Regional Municipality of Waterloo
Strategic Planning and Budget Committee
Addendum Agenda

Date: Wednesday, February 8, 2023
Closed Session: 6:30 p.m.
Location: Council Chambers/Electronic

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

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Pages

1. **Call to Order**
2. **Land Acknowledgement**
3. **Declarations of Pecuniary Interest under the "Municipal Conflict of Interest Act"**
4. **Delegations**

4.1 **Jodi Koberinski, Kitchener**
re: the Police budget

***4.2** **Craig Sloss, Waterloo** *4*
re: budget for the Waterloo Regional Police Services

***4.3** **Jessica Hutchison, ReallocateWR** *17*
re: Police Budget

4.4 **Ann Marie Beals, Kitchener**
re: Police budget

4.5 **Teneile Warren, Kitchener**
re: Reallocating the Police Budget to Community Care

4.6 **Melissa Bowman, Kitchener**
re: Budget 2023

4.7 **Diane Wiles, CEO, Leadership Waterloo Region** 37
re: Sustainability Funding for Leadership Waterloo Region

***4.8** **TK Pritchard, Executive Director, SHORE Centre** *38*
re: Request for Increased Funding for SHORE Centre

4.9 **Asma Al-wahsh, CEO and Founder, Canadian Arab Women's Association**
re: Canadian Arab Women's Association community work

4.10 **Gabriel Quindamo, Waterloo**
re: the increasing problem of homelessness plaguing the Region of Waterloo

4.11 **Kelly Anthony, Waterloo**
re: Decriminalization considerations

4.12 **Mark Egers, President, Waterloo Regional Police Association**
re: Staffing concerns and the Regional budget

4.13 **Roz Gunn, Director of Communications and Advocacy, Cambridge YWCA, and Jennifer Gordon, Director of Advocacy, YW Kitchener-Waterloo**
re: Women's homelessness in Waterloo Region and the need for gendered approach to addressing the gendered housing crisis, specifically in Cambridge, where there are no supports for women experiencing or at risk of homelessness

*4.14 **Brian Enns, Waterloo** *45*
re: Input on regional council budget priorities, as they relate to policing and social services

4.15 **Martin Asling, and Damian Mikhail, Waterloo Region Yes in My Backyard**
re: Advocating for more spending on affordable housing

4.16 **Andrew Jacob Rinehart, Waterloo**
re: The Regional budget, particularly as it pertains to arts funding, active/public transit, affordable housing, and policing, in favor of increasing taxes to increase services, and reallocating police budget for better value to the community

4.17 **Cameron Dearlove, Executive Director, Porchlight Counselling and Addiction Services** *57*
re: Housing Services Funding for Porchlight Addiction Recovery Homes

4.18 **Robyn Beckett, Woolwich**
re: Police budget for the Region of Waterloo

4.19 **Meg Ruttan, Kitchener**
re: the police budget

4.20 **Janice Jim, Waterloo**
re: Snow clearing issues at GRT and LRT stops

4.21 **Graham Baechler, Waterloo**
re: the Proposed Police Budget

*4.22 **Auntie Ken:ni and Chestnut Seppala, Survivor Secretariat** *64*
re: a one-time sponsorship for Chestnut to be a safety officer and to receive a special vest with a determined title.

*4.23 **Laura Coakley, Kitchener**
re: the Police Budget

*4.24 **Courtney Waterfall, Chapter Director, Shelter Movers Waterloo Region**
re: Funding to meet increased need for services

*4.25 **Megan Snyder, Kitchener**

re: the Waterloo Regional Police Services budget

*4.26 **Jennifer Hutton, CEO, Women's Crisis Services of Waterloo Region** *247*
re: Funding Women's Crisis Services of Waterloo Region

*4.27 **Mark Vuorinen, Artistic Director, Grand Philharmonic Choir**
re: Region of Waterloo Grant to the Grand Philharmonic Choir

*4.28 **Beisan Zubi, Kitchener**
re: the Regional budget, police budget, priorities

*4.29 **Andrew Bennett, Executive Director, Kitchener-Waterloo Symphony**
re: Annual grant from the Region for Kitchener-Waterloo Symphony operations

*4.30 **David Marskell, CEO, THEMUSEUM**
re: update and about THEMUSEUM requesting annual grant

*4.31 **Steven Caswell, Staff Lawyer, Waterloo Region Community Legal Services**
re: Housing initiatives to address the housing crisis

*4.32 **Peter Kotwicz, Kitchener**
re: Transparency of the 2023 Budget

5. **Call for Delegations**

6. **Communications**

*6.1 **Written Submissions** *252*

7. **Other Business**

8. **Adjourn**

Recommended Motion:
That the meeting adjourn at x:xx x.m.

Feedback on Region of Waterloo 2023 Budget

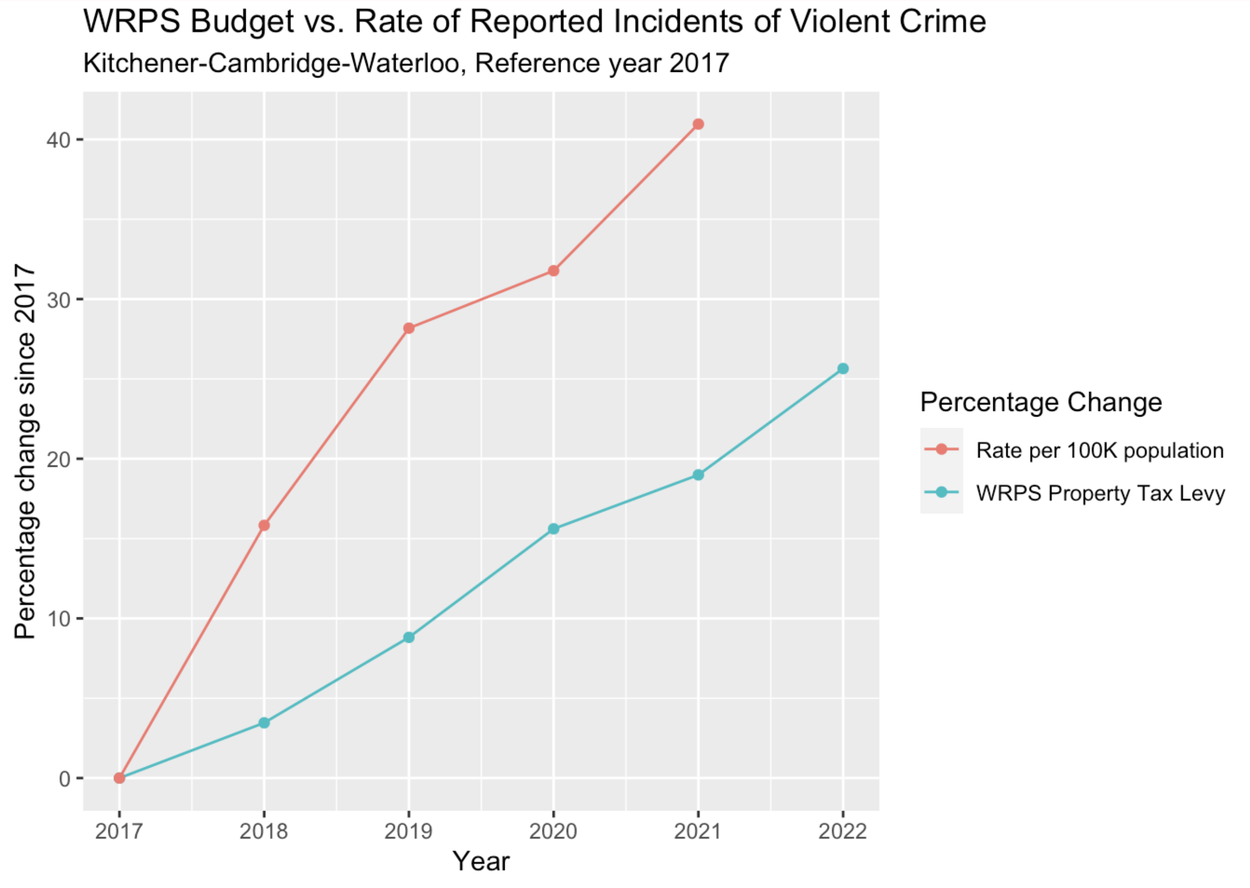
ANALYZING TRENDS IN THE WRPS BUDGET

FEBRUARY 8, 2023

Craig Sloss

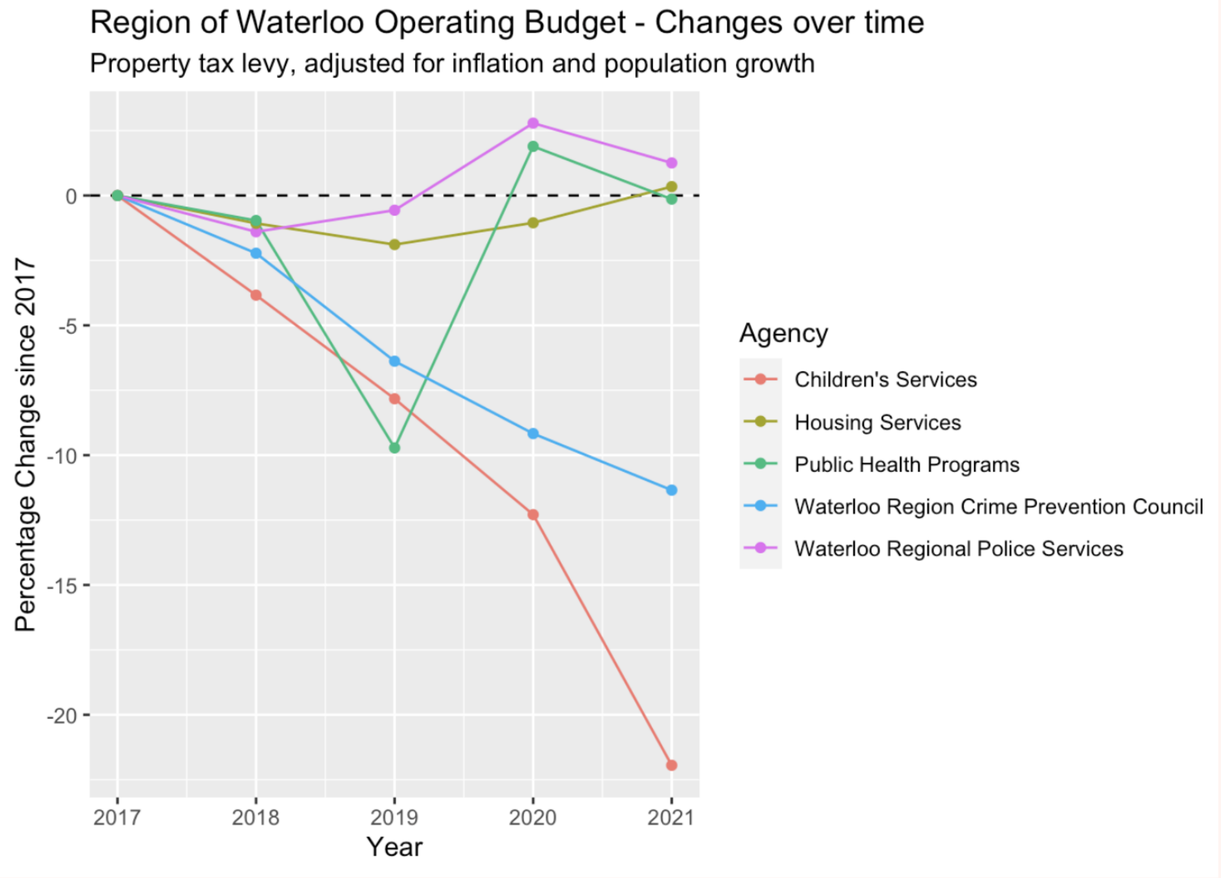
WATERLOO REGION, ON

DO POLICE BUDGET INCREASES REDUCE VIOLENT CRIME?



