

House of Commons Standing Committee on Indigenous and Northern Affairs  
RESTITUTION OF LAND TO FIRST NATIONS, INUIT, AND METIS COMMUNITIES  
Submission by Six Nations of the Grand River, Office of the Elected Chief, June 30<sup>th</sup>, 2023

Six Nations of the Grand River Territory is the largest First Nation in Canada by population, and the only jurisdiction home to all six Haudenosaunee nations. Our people have faced many battles, and these battles continue as we seek just solutions to move forward as a united Nation. Our people were allies of the Crown during the American Revolution, a conflict that resulted in the loss of our ancestral homelands to the south. In reward for our loyalty and our alliance, the Crown in 1784 gave to the Mohawks and such others of our nations who chose to settle here a 950,000 acre tract of land known as the Haldimand Tract, which included all of the lands within six miles on either side of the Grand River from its source to its mouth in Lake Erie. Yet because of decades of neglect of our jurisdictional integrity by successive governments, our territory today – what remains of the Haldimand Tract – comprises only 48,000 acres in southwestern Ontario, less than 5% of what was given to us.

This land was given to our people to be our territory, “which them and their posterity are to enjoy forever.” How is it, then, that this land today is no longer recognized as part of our territorial jurisdiction? The answer be found in the copious historical and legal documentation filed as part of our major court case, the proceedings for which have been underway since 1995. These lands as located between the Great Lakes in Southern Ontario were promised to our Nation for sacrifices our forefathers made in defending what is now Canada during the American

Revolution as Allies of British North America. Six Nations of the Grand River Territory is situated on the same land today that the Crown systematically herded us onto in the mid-1840's.

Six Nations of the Grand River is the political community that the recipients of the Haldimand grant are known as today. We continue our fight to this day to gain restitution for the lands that were wrongfully taken from us, both in Canada but also internationally. On May 17, 2011, at the UN's Tenth Session of The Permanent Forum on Indigenous Issues, SNGR hosted our first side event presenting our challenges in seeking justice for our Land Rights with Canada. After 20 years of in-depth research and trying to resolve our Land Rights under Canada's Specific Claims Policy, we had no choice but to revert to the courts. In spite of having been in the courts for more than 28 years, Canada and Ontario have recently revealed they are still not ready to offer a defence for the historical misappropriation of our lands, our natural resources, and our funds held in trust. Monies belonging to Six Nations, held by the Crown in trust on our community's behalf, were used by the Crown for Canadian purposes without our consent. We are now in our 48<sup>th</sup> year of this battle, seeking to hold Canada and Ontario accountable for our lost lands and funds. This year Chief Hill reported on our continuing degree of frustration as Six Nations of the Grand River hosted our third side event, making Six Nations Elected Council's 4<sup>th</sup> intervention to the 23<sup>rd</sup> Permanent Forum on Indigenous Issues of the United Nations, consistently calling attention to these injustices while providing positive recommendations for moving forward.

We note this current study being conducted by this committee focuses on how the concept of "Land Back," or how to transfer Crown lands back to First Nations' jurisdictional control. There is not enough Crown land either Federally or Provincially throughout our Treaty Lands to redress

Crown injustices or reconciliation to the Six Nations. So, we proceed to add to our land base, buying back our own lands on a willing seller basis, much to the frustration of our membership. Six Nations is a Sovereign Nation, so why do we do all the work, spend our own resources, merely to give the land back to Canada to dictate to us how we can use or not use our lands? We gladly recognize that one of the few things we see eye to eye with the Canadian government on is that the ATR Policy is broken; we say it is dysfunctional. When Six Nations buys back our own lands, lands we know are environmentally safe; lands we urgently require to address our critical housing needs, lands needed for our economic growth and well being, lands needed to protect to our Carolinian Forest and environmental initiatives to counter climate change; the federal ATR policy requires us to jump through Canada's ATR hoops for sometimes as long a time as a quarter of a century. *Throughout these long-drawn-out periods, we cannot make full use of these lands to benefit our Nation as the lands remain subject to municipal jurisdiction, zoning and taxation.* This situation is unacceptable, insulting, and nonsensical. Minister of Crown-Indigenous Relations Marc Miller recently acknowledged now is the time to give land back. Well, now is the time for Canada to give Six Nations our land back!

Even once our lands are re-acquired, or funds in restitution received, however, we are still faced with the inadequacies of such federal frameworks as the Additions To Reserve (ATR) process or the infantilizing constraints of the Indian Act. On top of that, once lands are back within our jurisdiction, we then have the added challenge of getting the federal government to actually comply with their legal obligations and recognize Six Nations of the Grand River as the lawful, unitary governing body for our people, in accordance with numerous Supreme Court decisions. Governments and proponents have a clear duty to consult, but a part of this is the obligation to

refrain from policies that have a *divide and conquer* effect. It is our prerogative to consult with other leadership figures within our community, not the federal government's. The federal government has no business interfering in our affairs by speaking out of one side of its mouth to our lawful governing body, chosen by our community in free and fair elections, and then later talking out of the other side of its mouth to other groups or figures in our community. This prevents our Chief and Councillors from exercising their responsibility to represent our community to the government. Even worse is federal ministers entering our Territory without our consent or foreknowledge to conduct parallel discussions from which our Chief, Council, and community members are all excluded.

There are additional issues with how intrusive the federal Department of Indigenous Affairs gets when it comes to managing our internal land transfers from one Six Nations member or family to another. Issues with Certificates of Possession, unsettled estates, and Canada Land Survey Requirements are also in need of work. Even though all of these matters are serious and the work could take a long time, that is all the more reason why the government needs to begin serious discussions and negotiations with the people of Six Nations of the Grand River without any further delay. Our Chief and Council continue to convey to the federal government our readiness to talk, and stand by waiting for this important and solemn task to begin. The time is now!

Overall recommendations:

- SNGR seeks to implement our own Land Tenure System, to govern our lands ourselves under our own laws. Lands we select must be under our ownership and control without unacceptable ATR delays nor from outside Indigenous Affairs interference.

- Six Nations will be establishing our own justice system focused on our values, our culture and our principles to govern our lands.
- As we are forced to purchase back sufficient lands required by our Nation to meet our housing, farming, environmental initiatives and economic opportunities, financial resolutions, such as a negotiated settlement of elements of our court case or allowing excise tax revenues to remain in our community, should be explored which would greatly empower our ability to purchase back those lands.
- Where we have authorized the sharing of our lands under long term mortgages/leases, we will negotiate in revenue sharing agreements with Canada, Ontario and municipalities based upon the Six Nations Consultation and Accommodation Policy. These lands were intended to create a perpetual revenue stream for our infrastructure, health care, educational, housing needs etc. “which them and their posterity are to enjoy forever”.
- We intend to achieve our goals through fruitful negotiations secured by legally binding agreements between Six Nations of the Grand River, Canada and Ontario outside of existing Indian Act Legislation and Bureaucratic Indian Affairs Policies.
- Negotiations should be explored which can potentially address the liabilities the Crown(s) will owe SNGR in the outcome of Six Nations of the Grand River Band of Indians v. The Attorney General of Canada and His Majesty the King in Right of Ontario.

To the Honourable Members of this Committee, there is much more that could be said about just “Land Back” solutions for our people, but we stand ready to engage with a good mind.

In Peace and Friendship,  
Six Nations of the Grand River