 2012 the MTO finally agreed to a meeting and a full explanation of Haudenosaunee treaty rights, land rights and the engagement process, that included the 1701 treaty lands, the Haldimand Tract lands projects including the 407

extension, was discussed. Since then a series of emails and general correspondence has built up and a couple of follow up meetings have been held all seeking an engagement process that upholds the honour of the Crown as it relates to the Haudenosaunee.

### Cayuga Bridge Project:

The HDI reached out to Dufferin Construction on November 28, 2014 to assist them in ongoing repair work at the Cayuga Bridge offering a solution of placing HDI monitors on site to supervise the on-going work while the HDI continued its attempts to establish an engagement process with the MTO. On Dec., 1, an on-site meeting was held with the MTO and an agreement reached to place monitors on site. Two days later on Dec., 3, 2014 the HDI learned its monitors were not being allowed

access to the site. MTO had failed to set up required on-site health and safety training. Monitors were forced to stand outside the fence looking in, making it impossible to monitor the job.

The MTO's failure to uphold its agreement caused the work site to be closed Dec., 5, 2014. The Haudenosaunee are more than willing to work with Dufferin construction but will now require a written agreement with the MTO that upholds the honour of the Crown before work begins again.

The Cayuga Bridge project is just one of several construction and development projects that have stalled and caused the province and owners millions of dollars in lost work hours as a direct result of Ontario's failure to engage in a process with the Haudenosaunee.

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practice in this day and age of Human Rights.

In the absence of such meaningful consultations the Haudenosaunee Confederacy Chiefs Council identifies that the Canadian Department of Justice and the Bill C10 Legislation is not in compliance with our Treaty relationship as reflected in the treaties of peace, friendship and non interference laid out in the covenant chain and the two Row wampum, nor are they aligned with international laws.

We remind you, that, after years of international public pressure, Canada agreed to adopt The United Nations Declaration of the Rights of Indigenous Peoples

These senate hearings are NOT to be interpreted, assumed as or construed to be any form of meaningful consultation

with the Haudenosaunee Confederacy Council.

There has been no consideration of our Inherent Treaty Rights to commerce existing within Treaty and International Law or within the United Nations Declaration on the Rights of Indigenous Peoples (right to individual and collective economy), and your Supreme Court's interpretation of your constitution.

Senators, as political representatives of the Crown you have a responsibility to uphold the honour of the Crown.

The honour of the Crown is not upheld when Governments have not fulfilled Constitutional responsibilities with respect to our Treaty Relationships nor is it by imposing arbitrary and unilateral laws.

In reality Bill C-10 is another attempt to criminalise Aboriginal Rights

and People, a Colonial practice in which Canada has prospered from politically, financially and internationally to become one of the wealthiest countries in the world. Such oppressive acts continue to perpetuate the colonial practices which oppress and destroy Aboriginal Rights, Economies and Ethnicity.

The approach Canada is now taking is confrontational, and this could provoke responses that will do no one any good. Any attempt to enforce such a plan surely will be met with resistance in the courts and on the land.

The reality of this bill reaches a financial outcome that protects the interest of large foreign tobacco companies. These companies have affected our economy, our jobs and our domestic trade. We need to discuss that impact.

These issues are of real concern to us

as peace chiefs.

The indigenous peoples of these lands have grown, harvested and used tobacco for ceremonial and trade purposes since time immemorial.

The Six Nations Haudenosaunee Confederacy Chiefs Council as indicated in the Covenant Chain and the Two Row continues to carry the right and responsibility to make laws for and about their own citizens, lands and commerce.

Today, we believe the time has come for us to work honorably, diplomatically and peacefully for the best interests of each of our Nations peoples and livelihoods.

We encourage you to enter into a peaceful, respectful dialog with the confederacy.

*Da onen etho*

**HAUDENOSAUNEE  
CONFEDERACY  
COUNCIL**



Six Nations "Iroquois" Confederacy  
GRAND RIVER COUNTRY

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Haudenosaunee Development Hotline. We want to hear from you. Questions on projects, negotiations, land rights issues or have a comment to make, call us and let's talk!