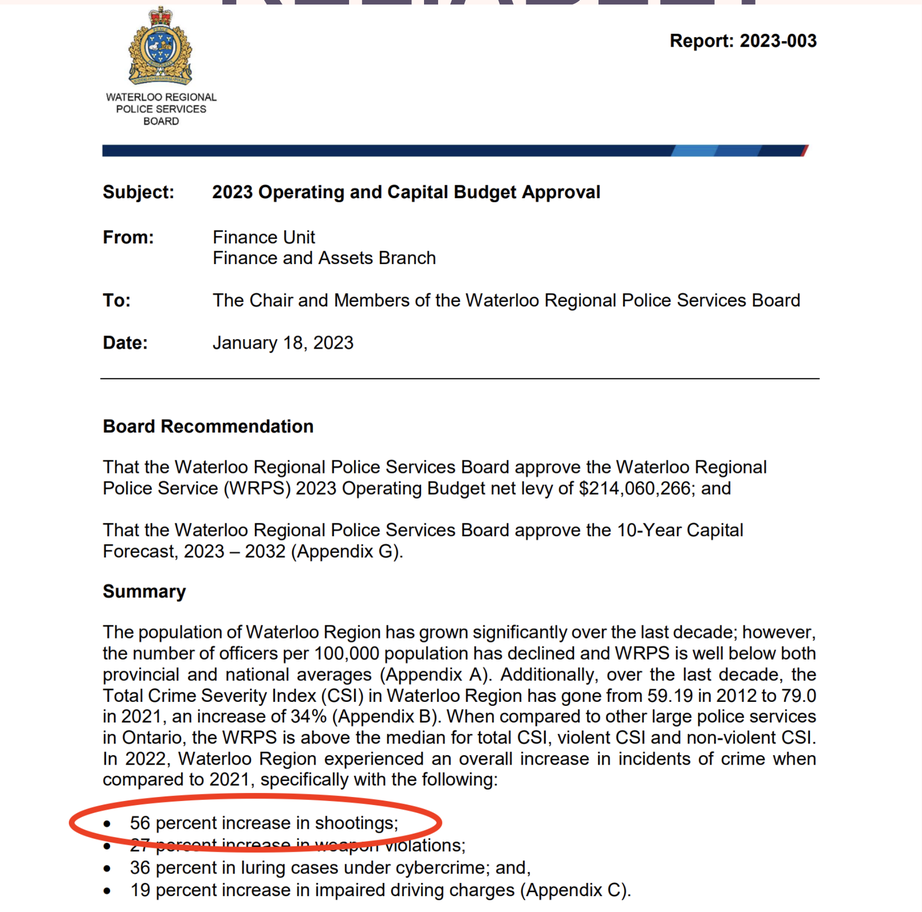
- Rates of violent crime obtained from Statistics Canada, Uniform Crime Reporting Survey. Data for 2022 has not yet been published.
- Property tax levy amounts obtained from Region of Waterloo Final Budget Books

HAVE BUDGETS KEPT PACE WITH INFLATION AND POPULATION?



- Population data derived from Statistics Canada, Uniform Crime Reporting Survey. Data for 2022 has not yet been published.
- Inflation data obtained from Statistics Canada, Consumer Price Index (not seasonally adjusted).

ARE CRIME TREND STATISTICS RELIABLE?



WATERLOO REGIONAL POLICE SERVICES BOARD

Report: 2023-003

Subject: **2023 Operating and Capital Budget Approval**

From: Finance Unit
Finance and Assets Branch

To: The Chair and Members of the Waterloo Regional Police Services Board

Date: January 18, 2023

Board Recommendation

That the Waterloo Regional Police Services Board approve the Waterloo Regional Police Service (WRPS) 2023 Operating Budget net levy of $214,060,266; and

That the Waterloo Regional Police Services Board approve the 10-Year Capital Forecast, 2023 – 2032 (Appendix G).

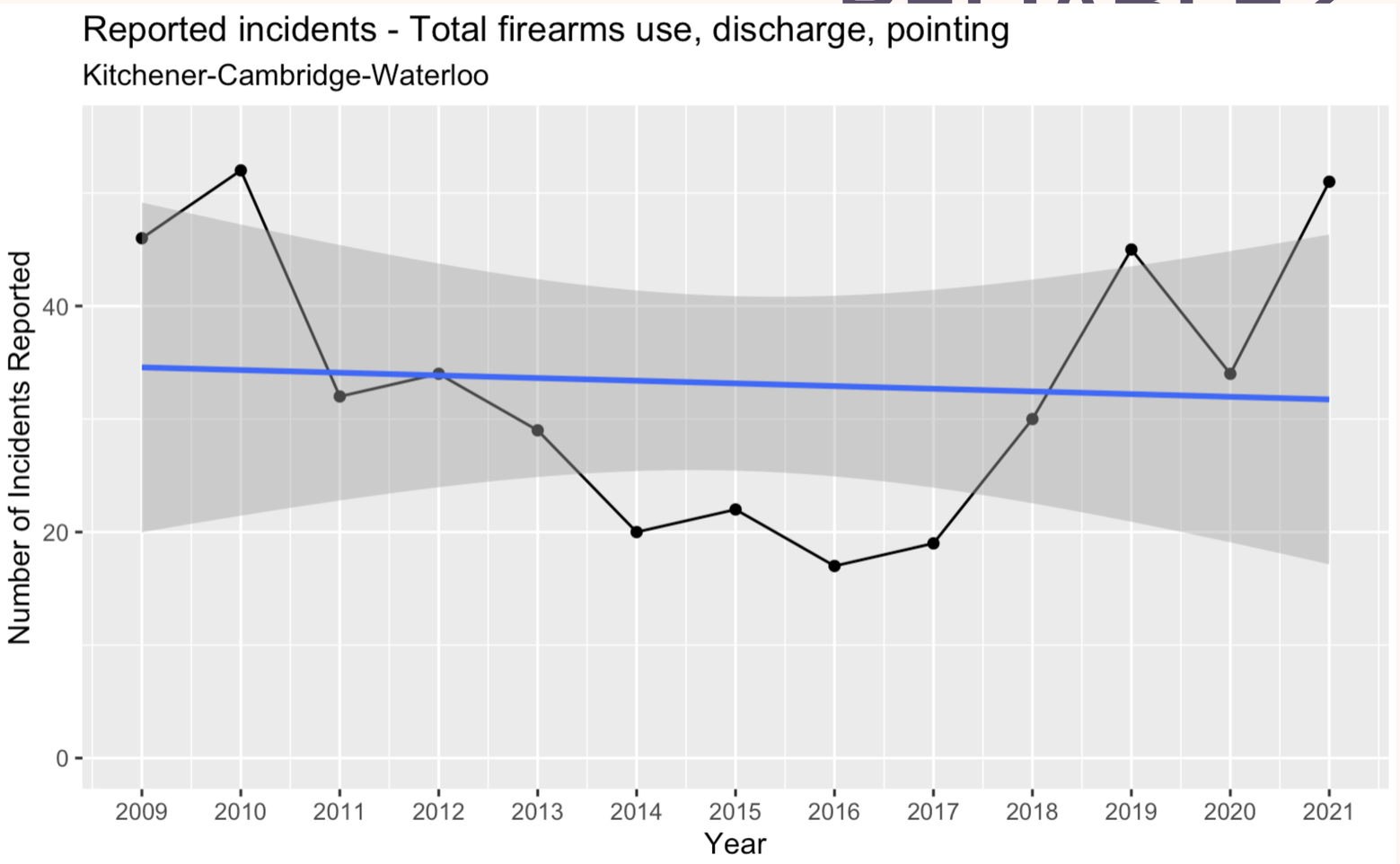
Summary

The population of Waterloo Region has grown significantly over the last decade; however, the number of officers per 100,000 population has declined and WRPS is well below both provincial and national averages (Appendix A). Additionally, over the last decade, the Total Crime Severity Index (CSI) in Waterloo Region has gone from 59.19 in 2012 to 79.0 in 2021, an increase of 34% (Appendix B). When compared to other large police services in Ontario, the WRPS is above the median for total CSI, violent CSI and non-violent CSI. In 2022, Waterloo Region experienced an overall increase in incidents of crime when compared to 2021, specifically with the following:

- 56 percent increase in shootings;
- 27 percent increase in weapon violations;
- 36 percent in luring cases under cybercrime; and,
- 19 percent increase in impaired driving charges (Appendix C).

- Source: https://pub-regionofwaterloo.escribemeetings.com/filestream.ashx?DocumentId=2223

ARE CRIME TREND STATISTICS RELIABLE?



Period with YOY increase	Direction in subsequent year
2009-2010	Decrease
2011-2012	Decrease
2014-2015	Decrease
2016-2017	Increase
2017-2018	Increase
2018-2019	Decrease

- Number of reported incidents obtained from Statistics Canada, Uniform Crime Reporting Survey. Data for 2022 has not yet been published.

ARE YEAR-OVER-YEAR CRIME STATISTICS COMPLETE?

Appendix C: Crime Trends in Waterloo Region from 2021-2022 (WRPS)

Service Type	Percentage Change	2022 Data	2021 Data
Shootings	56% Increase	25	16
Weapons Violations	27% Increase	625	492
Intimate Partner Violence Calls for Service	0.7% Increase	6190	6145
Intimate Partner Violence Unit Cases	0.2% Increase	1860	1856
Child Pornography Cases	5% Increase	338	321
Luring Cases	36% Increase	19	14
Extortion Cases	43% Increase	254	178
Sextortion Cases	39% Increase	216	156
Impaired Driving Charges	19% Increase	911	769

ARE YEAR-OVER-YEAR CRIME STATISTICS COMPLETE?

Type of Violation	Percentage change	2021 data	2020 data
Breach of probation	-30.4%	424	609
Robbery	-13.4%	278	321
Shoplifting $5000 or under	-7.9%	1633	1773
Fraud	-4.7%	2566	2693
Total theft of motor vehicle	-3.3%	893	923

- Number of reported incidents obtained from Statistics Canada, Uniform Crime Reporting Survey. Data for 2022 has not yet been published.

DISCLAIMER ON REPORTED CRIME DATA

Statistics Canada provides this statement about the Uniform Crime Reporting Survey, which is a limitation that applies to any statistical analysis on reported crime statistics:

"The UCR Survey collects information only on those crimes that come to the attention of the police. The UCR data, therefore, do not contain a count of all crimes in Canada: some crimes are never detected or brought to the attention of the police."

Delegation to Waterloo Regional Council

Craig A. Sloss

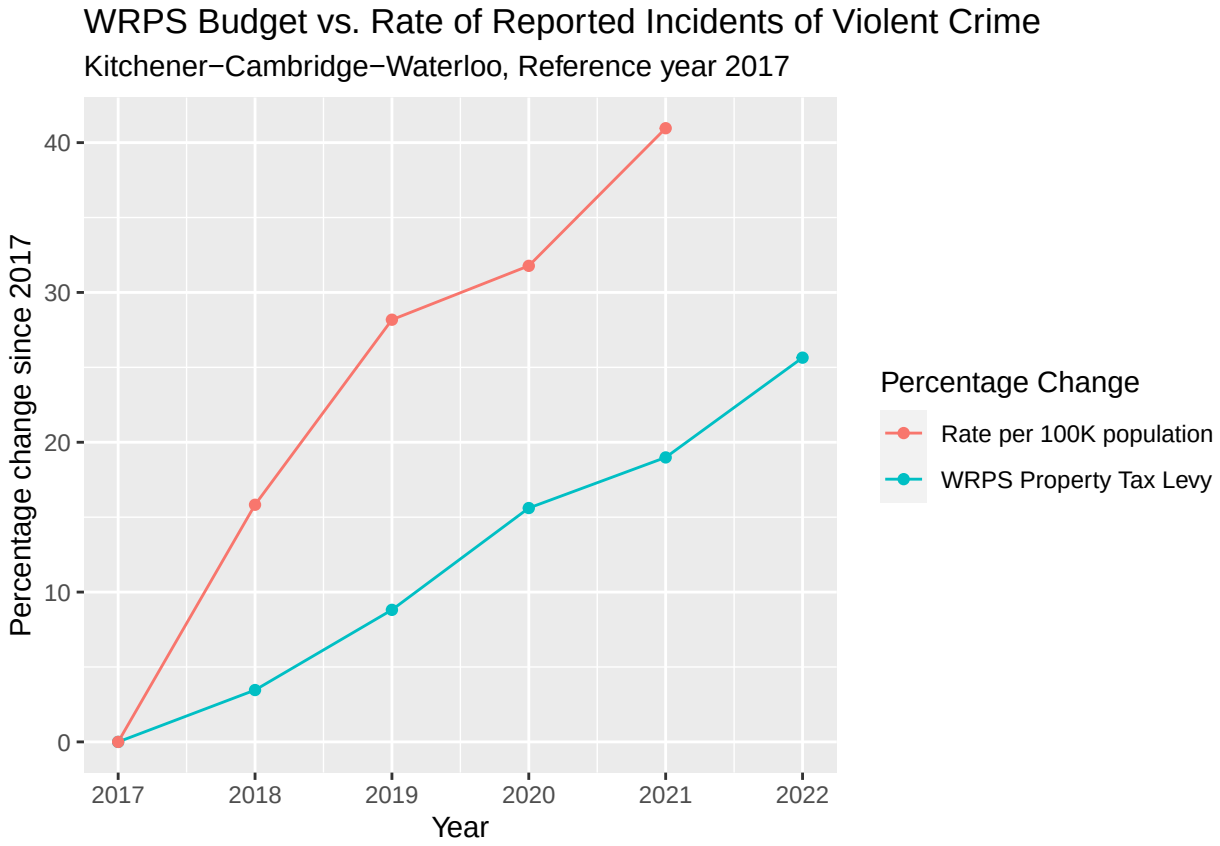
2023-02-08

Introduction

Good evening. My name is Craig Sloss, and I'm a data scientist residing in Waterloo. I'm here today to provide you with my feedback on the $18.3M budget increase for the Waterloo Regional Police Services, sharing my expertise in data science to provide a perspective on the reliability of the statistics that have been cited as justification for the budget increase.

