



## United Nations

### Fourteenth Session of the Permanent Forum on Indigenous Issues

*"It is out of this denial of basic human rights that health and social ills manifest. Most notable of the basic human rights that are being denied to Indigenous Peoples are: the right to own, use and develop lands, territories and resources which were traditionally owned: the right to self-determination as defined in international law; and the right to live and be free from discrimination of any kind, which includes racist doctrines, inter alia, the doctrine of discovery. The foundational issue of colonization [domination] and its legacy that manifests as poor health and social ills for Indigenous Peoples and nations."*

*"The NAIPC insists settler states restore the Indigenous Nations to their lands." (North American Indigenous Peoples' Caucus to the 14th Session of the United Nations Permanent Forum on Indigenous Issues and to Other Relevant Bodies and Fora)*

She:kon, I am Elected Chief Ava Hill, Mohawk of the Six Nations of the Grand River Territory surrounded by the settler state Canada. Six Nations is the largest populated Indigenous Nation in Canada with approximately 26,000 members. We are left with less than 5% of our land holdings promised us **"which Them and Their Posterity are to enjoy forever"** through Treaty for fighting as **ALLIES** alongside Great Britain throughout the American Revolutionary Wars and the Wars of 1812. Long before Canada would become a settler state. We are a proud Iroquoian Nation with many successes, but with many ill's also. **Youth, self-harm and suicide** being one. What might be feeding the social ills of our youth one might ask. The unaddressed needs in education, training and employment opportunities certainly are contributing factors. In the last 10 years alone; 3,210 students were denied a post-secondary education as we are under resourced to meet this need. Unemployment on Six Nations is recorded at 25 % with many giving up and turning to social assistance.

All the while the lack of resources for training, education and jobs are affecting our youth, Canada, the Province of Ontario and Municipalities collect in excess of \$4 billion annually in taxes and revenues from our original Haldimand Treaty Lands of the Six Nations; lands which Canada have recognized as having legal liabilities owing to Six Nations by Canada but have refused to negotiate for just and equitable resolutions with us.

Many more of the unaddressed realities facing our nation are outlined in Six Nations of the Grand River Shadow Report that was presented to the Committee on the Elimination of all Forms of Racial Discrimination (CERD) in January 2012. Our Shadow Report corrected the misinformation in Canada's 19th and 20th Reports to CERD. It is unfortunate, but most of the same issues we tried to bring forward in 2012 are issues continually being encountered by Indigenous Peoples throughout Canada.

This is the 5th year Six Nations Elected Council has been here to the United Nations pleading for justice for our land rights issues, for the honouring of our Treaties and to call upon the United Nations to hold Canada accountable for imposing policies that extinguish Native Peoples Rights to their Aboriginal and Treaty Lands and compromises our Inherent Right to Self-Government.

And contrary to the misinformation being provided by Canada in their reports to Canadians and the United Nations, we are not alone!

As recent as March 9, 2015 a Joint Report was Presented to Prime Minister of Canada as prepared by the National Claims Research Directors from Across Canada titled "**IN BAD FAITH: JUSTICE AT LAST AND CANADA'S FAILURE TO RESOLVE SPECIFIC CLAIMS**" Please read this report. It is the same rhetoric and lies the Six Nations Peoples experienced in trying to negotiate fair and just settlements for our Land Rights 20 years earlier and continue to experience to this day.

In 1995, Six Nations of the Grand River Elected Council had enough insults and lies from Canada promising "**The Honour of the Crown**" would be upheld and "**In Good Faith Negotiations**" would occur. Instead we were offered a \$113.00 per acre "take it or leave it" ultimatum as a settlement offer on lands with the present day value of \$10,000.00 per acre. Instead, we chose to go to court seeking an accounting from Canada on what they did with all our Haldimand Treaty Lands being 950,000 acres promised the Six Nations, "**which Them and Their Posterity are to enjoy forever**". We are also seeking an accounting for what they did with our natural resources and revenues from our lands, and a ruling from the courts, to make the trust (lands and monies) whole again for which they cannot account for as being legally transacted. As recent as December 2014, Canada and its representative thwarted efforts by Six Nations to return to the negotiating table to address our Land Rights issues in a fair and just manner. Canada's reasoning being the size of Canada's legal liabilities owed to Six Nations. Canada's claims process is limited to address "land claims" under 150 million dollars and you must extinguish your childrens' rights to the lands. We have nowhere to go for negotiations.

And yet Canada stands before the world professing to be **Honourable** and practicing **In Good Faith Negotiations** in resolving land disputes with the Indigenous Peoples of Canada. That is not true. The Courts have been called upon for declarations especially with our brethren the Mohawks of Bay of Quinte seeking and getting a declaration through the courts that the Crown must negotiate with Aboriginal Peoples in good faith, and that if it fails to do so, the courts may step in and enforce that obligation.

So here the Six Nations of the Grand River Stand before the United Nations once again at the Fourteenth Session of the Permanent Forum on Indigenous Issues plagued by much the same issues facing our Nation and the challenges we face throughout the past 40 years seeking justice for our Peoples' Land

Rights with the settler state known as Canada. At the very least you will have heard our story once again; and we must leave you once again with our positive recommendations on how justice can best be served for addressing Six Nations of the Grand Rivers' Land Rights.

## RECOMENDATIONS

1. The extinguishment requirement of our children's rights to our lands must cease as a prerequisite for resolving these issues. (Sections 8 and 26 of the UNDRIP).
2. Canada cannot pay the true cost of resolving our Land Rights issues. Therefore, Canada must be prepared to discuss a resolution based on the terms of our 1784 Haldimand Treaty as granted Six Nations "**.....which them and Their Posterity are to enjoy forever**". Canada must commit to long term arrangements honouring these terms.
3. Where necessary Canada and Ontario may need to implement domestic legislative changes to allow for supplemented transfer payments directly to Six Nations from the wealth Canada, Ontario, municipalities and the private sector collect from within our 1784 Haldimand Treaty Lands. Supplemented transfer payments shall partially address the length of time these matters have been ignored by the Crown to the peril of Six Nations well-being. The return of lands must also be included in Canada's and Ontario's mandate, as required by Section 28(2) of UNDRIP.
4. To achieve these objectives, Six Nations, Canada and Ontario need to formalize a joint work plan with short but realistic time frames.
5. The use of mediators with appropriate mechanisms for dispute resolution are required to ensure good faith negotiations are practiced by all. (Section 27 of UNDRIP).
6. 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 authority to make binding decisions on the validity of issues, compensation criteria and innovative means for resolving issues. We call upon UNPFII to establish an international tribunal to oversee resolutions to these issues.
7. Progress on these negotiations shall be reported directly to the UNPFII, and the Parliament of Canada through a special joint Six Nations / Parliamentary Committee.
8. These efforts must start immediately.

In Peace and Friendship

G. Ava Hill  
Six Nations Elected Council  
Six Nations of the Grand River Territory