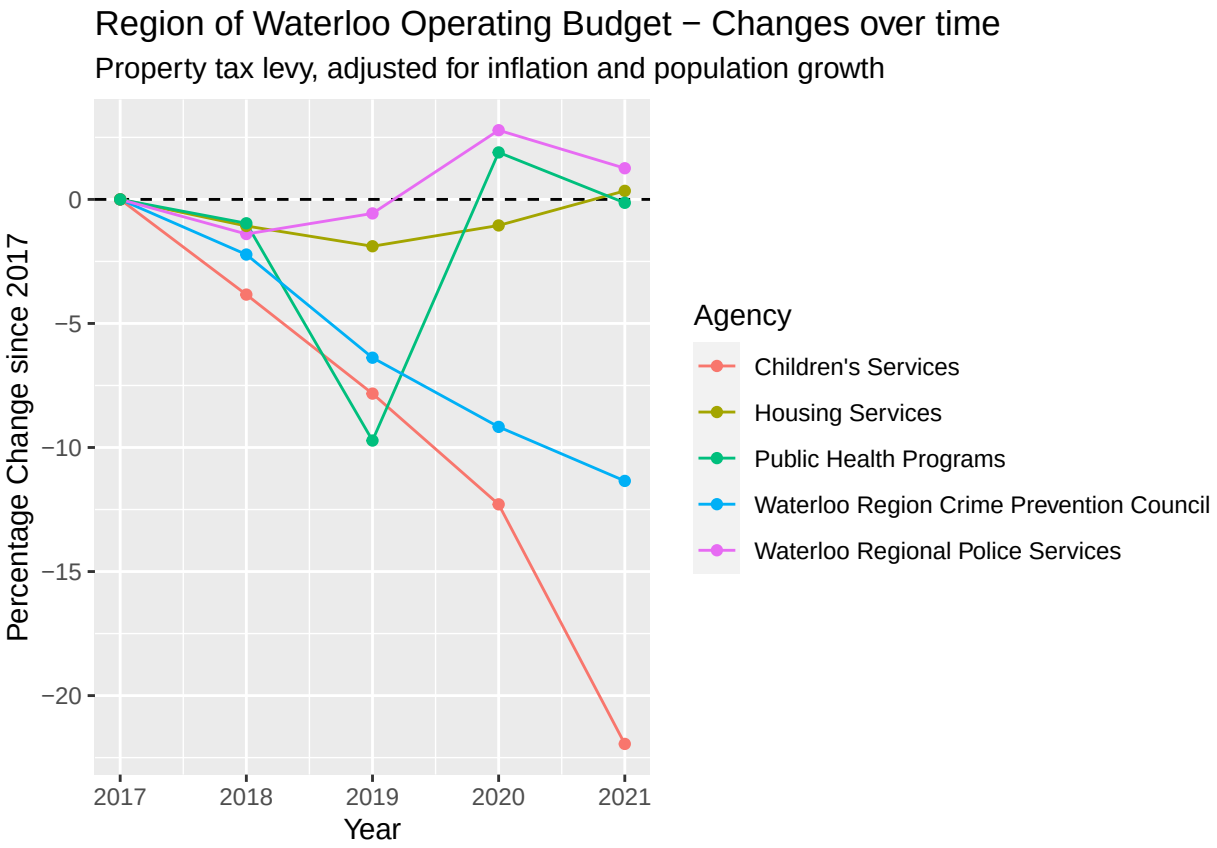
Do Police Budget Increases Reduce Violent Crime?

Much of the motivation for increasing the police budget is fear over an increase in violent crime. First, I looked into whether past increases in the police budget have had an impact on the rate of reported violent incidents in our region, using data from Statistics Canada's Uniform Crime Reporting Survey. Between 2017 and 2021, the police budget increased consistently every year, and in all five years we saw that budgetary increases failed to prevent an increase in the reported violent crime rate.



Adjustments for Inflation and Population Growth

There are two problems with this initial analysis: first, it doesn't account for the impact of inflation on the budget, and it doesn't account for population growth. In this next graph, I adjusted the budget to 2022 dollars, and expressed the budget on a "per-population" basis. I then compared the police budget to some other major line items in the regional budget.



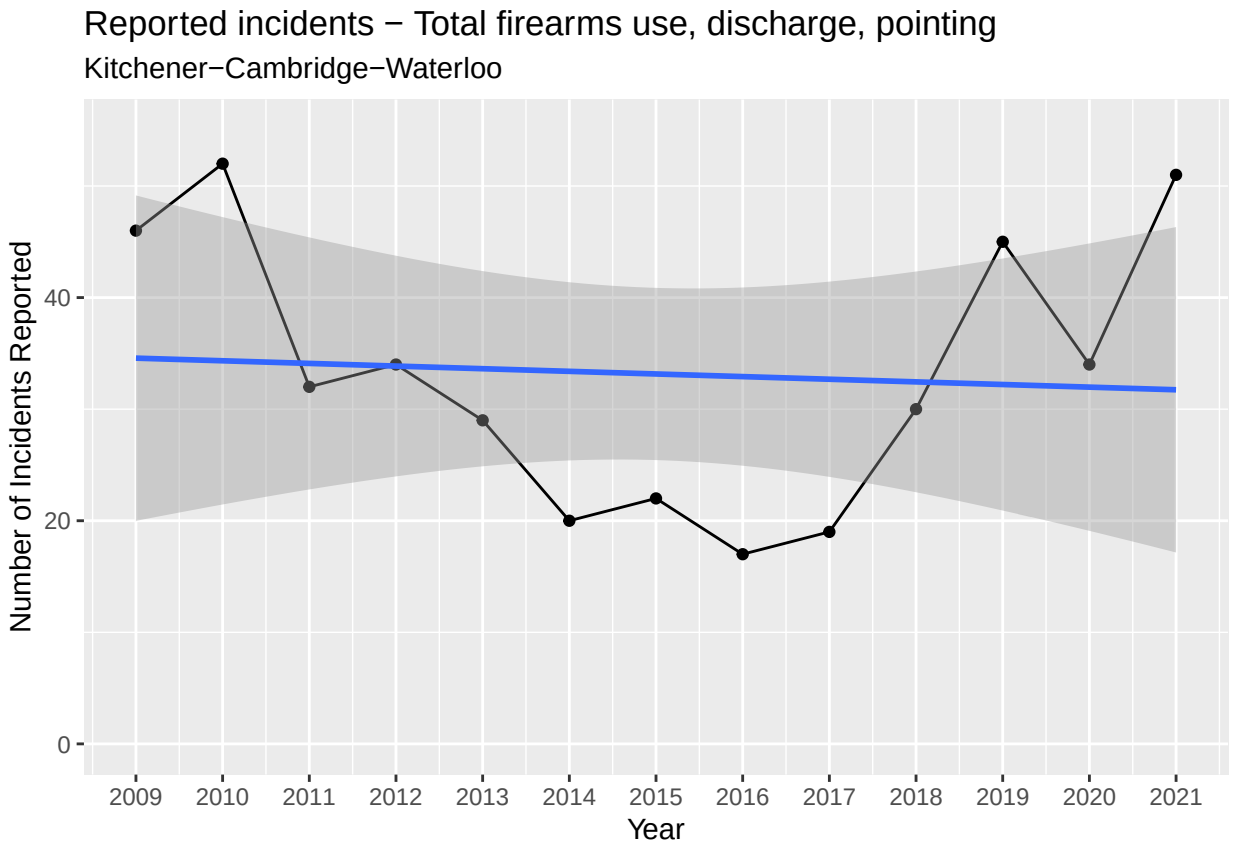
Over this time period, the police budget grew at a rate faster than inflation and population combined. Housing Services and Public Health Programs just barely kept pace. However, we saw significant defunding of agencies such as the Waterloo Region Crime Prevention Council and Children's Services. While funding for the Waterloo Region Crime Prevention Council has recently been eliminated, the historical connection between its deteriorating funding and the rise in reported violent crime rates provides an important lesson to learn about future funding for agencies that are engaged in crime prevention.

Reliability of Claims of Crime Trends

Understanding trends is an important part of budgeting because budgets are about planning for the future, and all data is about the past. A trend is a pattern of change in a statistic over time, either upward or downward, that we have reason to believe will continue into the future.

A memo presented to the Police Services Board on January 18 cited several year-over-year increases in specific types of crimes as part of the justification for its budget proposal. For example, the memo highlights a 56% increase in Shootings between 2021 and 2022. But what we really need to understand, in order to plan for 2023, is whether this is likely to continue for another year.

I want to emphasize that under no circumstances is it appropriate to conclude that a statistic is trending based on only years of data. I will illustrate why this is misleading by using data from the Uniform Crime Reporting Survey – the data does not include "Shootings" as a category of criminal violation, so I looked at a broader category: the total number of reports of firearms use, discharge, and pointing.



Between 2009 and 2020, there were 6 times that the number of incidents had a year-over-year increase. In 4 of these, the number of incidents decreased in the following year, and only 2 continued to increase. A single year-over-year increase isn't a reliable indicator of what will happen in the future. We have not seen a consistent increasing trend over this time period, and a more plausible explanation is that the number of incidents tends to fluctuate around an average value of 33

Completeness of Year-over-Year Statistics

To add to the unrelability of the year-over-year statistics, I am also concerned that the council is not being provided with the full picture of what happened between 2021 and 2022. Appendix C only mentions types of crimes where the number of reports increased year-over-year, but makes no mention of types of crimes where reports decreased.

While the data for 2022 have not yet been made publicly available, there are numerous types of crimes where the number of reported incidents decreased between 2020 and 2021, and I have identified 5 examples in the following table.

Type of Violation	Percentage Change	2021 Data	2020 Data
Breach of probation [3520]	-30.4%	424	609
Robbery [1610]	-13.4%	278	321
Shoplifting $5,000 or under [2143]	-7.9%	1633	1773
Fraud [2160]	-4.7%	2566	2693
Total theft of motor vehicle [220]	-3.3%	893	923

As mentioned previously, we need to analyze more years of data before concluding that these represent trends.

However, given how often we see year-over-year decreases in specific types of crimes, it is surprising that no decreases were mentioned in Appendix C. Council needs to be informed of both decreases and increases in reported crimes to make a balanced assessment of the police budget.

A natural question to ask is why the police need to maintain same level of resourcing for types of crimes where the number of reports has decreased, rather than re-allocating these resources to emerging priorities. Unfortunately the publicly-available police budget does not have the level of transparency that would allow us to assess whether the resources allocated match the workload associated with each type of crime. The budget is summarised into high-level totals for items such as salaries and benefits, but there is no breakdown in the budget of the kinds of activities the officers are assigned to.

Conclusion

In summary, my analysis of the statistics provided to justify the proposed police budget has identified situations where the information is misleading and incomplete. I would strongly urge the council to take steps to rigourously review the justification for the budget prior its approval by the Police Services Board, including independent validation of statistical assertions. Thank you for taking the time to listen to my feedback.

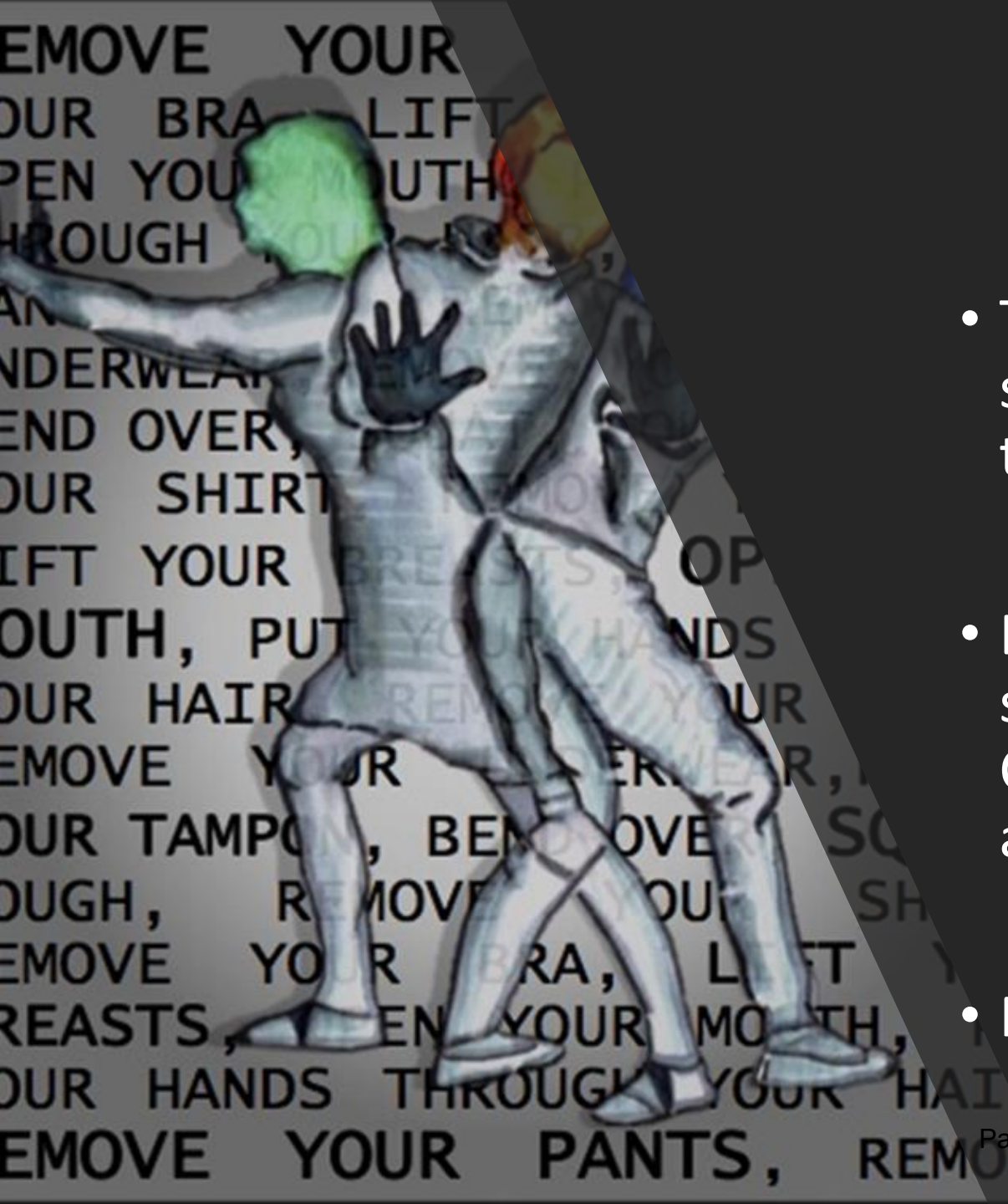
Sources and notes

- Data on Incident-Based Crime Statistics was obtained from Statistics Canada. The population numbers used to normalize reported crime rates were also derived from this data: https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510017701
  - Statistics Canada provides this statement about the Uniform Crime Reporting Survey, which is a limitation that applies to any statistical analysis on reported crime statistics: "The UCR Survey collects information only on those crimes that come to the attention of the police. The UCR data, therefore, do not contain a count of all crimes in Canada: some crimes are never detected or brought to the attention of the police."
- General information about the Uniform Crime Reporting Survey (UCR) was obtained from Statistics Canada: https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=1495509
- Final budget numbers were obtained from the Region of Waterloo budget books: https://www.regionofwaterloo.ca/en/regional-government/budget-and-finance-archives.aspx
  - Note: In the 2021 Operating Budget summary, all departments under Public Health & Emergency Services other than Paramedic Services were combined into a single line for "Public Health Programs." To facilitate comparisons to other years, the same grouping has been applied to all other years for the graph in this document.
- Inflation information was obtained from Statistics Canada: https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1810000401&pickMembers%5B0%5D=1.14&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2016&cubeTimeFrame.endMonth=11&cubeTimeFrame.endYear=2022&referencePeriods=20160101%2C20221101

Budget Public Input Session

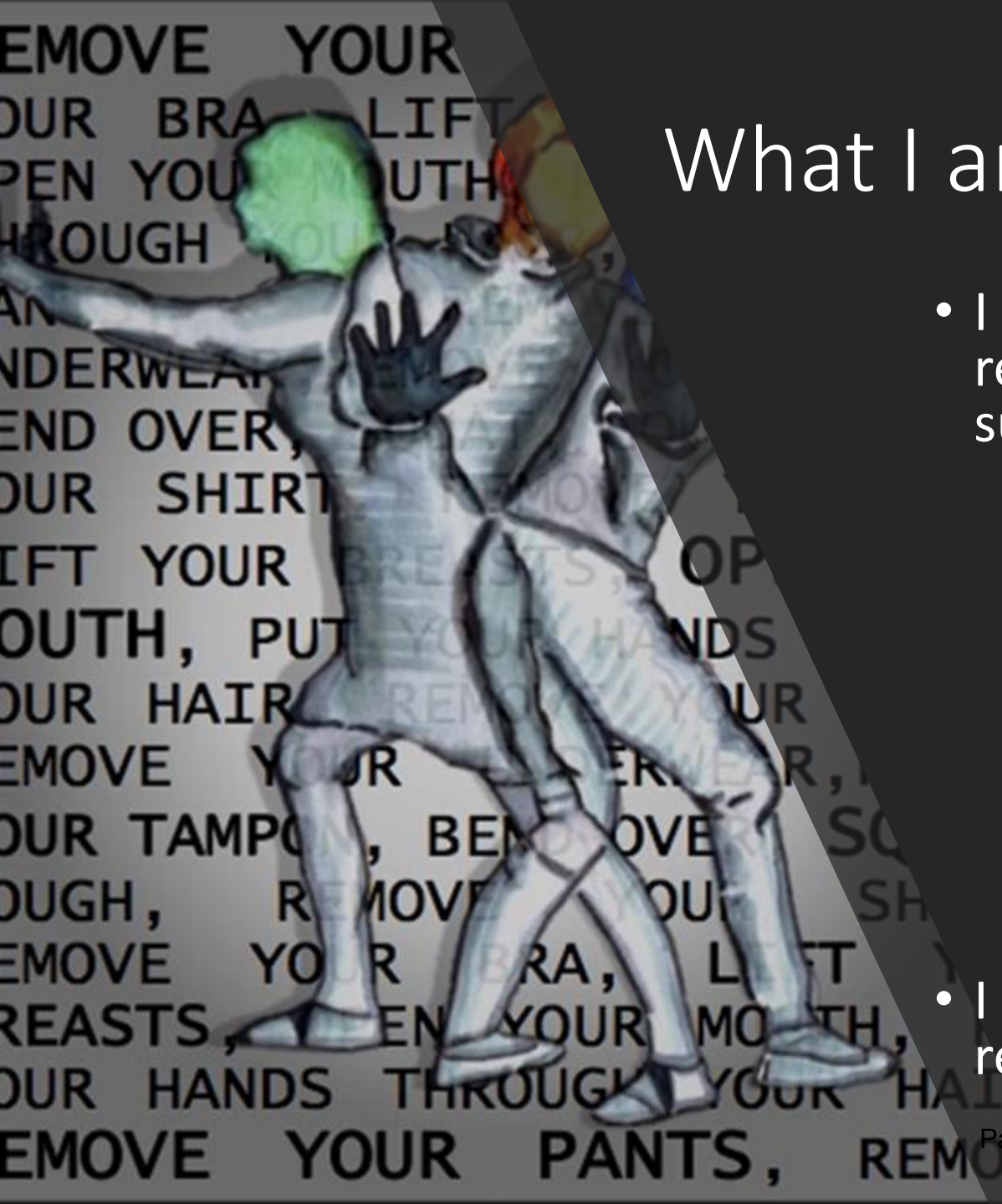
Jessica Hutchison, PhD (ABD)

February 8, 2023



Who Am I?

- TT professor of Social Work at Laurier specializing in state violence enacted through prisons and policing
- Designated as an Expert Witness in strip searching by the Ontario Superior Court & testified in a Charter of Rights and Freedoms case in fall 2021
- Member of ReallocateWR



What I am speaking about today

- I am not going to present other people's research showing the harms of policing such as:
  - 26% of WRPS "intelligence notes" are made up of Black people while only making up 3% of population[1]
  - Police shootings have increased by 25% from 2021 across Canada (87 people shot, 46 fatally)[2]
- I am going to present some of my own research

Women's experiences of being strip searched

PHD DISSERTATION RESEARCH

Context:

Police in Ontario conducted over 22,000 strip searches per year in 2014, 2015, and 2016, of which 20 to 25 percent were of women[3]

In Toronto, 1/3 of people strip searched are Black[4]

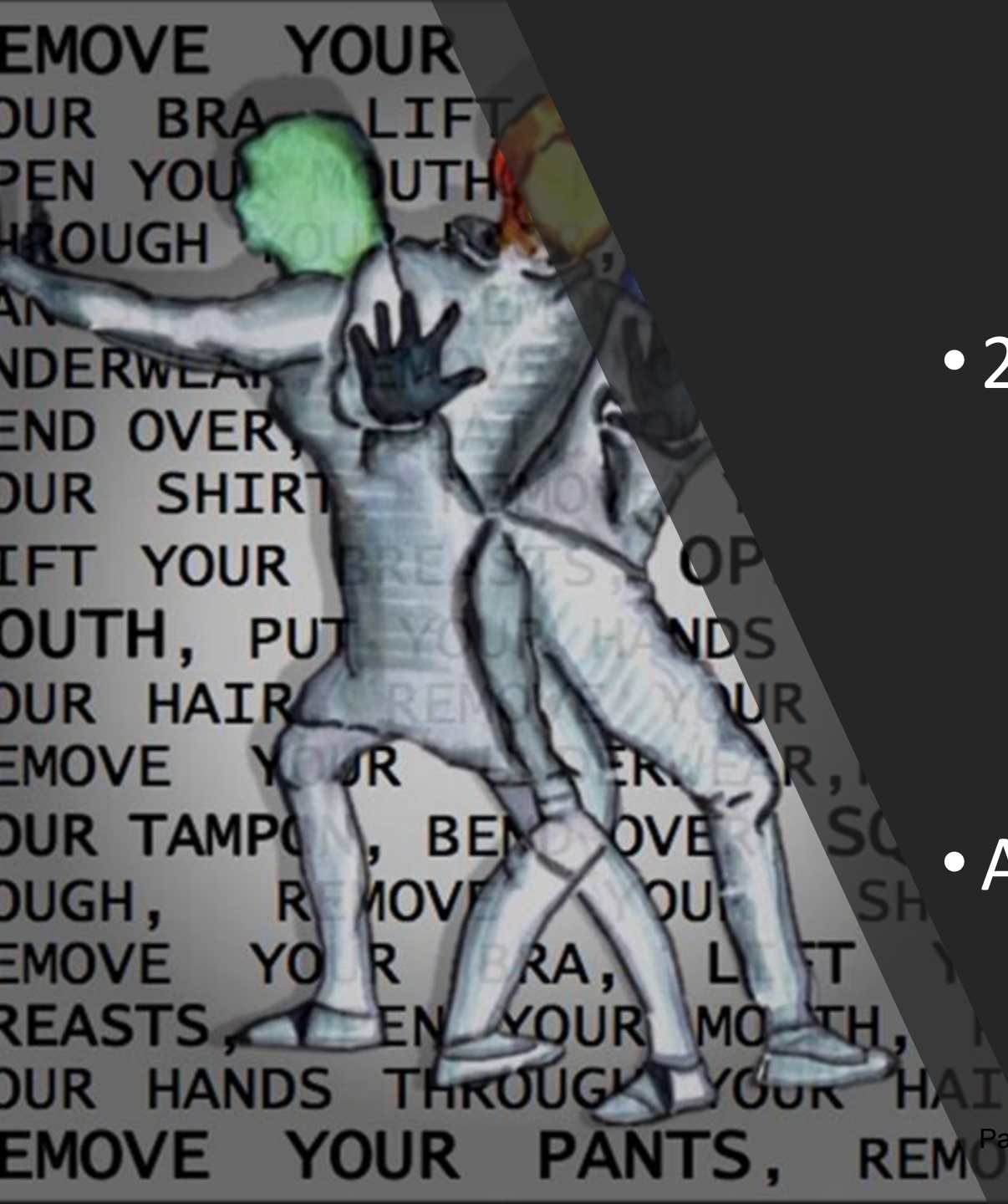
Nearly 1/3 of Indigenous people arrested are strip searched[4]

50% of women in federal prison are Indigenous[5]

Strip Searches Rarely Find Items:

2% of police strip searches find items – fraction of these pose any risk[4]

1.6 items per woman's federal prison per year[6]



In-depth interviews

- 23 previously imprisoned women
  - 11 Indigenous women
  - 6 Black women
  - 5 white women
  - 1 racialized woman
- All had contact with police

How women described strip searching

Content warning

Graphic descriptions of sexual violence

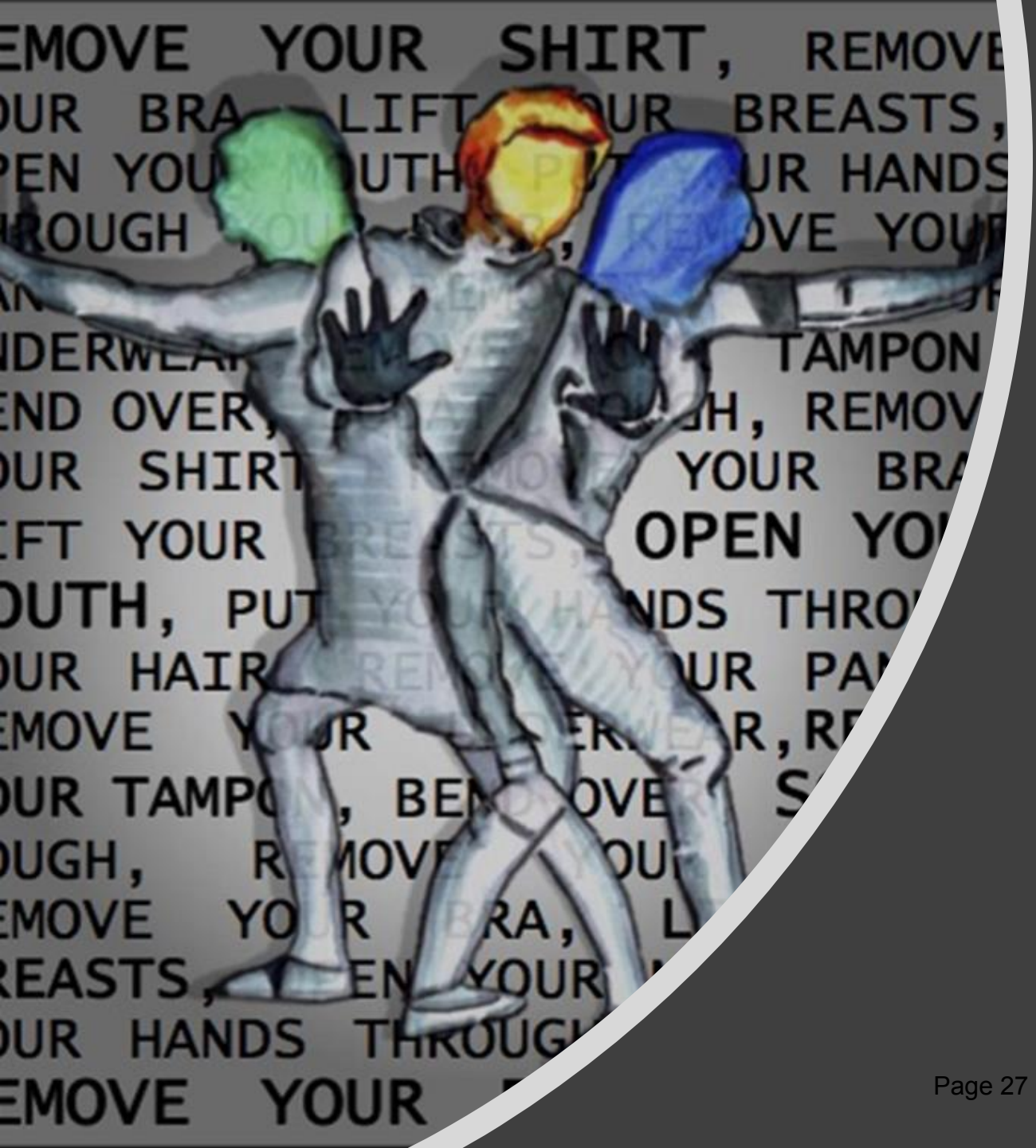
“The very first time I was strip searched was in the police cells and I had no idea what was going on…They had four female police officers come in and strip me fully. And it was crazy. I'm a rape survivor as well, and a child abuse and sexual abuse survivor. So at that time, it was fully stripped. Lift your hair, move your ears, lift your tongue, lift your arms, lift your breasts, spread your legs. Sorry, it gets descriptive because if you haven't been there, people don't know what you're talking about when you say you're strip searched, right? You spread your legs to your shoulder width, you bend over, touch your toes, cough, squat, spread your cheeks, cough again. And then your clothes are in a pile there. And then they tell you to get dressed and they walk away and it's dirty”

– Carrie (Métis woman)

“What they did to me, I've always thought was a form of sexual abuse. It can only be sexual abuse. It's your most intimate of parts being violated, it's a form of sexual abuse” – Darcy (Black woman)

“It's sexual abuse and it's mentally draining. It is definitely a form of abuse because you're not giving consent you're being forced. Anybody on the street, if your partner or something, is telling you to spread your legs and everything you don't want to, and they're forcing that, that would be abuse and that would be something that you can charge them with”
- Gina (Racialized woman)

“It felt like abuse. It felt like a sense of rape you know. And no matter how respectful a person tries to be or how good of a person they are to you, but still to ask you to take your clothes off and bend over. It's just not right”
– Elaine (Saulteaux woman)



"It's state-sanctioned sexual assault and they get away with it. There is no reason for strip searches"

– Kate (white woman)

Strip searching is sexual violence

In any other context forcing people to remove their clothes and perform actions with intimate body parts would be considered sexual violence

Sexual violence is embedded in the structures of policing via legislation, policies, and practices

Not about a few bad apples. It is about the rotten soil the trees are planted in (Warren, 2022)

Policing is not compatible with:

- Decolonization or truth & reconciliation

- Anti-racism

- Sexual & gendered violence prevention

"Policing, criminalization, incarceration, and punishment do **not** bring us any closer to genuine safety because they neither prevent nor interrupt violence.

They **are** forms of violence"[7]

A vote to increase the police budget is a vote to increase sexual violence

Vote for real safety

ACB Network's Calls to action:

Vote to send the police budget back to the PSB for a 0% increase

Reallocate the proposed increase to the community


REMOVE YOUR SHIRT, REMOVE
YOUR BRA, LIFT YOUR BREASTS,
OPEN YOUR MOUTH, PUT YOUR HANDS
THROUGH YOUR HAIR, REMOVE YOUR
PANTS, REMOVE YOUR
UNDERWEAR, REMOVE YOUR TAMPON,
BEND OVER, COUGH, REMOVE
YOUR SHIRT, REMOVE YOUR BRA,
LIFT YOUR BREASTS, OPEN YOUR
MOUTH, PUT YOUR HANDS THROUGH
YOUR HAIR, REMOVE YOUR PANTS,
REMOVE YOUR UNDERWEAR, REMOVE
YOUR TAMPON, BEND OVER, SQUAT,
COUGH, REMOVE YOUR SHIRT,
REMOVE YOUR BRA, LIFT YOUR
BREASTS, OPEN YOUR MOUTH, PUT
YOUR HANDS THROUGH YOUR HAIR,
REMOVE YOUR PANTS

Thank you

References:

1. https://www.therecord.com/news/waterloo-region/2022/03/04/police-disproportionately-take-intelligence-notes-on-black-people.html

2. https://www.cbc.ca/news/canada/edmonton/experts-call-for-change-as-number-of-police-shootings-in-canada-increases-annually-1.6698288

3. Office of the Independent Police Review Director. (2019). Breaking the golden rule: A review of police strip searches in Ontario. Retrieved from https://www.oiprd.on.ca/wp-content/uploads/OIPRD_Breaking-the-Golden-Rule_Report.pdf

4. https://theconversation.com/strip-searches-are-ineffective-unnecessary-and-target-racialized-canadians-185187?s=03

5. https://www.oci-bec.gc.ca/cnt/comm/press/press20211217-eng.aspx

6. Correctional Service of Canada. (2020). Access to Information Request – Strip Searches and Seizures.

7. Kaba, M. & Ritchie, A. (2022). No More Police.

Representatives from Leadership Waterloo Region will be joining you at the Plan and Budget Public Input Meeting on February 8th. Before we meet, we'd like for you to have the opportunity to learn a bit more about us and how we make a difference in Waterloo Region.

IMPACTS

We provide resources, knowledge and tools

We address the community's leadership needs through the delivery of carefully tailored programs like the Core Program, Non-Profit Leadership Series, Fresh Innovators Conference, Visionary Speaker Series and various other learning focused events and gatherings.

Our Grads make things happen

Since inception, we have over 517 Alumni are that are actively on over 450 boards and committees and serving in municipal government. Our grads act as a network of mentors, helping new leaders find their way in the community, and make an impact!

We support underserved, racialized & under represented populations

The Leading Together Series meets leaders where they are at. We work hand in hand with individuals, grassroots organizations, and larger groups to directly address their greatest leadership challenges.

We recognize that leaders come from every area, economic level, culture, age, and lived experience. Money should not be a barrier to leadership development. Through our bursary program, we level the playing field, by making sure that those who are ready to make a difference, get the training they need to become community changemakers.

We are future focused

Through a trauma informed lens, we work in collaboration with others to teach people how to have difficult conversations, work through uncertainty, challenge systems, create culturally safe spaces, and lead collaboratively for community safety and wellbeing.

We are conveners on big issue topics

Through our Core Program Social Innovation Lab work, Leadership Breakfasts, Non-Profit Leadership Series, and Visionary Speaker Series, we tackle big topics like Affordable Housing and Homelessness, Racism, Leading through Change, Leading through Crisis, Succession, Asset Based Community Development, Diversity, Equity and Inclusivity, and more.

We bring together unlikely allies to affect real change. Our Affordable Housing Café's have brought together over 100 local organizations around Affordable Housing. Housing list wait times for those with disabilities was shortened because of connections made at our cafés.

Leadership support to local charities and groups

We work with local organizations like the Family Violence Project, Canadian Arab Women's Association and the African Canadian Association of Waterloo Region to provide coaching in the areas of strategic planning, leadership development, conflict resolution, and how to create safe spaces for learning.

LEADERSHIP WATERLOO REGION – BY THE NUMBERS

23 YEARS
Of Growing Local Changemakers

517
Core Program Alumni

450+
Grads on Board & Committees

16 AND COUNTING
Affordable Housing Solutions Developed

SHORE CENTRE

SEXUAL HEALTH • OPTIONS • RESOURCES • EDUCATION

TK PRITCHARD
EXECUTIVE DIRECTOR

SHORE Centre

SHORE Centre offers exceptional and inclusive sexual and reproductive health services in our community that uphold the dignity of everyone.

Established in 1972, we have been providing non-directed, non-judgemental support for over 50 years. SHORE Centre is a registered non-profit supported primarily through donations and limited-term grants from community-based funders.

SHORE CENTRE
SEXUAL HEALTH • OPTIONS • RESOURCES • EDUCATION

SHORE Centre Programs

Counselling + Outreach

- Pregnancy Options Support (Abortion, Adoption,Parenting)
- Empowering Pregnancy Parenting Support
- Systems Navigation/ Advocacy Related to Reproductive Health, Pregnancy and More
- Stork Secrets Perinatal Mental Health Peer Support Program
- Wheels for Choice Transportation Program

Education Programs

- Newcomer Health Programs
- Peer Theatre Education Program
- Just4Me Youth Groups
- Disability Specific Programs
- School and Community Workshops

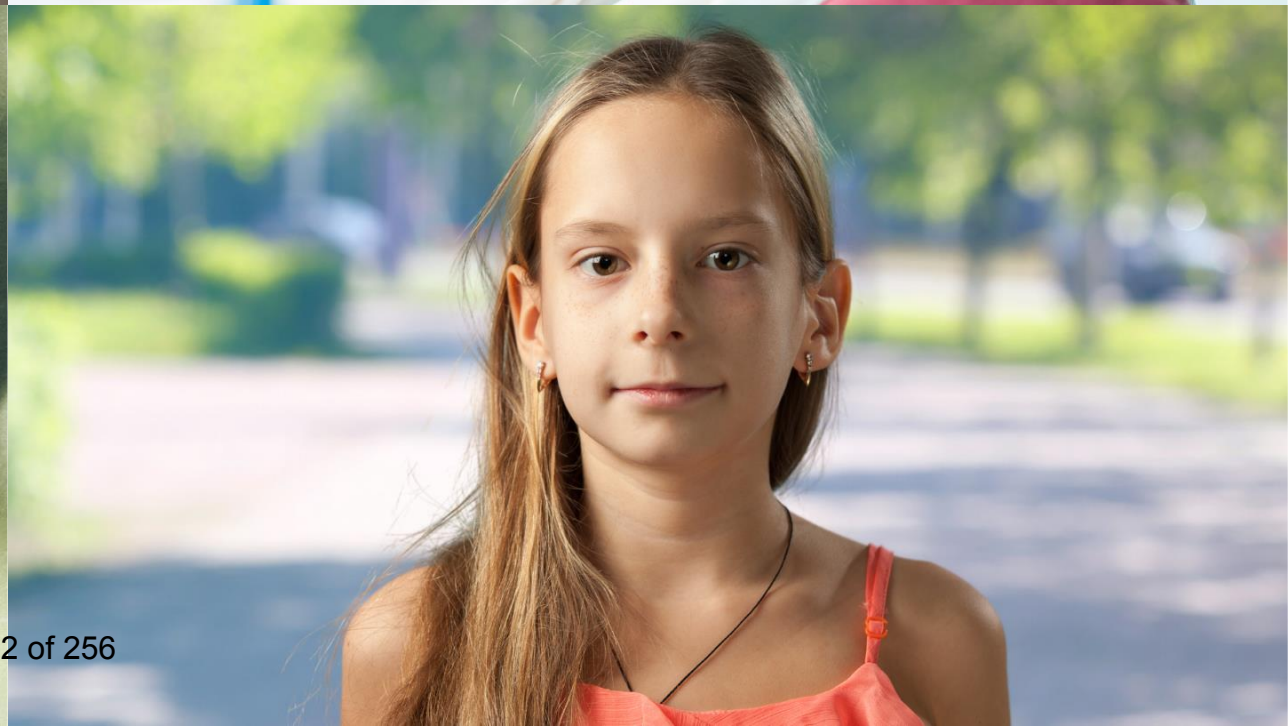
SHORE CENTRE
SEXUAL HEALTH • OPTIONS • RESOURCES • EDUCATION

Medical Services

- Medication Abortions
- Birth Control Consultations
- IUD Insertions and Removals
- Nexplanon Insertions and Removals
- Paps for Clients without Healthcare Providers
- Free Pregnancy Tests
- Free Prenatal Vitamins
- Free Safer Sex Supplies

SHORE CENTRE
SEXUAL HEALTH • OPTIONS • RESOURCES • EDUCATION



Since 2005

- Our client numbers have grown from 3500 to over 15,000
- We built a medical clinic to address little access to timely, inclusive reproductive healthcare in our community
- We added an extensive newcomer health program
- We have tripled our counselling staff in order to meet local demand and added comprehensive perinatal mental health supports
- We tripled our education staff to meet needs and developed population-specific programming for newcomers, people with disabilities, racialized youth, and more

SHORE CENTRE
SEXUAL HEALTH • OPTIONS • RESOURCES • EDUCATION

We need to prioritize Gender Equity and Reproductive Rights in Waterloo Region

SHORE CENTRE

Presentation for 2023 Plan and Budget Public Input Meeting

February 8, 2023 Brian Enns

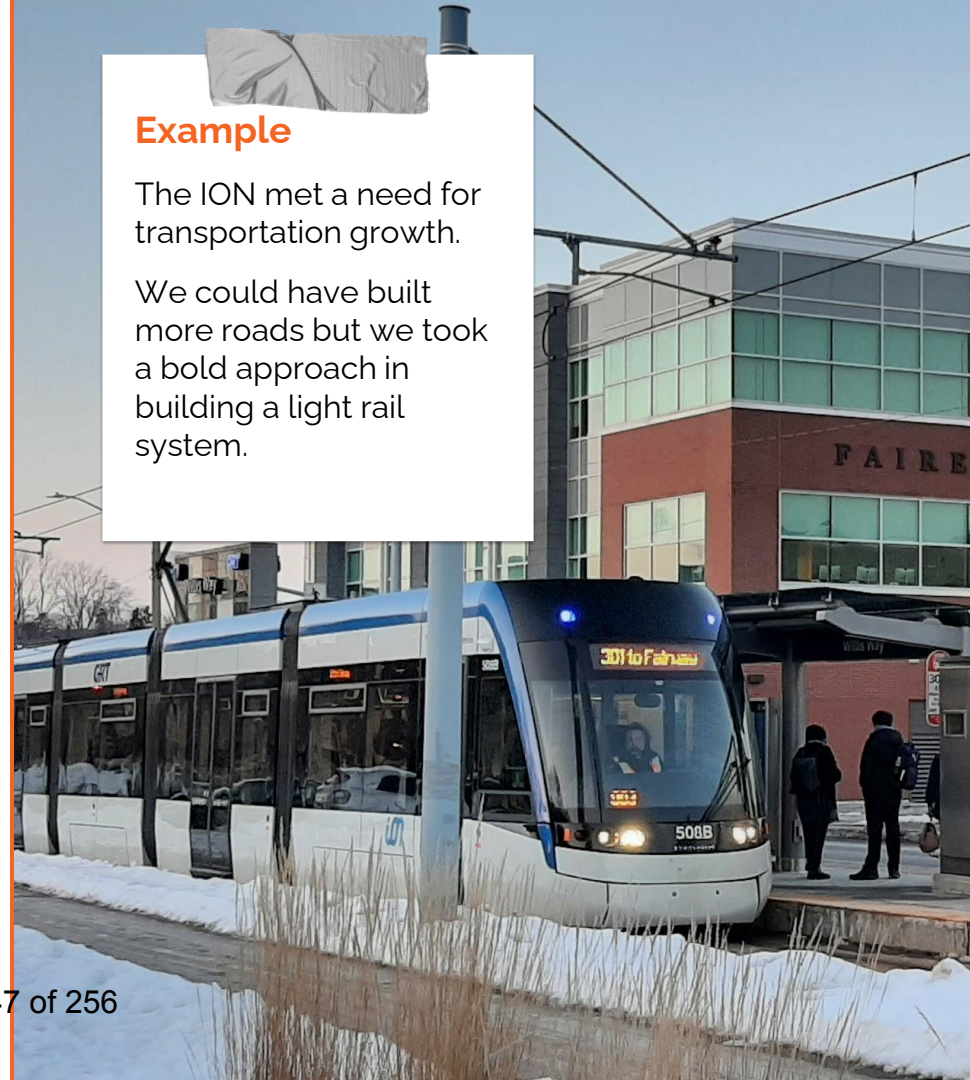
Our Regional Budget and Plan Reflects our Community's Identity

How we spend our money and set priorities are a reflection of how we see ourselves.

The words reflect our vision for the future and our identity.

The budget increases/decrease reflect what we think is important.

Waterloo Region is known for innovation and applying the right solutions to meet community needs



Example

The ION met a need for transportation growth.

We could have built more roads but we took a bold approach in building a light rail system.

Our Region is Known for Innovation in Community Justice

In 1974, probation officers asked a judge to allow 2 men to meet the victims of their alcohol-fueled property damage, instead of a prison term.

Using methods which were already known by generations of First Nations, these 2 local visionaries set the foundation for a global movement for restorative justice, which focuses on addressing the root causes of conflict.

CJI
Imagine a Just Community

Our Region is Known for Innovation in Transportation

We are a growing community and we needed a long-term solution, to build the right infrastructure for transit.

We had many options which were cheaper and quicker, but Regional Council and the community took the bold approach to build a light rail system. We saw the failures of other cities, like Ottawa's bus system, and decided on ION which is now a model for other cities.

What people are saying about policing

How will more police prevent crime? They only get involved afterwards

Why do the police have little accountability for budget, when other departments have much more?

People of colour and First Nations have a difficult relationship with police services. What is the path to justice and accountability?

House Analogy for the Police Budget

We live in a house which has a leak coming through the ceilings in the rooms. As we expand the house, the leaks spread to more rooms

We have a drywall repair company come in to fix the ceilings. We spend more money as the house expands, and the company offers better drywall and even fancy technical monitoring of the damage. The budget to fix the leaks increases every year.

Why do we choose to spend more money on criminal punishments instead of focusing on the social/economic determinants of criminal behaviour?

What bold decisions will this council make to ensure the well-being of a community broken by poverty and homelessness?

Tip

10% of our community is experiencing poverty

What people are saying about housing

Housing is a right. We need housing for everyone.

Stable, affordable housing is important for the well-being of our community's most vulnerable

Investment companies are buying the majority of new housing stock

We Need Bold Action from Regional Government

Many of the incentives to increase the availability of affordable housing have been nullified by investment companies scooping up housing supply.

As long as there is a profit incentive, individuals and government will not be able to outbid the large investment companies.

We need regional government to use existing or available land to build affordable housing, bypassing the open market.

Suggestion for Land - Church Property

There are many church congregations which are closing down or looking to share properties. The region should work with the cities to identify these properties.

Or churches with a greater vision for their property, such as St. Paul Evangelical Lutheran Church.

—

The time for bold action is now!

- Reconsider police budget increases
- Consider all possibilities for affordable housing property


PORCHLIGHT
COUNSELLING + ADDICTION SERVICES

Overview of Our Services

Mission: Porchlight provides a safe space where counselling and addictions services support the emotional well-being of people in Cambridge and North Dumfries.

What we Offer:

Addiction Services
Family Counselling
Individual Counselling
Rural Community Outreach

Recovery Homes
Couples Counselling
Group Therapy
Employee Assistance Program

We Work Collaboratively

Counselling Collaborative of WR
Family Service Ontario

Cambridge & ND OHT
Addictions and Mental Health Ontario

Porchlight Addiction Services

Giving back to the community

Residents growing their own food!

Harvesting Hope, made and sold by our residents!

Porchlight Addiction Services

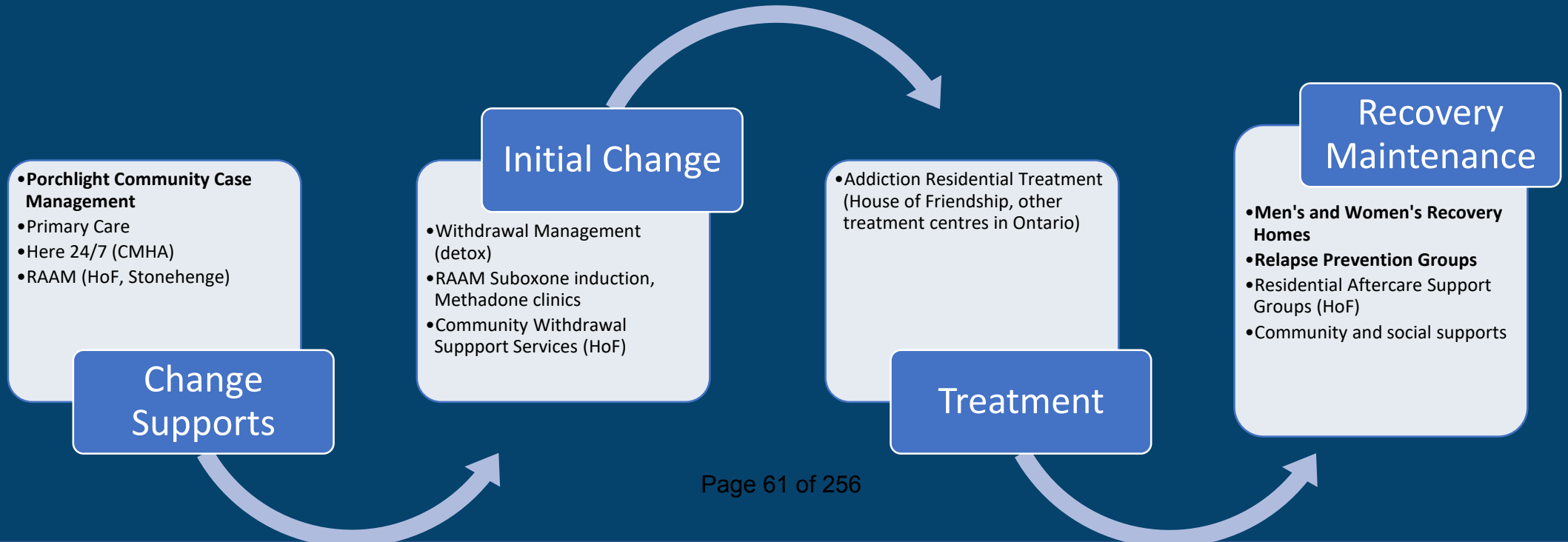
History

- Founded in 2008 by Cambridge Shelter Corp, opening first Men's Recovery Home with funding from RoW
- Lost RoW funding 2014/15
- Opened Women's Home 2015
- CSC announces closure of program due to lack of funding; Family Counselling Cambridge (now Porchlight) adopts program
- RoW Housing Services provides $36,000 funding annually starting in 2019
- Program avoids closure in 2022 due to Safe Justice Bed funding (via House of Friendship)

Porchlight Addiction Services

What we do / addiction continuum of care

- We provide a niche and important role in the Continuum of Care:
  - Low barrier Case Management / Navigation and Referral focused on people experiencing homelessness / people needing complex support
  - 15 beds (9 men's, 6 women's) of Addiction Recovery Living



Porchlight Addiction Services

Next steps

- We are the only Recovery Homes in Waterloo Region, with a current wait list of over 1 year
  - To provide more opportunities, we want to lease a larger women's home for a better living environment
  - We could add 3 women's beds with this move, if we have the staffing support
  - We have requested the RoW increase funding from $36,000 (covering 2 beds) to $72,000 to support staffing for this expansion.
  - This will move 3 to 5 women per year from homelessness to safe, supportive recovery living. **It will save lives.**

Porchlight Recovery Home Statistics: ***of 99 residents entering the home between 2018-2022…***	**On Admission**	**Exiting Homes**
Residents with Permanent Housing	**0**	**79**
Unemployed (not on ODSP or pension)	**58**	**26**
Employed	**0**	**28**

PORCHLIGHT

COUNSELLING + ADDICTION SERVICES

porchlightcnd.org

Cambridge

18 Walnut St (Counselling)

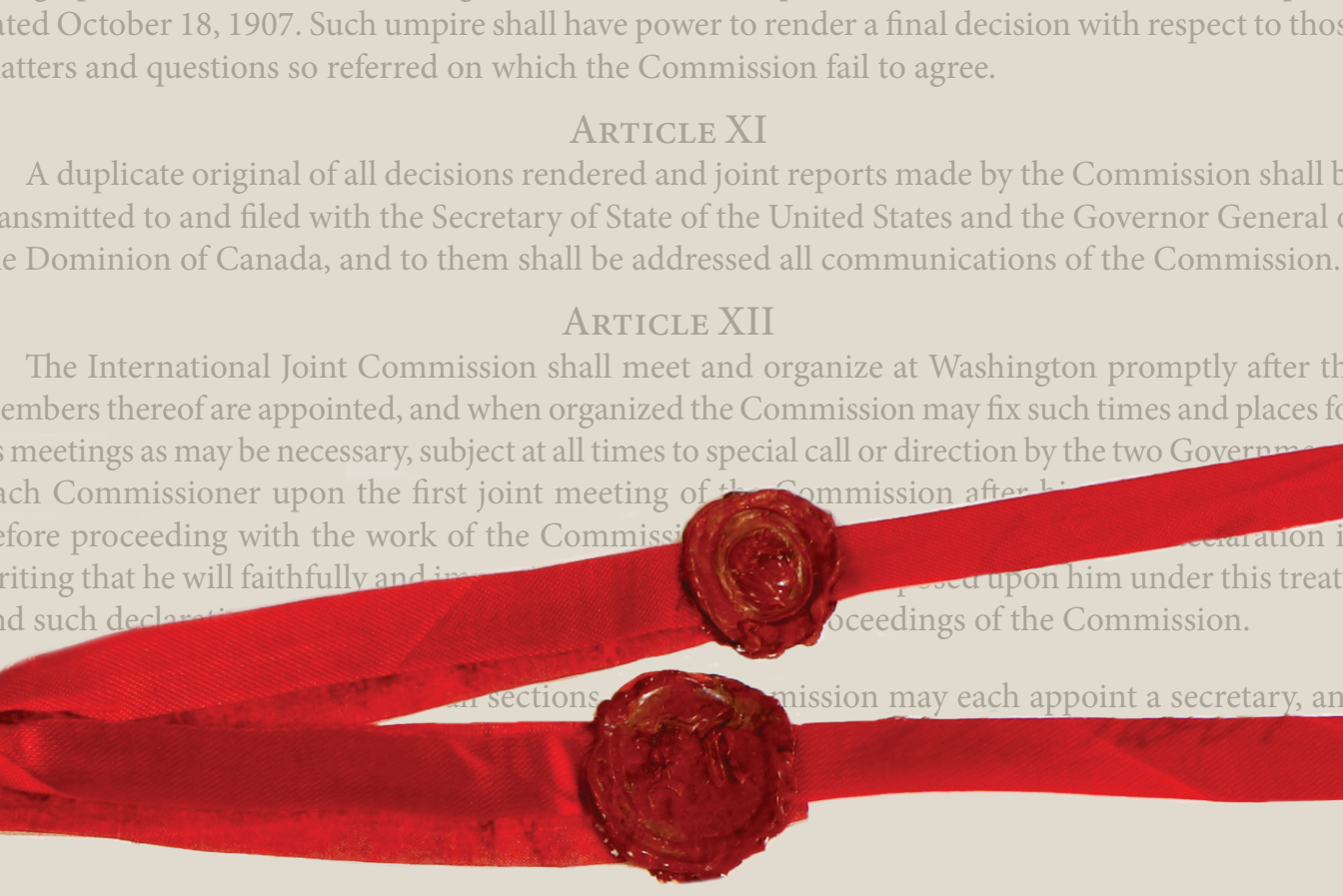
6 Cambridge St (Addictions)

Guest House (men's recovery)

Ancora House (women's Recovery)

North Dumfries

North Dumfries Community Health Centre



THE BOUNDARY WATERS TREATY OF 1909

United States Section Office
2000 L Street, NW, Suite 615
Washington, DC 20440
Phone: 202-736-9000
Fax: 202-632-2006
commission@washington.ijc.org

Canadian Section Office
234 Laurier Avenue West
22nd Floor
Ottawa, ON K1P 6K6
Phone: 613-995-2984
Fax: 613-993-5583
commission@ottawa.ijc.org

Great Lakes Regional Office
100 Ouellette Avenue
8th Floor
Windsor, ON N9A 6T3
Phone: 519-257-6733
Fax: 519-257-6740
commission@windsor.ijc.org

OR

P.O. Box 32869
Detroit, MI 48232
Phone: 313-226-2170 x6733
Commission@windsor.ijc.org

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TREATY
of January 11, 1909
between the United States and Great Britain

RATIFICATION, PROCLAMATION, MEETING AND ADOPTION AND PUBLICATION OF RULES OF PROCEDURE

Signed at Washington	January 11, 1909
Ratification advised by the Senate	March 3, 1909
Ratified by Great Britain	March 31, 1910
Ratified by the President	April 1, 1910
Ratifications exchanged at Washington	May 5, 1910
Proclaimed	May 13, 1910

INTERNATIONAL JOINT COMMISSION

Meeting of Commission for organization under Article XII of the treaty at Washington	January 10, 1912
Adoption and publication of rules of procedure in accordance with Article XII	February 2, 1912
Major revision of the rules of procedure	December 2, 1964

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN RELATING TO BOUNDARY WATERS AND QUESTIONS ARISING BETWEEN THE UNITED STATES AND CANADA

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE

For the purpose of this treaty, boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I

The High Contracting Parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing

or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II

Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right, which it may have, to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV

The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V

The High Contracting Parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both Parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licences authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force, no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

- The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

- The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara, for the power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

- The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

Note: The third, fourth and fifth paragraphs of Article V were terminated by the Canada-United States Treaty of February 27, 1950 concerning the diversion of the Niagara River.

ARTICLE VI

The High Contracting Parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE VII

The High Contracting Parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE VIII

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Article III or IV of this treaty the approval of this Commission is required, and in passing on such cases the Commission shall be governed by the following rules or principles which are adopted by the High Contracting Parties for this purpose:

The High Contracting Parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1.) Uses for domestic and sanitary purposes;

(2.) Uses for navigation, including the service of canals for the purposes of navigation;

(3.) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirements for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division cannot be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The Commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against injury of all interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own Government. The High Contracting Parties shall thereupon endeavour to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both Governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own Government.

ARTICLE X

Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred. If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions referred, which questions or matters shall thereupon be referred for decision by the High Contracting Parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth and sixth paragraphs of Article XLV of the Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission fails to agree.

ARTICLE XI

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE XII

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and Canadian sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission, incurred by it, shall be paid in equal moieties by the High Contracting Parties.

The Commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII

In all cases where special agreements between the High Contracting Parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord one thousand nine hundred and nine.

(Signed) ELIHU ROOT [SEAL]

(Signed) JAMES BRYCE [SEAL]

AND WHEREAS the Senate of the United States by their resolution of March 3, 1909, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said treaty with the following understanding to wit:

"Resolved further, as a part of this ratification, That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting, or changing, any existing territorial or riparian rights in the water, or rights of the owners of lands under, on either side of the international boundary at the rapids of the St. Mary's River at Sault Ste. Marie, in the use of water flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory, and further, that nothing in the treaty shall be construed to interfere with the drainage of wet swamp and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty;"

AND WHEREAS the said understanding has been accepted by the Government of Great Britain, and the ratifications of the two Governments of the said treaty were exchanged in the City of Washington, on the 5th day of May, one thousand nine hundred and ten;

NOW, THEREFORE, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirteenth day of May in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundred and thirty- fourth.

Wm. H Taft [SEAL]

By the President:
P C KNOX
Secretary of State

PROTOCOL OF EXCHANGE

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned Plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of St. Mary's River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In WITNESS WHEREOF, they have signed the present Protocol of Exchange and have affixed their seals thereto.

DONE at Washington this 5th day of May, one thousand nine hundred and ten.

PHILANDER C KNOX [SEAL]

JAMES BRYCE [SEAL]

ATTENDU que ladite réserve a été acceptée par le Gouvernement de la Grande-Bretagne, et que les instruments de ratification des deux Gouvernements parties audit Traité ont été échangés dans la ville de Washington le 5e jour de mai mil neuf cent dix;

POUR CES MOTIFS, moi, William Howard Taft, Président des États-Unis d'Amérique, ai ordonné que ledit Traité et ladite réserve, qui en fait partie, soient rendus publics, afin que chacune de leurs dispositions soit observée de bonne foi par les États-Unis et leurs citoyens.

En foi de quoi, j'ai signé le présent document et ordonné que le sceau des États-Unis y soit apposé.

Fait à Washington ce 13e jour de mai mil neuf cent dix, en l'année du cent trente quatrième anniversaire, de l'indépendance des États-Unis d'Amérique.

(Signé) WM. H. TAFT [SCEAU]
Par le Président

P C Knox
Secrétaire d'État

Protocole d'échange des ratifications

En procédant à l'échange des ratifications du traité signé à Washington le 11 janvier 1909, entre la Grande-Bretagne et les États-Unis, relativement aux eaux limitrophes et aux questions qui surgissent le long de la frontière entre les États-Unis et le Dominion du Canada, les plénipotentiaires soussignés régulièrement autorisés à cet effet par leurs gouvernements respectifs, déclarent par les présentes que rien dans ce traité ne doit être interprété comme devant affecter ou changer aucun des droits territoriaux ou riverains existants sur les eaux, ni les droits des propriétaires de terres sous l'eau, d'un côté ou d'un autre de la frontière internationale, aux rapides de la rivière de Sainte-Marie à Sault-Sainte-Marie, dans l'usage qui sera fait des eaux coulant sur lesdites terres subordonnément aux exigences de la navigation dans les eaux limitrophes et dans les canaux et sans préjudice des droits actuels des États-Unis et du Canada, chacun des deux pays devant faire usage des eaux de la rivière Sainte-Marie qui sont situées dans son propre territoire; en outre que rien dans le présent traité ne doit être considéré comme devant gêner l'égouttement des terrains humides, des marécages, ou des terres inondées, par les ruisseaux qui se jettent dans les eaux limitrophes, et aussi que la présente déclaration sera considérée comme ayant la même valeur et le même effet que le traité lui-même, et comme en formant une partie intégrale.

L'échange des ratifications a donc été fait dans les formes ordinaires.

EN FOI DE QUOI les plénipotentiaires ont signé le présent Protocole d'échange et y ont apposé leurs sceaux.

FAIT à Washington le 5e jour de mai mil neuf cent dix.

PHILANDER C. KNOX [SCEAU]

JAMES BRYCE [SCEAU]

ARTICLE XIII

Dans tous les cas où il est question dans les articles précédents des conventions spéciales entre les Hautes parties contractantes, il est entendu que ces dites conventions comprennent non seulement les conventions directes entre les Hautes parties contractantes, mais encore toute entente mutuelle entre les États-Unis et le Dominion du Canada, exprimée par des mesures législatives concurrentes ou réciproques de la part du Congrès et du Parlement du Dominion.

ARTICLE XIV

Le présent traité est ratifié par Sa Majesté britannique et par le président des États-Unis d'Amérique, de l'avis et du consentement du Sénat de ces deux pays. Les ratifications seront échangées à Washington dans le plus bref délai possible, et le traité entrera en vigueur à partir de la date de l'échange des ratifications. Il est valable pour cinq ans à compter de la date de l'échange des ratifications, et jusqu'à la terminaison de sa durée qui devra être signifiée par un avis écrit émanant de l'une ou l'autre des Hautes parties contractantes.

En foi de quoi les plénipotentiaires respectifs ont signé le présent traité en duplicata et y ont apposé leurs sceaux.

Fait à Washington le 11e jour de janvier en l'année de notre Seigneur mil neuf cent neuf.

(Signé) ELIHU ROOT [SCEAU]

(Signé) JAMES BRYCE [SCEAU]

Le traité ci-dessus a été approuvé par le Sénat des États-Unis le 3 mars 1909, avec les résolutions suivantes :

RÉSOLU : - Que le Sénat conseille et consent à la ratification du traité conclu entre les États-Unis et la Grande-Bretagne, pourvoyant au règlement des différends internationaux entre les États-Unis et le Canada, et signé le 11e jour de janvier 1909.

RÉSOLU de plus (comme formant partie de cette ratification) : - Que les États-Unis approuvent le présent traité en convenant que rien dans ledit traité ne peut être interprété comme devant affecter, ou modifier, ni d'un côté ni de l'autre de la frontière internationale aux rapides de la rivière Sainte-Marie à Sault-Sainte-Marie, aucun des droits territoriaux ou riverains existant actuellement sur les eaux, ni aucun des droits des propriétaires de terrains sous l'eau, dans l'usage qui sera fait des eaux coulant sur lesdits terrains subordonnément aux exigences de la navigation dans les eaux limitrophes et dans les canaux, et sans préjudice des droits actuels des États-Unis et du Canada. Chacun des deux pays devant faire usage des eaux de la rivière Sainte-Marie, qui sont situées dans les limites de son territoire : en outre, que rien dans ce traité ne peut être invoqué comme devant gêner l'égouttement des terrains humides, des marécages ou des terres inondées, par les ruisseaux qui se jettent dans les eaux limitrophes, et que la présente interprétation sera mentionnée dans la ratification du présent traité comme exprimant le sens véritable du traité et qu'elle fera effectivement partie du traité.

les conclusions différentes auxquelles elle est arrivée concernant la question ou l'affaire en litige, et les Hautes parties contractantes feront en conséquence décider la question ou l'affaire par un arbitre choisi conformément à la procédure indiquée dans les paragraphes quatre, cinq et six de l'article XLV de la convention de La Haye pour le règlement pacifique des différends internationaux en date du 18 octobre 1907. Cet arbitre sera autorisé à rendre une décision finale sur les questions ou affaires en litige au sujet desquelles la Commission n'aura pu s'entendre.

ARTICLE XI

Un original en duplicata de toutes les décisions et des rapports conjoints de la Commission doit être transmis et conservé chez le Secrétaire d'État des États-Unis, et chez le Gouverneur général du Canada. Et à eux doivent être adressées toutes les communications de la Commission.

ARTICLE XII

La Commission mixte internationale doit se réunir et s'organiser à Washington, promptement après la nomination de ses membres, et une fois organisée, elle peut fixer les époques et les lieux auxquels, suivant les besoins, elle tiendra ses assemblées qui toutes sont subordonnées à une convocation ou à des instructions spéciales de la part des deux gouvernements. Chacun des commissaires doit, à la première réunion conjointe de la Commission qui suit sa nomination, et avant de se livrer aux travaux de la Commission, faire et souscrire une déclaration solennelle par écrit par laquelle il s'engage à remplir fidèlement et impartialement les devoirs qui lui sont imposés par le présent traité et ladite déclaration sera inscrite dans les procès-verbaux des séances de la Commission.

Les sections américaine et canadienne de la Commission peuvent chacune désigner un secrétaire et ceux-ci agissent en qualité de secrétaires conjoints de la Commission, pendant ses séances communes; la Commission peut en tout temps, lorsqu'elle le juge à propos, prendre à son service des ingénieurs et des aides aux écritures. Les traitements et les dépenses personnelles de la Commission et des secrétaires sont payés par leur gouvernement respectif, et tous les frais raisonnables et nécessaires faits conjointement par la Commission sont acquittés par moitiés égales par les Hautes parties contractantes.

La Commission a le pouvoir de faire prêter serment aux témoins, et de recevoir quand elle le juge nécessaire des dépositions sous serment dans toute procédure ou toute enquête ou toute affaire qui, en vertu du présent traité, sont placées sous sa juridiction. Il est donné à toutes les parties qui y sont intéressées, la faculté de se faire entendre, et les Hautes parties contractantes conviennent d'adopter telles mesures législatives qui peuvent être à propos ou nécessaires soit pour conférer à la Commission de chaque côté de la frontière les pouvoirs ci-dessus énumérés, soit pour assurer le lancement des assignations, et forcer les témoins à comparaître devant la Commission. La Commission peut adopter telles règles de procédure qui sont justes et équitables, elle peut personnellement ou par l'intermédiaire d'agents ou d'employés faire subir les interrogatoires qu'elle peut juger à propos.

ARTICLE IX

Les Hautes parties contractantes conviennent de plus que toutes les autres questions ou différends qui pourront s'élever entre elles et impliquant des droits, obligations ou intérêts de l'une relativement à l'autre ou aux habitants de l'autre, le long de la frontière commune aux États-Unis et au Canada, seront soumis de temps à autre à la Commission mixte internationale pour faire l'objet d'un examen et d'un rapport, chaque fois que le gouvernement des États-Unis ou celui du Canada exigera que ces questions ou différends lui soient ainsi référés.

La Commission mixte internationale est autorisée dans chaque cas qui lui est ainsi soumis d'examiner les faits et les circonstances des questions ou des différends particuliers à elle soumis et d'en dresser rapport, avec les conclusions et les recommandations qui peuvent être appropriées, subordonnément, toutefois, aux restrictions ou aux exceptions qui peuvent être imposées à cet égard par les termes du référé.

Ces rapports de la Commission ne seront pas considérés comme des décisions des questions ou des différends soumis, soit en fait soit en droit, et ne seront en aucune manière de la nature d'une sentence arbitrale.

La Commission devra faire un rapport conjoint aux deux gouvernements dans tous les cas où tous les commissaires ou une majorité d'eux s'entendent, et en cas de désaccord la minorité peut faire un rapport conjoint aux deux gouvernements, ou des rapports séparés à leurs gouvernements respectifs. Dans le cas où la Commission serait également partagée sur quelque question ou différend qui lui est soumis pour en dresser un rapport, des rapports séparés devront être faits par les commissaires de chaque côté à leur propre gouvernement.

ARTICLE X

Toute question ou sujet de différend s'élevant entre les Hautes parties contractantes comportant les droits, obligations ou intérêts des États-Unis ou du Canada, soit dans leurs relations envers l'un et l'autre ou envers leurs habitants respectifs, peut être soumis à la décision de la Commission mixte internationale du consentement des deux parties avec l'entente que de la part des États-Unis toute telle action aura lieu de l'avis et du consentement du Sénat et de la part du gouvernement de Sa Majesté avec le consentement du Gouverneur général en conseil. Pour tout cas ainsi soumis, la Commission est autorisée à faire l'examen et un rapport des faits et circonstances des questions spéciales et des sujets soumis, avec les conclusions et les recommandations qui peuvent être convenables, subordonnément toutefois à toutes les restrictions ou exceptions qui peuvent être imposées par les termes du référé.

La majorité de la Commission pourra entendre et juger toutes les questions ou les cas qui lui seront soumis.

Si la Commission est également partagée ou autrement empêchée de prononcer un jugement sur une question ou une affaire qui lui aura été soumise, il sera du devoir des commissaires de faire un rapport conjoint aux deux gouvernements, ou un rapport séparé à leur gouvernement respectif, indiquant

ARTICLE VIII

La Commission mixte internationale devra entendre et juger tous les cas comportant l'usage ou l'obstruction ou le détournement des eaux à l'égard desquelles l'approbation de cette Commission est nécessaire aux termes des articles III et IV de ce traité et sera régie par les règles ou principes qui suivent et qui sont adoptés par les Hautes parties contractantes pour cette fin :

Les Hautes parties contractantes auront, chacune de son côté de la frontière, des droits égaux et similaires pour l'usage des eaux ci-dessus définies comme eaux limitrophes. L'ordre de préséance suivant devra être observé parmi les divers usages des eaux ci-après énumérés, et il ne sera permis aucun usage qui tend substantiellement à entraver ou restreindre tout autre usage auquel il est donné une préférence dans cet ordre de préséance :

(1.) Usages pour des fins domestiques et hygiéniques ;

(2.) Usages pour la navigation, y compris le service des canaux pour les besoins de la navigation ;

(3.) Usages pour des fins de force motrice et d'irrigation.

Les dispositions ci-dessus ne s'appliquent pas ni ne portent atteinte à aucun des usages existants d'eaux limitrophes de l'un et l'autre côté de la frontière.

L'exigence d'un partage égal peut, à la discrétion de la Commission, être suspendu dans les cas de détournements temporaires le long des eaux limitrophes aux endroits où ce partage égal ne peut être fait d'une manière avantageuse à cause des conditions locales, et où ce détournement ne diminue pas ailleurs la quantité disponible pour l'usage de l'autre côté.

La Commission à sa discrétion peut mettre comme condition de son approbation la construction d'ouvrages de secours et de protection pour compenser autant que possible l'usage ou le détournement particulièrement proposé et dans ces cas elle peut exiger que des dispositions convenables et suffisantes, approuvées par la Commission soient prises pour protéger contre tous dommages les intérêts de l'autre côté de la frontière et pour payer une indemnité à cet égard.

Dans les cas entraînant l'élévation du niveau naturel des eaux de l'un ou l'autre côté de la ligne par suite de la construction ou de l'entretien de l'autre côté d'ouvrages de secours ou de protection ou de barrages ou autres obstacles dans les eaux limitrophes ou dans les eaux qui en proviennent ou dans les eaux en aval de la frontière dans des rivières qui coupent la frontière, la Commission doit exiger, comme condition de son approbation, que des dispositions convenables et suffisantes, approuvées par la Commission, soient prises pour protéger contre tous dommages tous les intérêts de l'autre côté de la frontière qui pourraient être par là atteints, et payer une indemnité à cet égard.

La majorité de la Commission aura le pouvoir de rendre une décision. Dans le cas où la Commission serait également partagée sur quelque question ou chose soumise à sa décision, les commissaires de chaque côté devront faire des rapports séparés qui seront présentés à leur propre Gouvernement. Les Hautes parties contractantes devront en conséquence s'efforcer de s'entendre sur le règlement de la question ou de l'affaire qui fait le sujet du différend, et s'il intervient un arrangement entre elles, cet arrangement sera couché par écrit sous la forme d'un protocole et sera communiqué aux commissaires, qui devront prendre les mesures ultérieures qui pourront être nécessaires pour mettre à exécution cet arrangement.

- Les prohibitions énoncées au présent article ne s'appliquent pas au détournement de l'eau pour des fins hygiéniques ou domestiques, non plus que pour le service des canaux pour la navigation. Remarque: Le Traité canado-américain du 27 février 1950, portant sur la dérivation de la rivière Niagara, a mis fin aux troisième, quatrième et cinquième paragraphes de l'article V.

Remarque : Le Traité canado-américain du 27 février 1950, portant sur la dérivation de la rivière Niagara, a mis fin aux troisième, quatrième et cinquième paragraphes de l'article V.

ARTICLE VI

Les Hautes parties contractantes conviennent que les rivières Milk et Sainte-Marie soient, avec leurs affluents (dans l'État du Montana et dans les provinces d'Alberta et de la Saskatchewan), traités comme un seul et même cours d'eau pour les fins d'irrigation et de force hydraulique, et que leurs eaux soient attribuées par parts égales entre les deux pays, mais en faisant cette attribution par parts égales plus de la moitié des eaux d'une rivière et moins de la moitié de celles de l'autre puissent être prises de manière que chaque pays puisse tirer de ces eaux le plus grand avantage possible. Il est de plus convenu que, dans le partage de ces eaux pendant la saison d'irrigation, savoir du 1 er avril au 31 octobre inclusivement, chaque année, les États-Unis ont droit les premiers à une prise de 500 pieds cubes par seconde dans les eaux de la rivière Milk, ou autant de cette quantité qu'il en faut pour constituer les trois quarts de leur écoulement naturel, de même que le Canada a droit le premier à une prise de 500 pieds cubes par seconde dans les eaux de la rivière Sainte-Marie, ou autant de cette quantité qu'il en faut pour constituer les trois quarts de leur écoulement naturel.

Le chenal de la rivière Milk au Canada peut être utilisé, à la convenance des États-Unis, pour l'apport, à travers le territoire canadien, des eaux détournées de la rivière Sainte-Marie. Les dispositions de l'article 11 de ce traité s'appliqueront à tout préjudice causé à des biens situés au Canada par l'apport de ces eaux s'écoulant par la rivière Milk.

Le jaugeage et l'attribution des eaux à être employées par chaque pays seront de tout temps effectués conjointement du côté des États-Unis, par les fonctionnaires du Reclamation Office régulièrement constitués, et, du côté canadien, par les fonctionnaires du service de l'irrigation aussi régulièrement constitués, sous la direction de la Commission mixte internationale.

ARTICLE VII

Les Hautes parties contractantes conviennent de créer et maintenir une Commission mixte internationale des États-Unis et du Canada, composée de six commissaires dont trois pour les États- Unis, et nommés par le Président, et trois pour le Royaume-Uni et nommés par Sa Majesté, sur la recommandation du Gouverneur en conseil du Dominion du Canada.

chenaux, la construction de brise-lames, l'amélioration des ports, et autres entreprises du gouvernement dans l'intérêt du commerce ou de la navigation, pourvu que ces travaux soient situés entièrement sur son côté de la frontière et ne modifient pas sensiblement le niveau ou le débit des eaux limitrophes de l'autre, et ne sont pas destinées non plus à gêner l'usage ordinaire de ces eaux pour des fins domestiques ou hygiéniques.

ARTICLE IV

Les Hautes parties contractantes conviennent, sauf pour les cas spécialement prévus par un accord entre elles, de ne permettre, chacun de son côté, dans les eaux qui sortent des eaux limitrophes, non plus que dans les eaux inférieures des rivières qui coupent la frontière, l'établissement ou le maintien d'aucun ouvrage de protection ou de réfection, d'aucun barrage ou autre obstacle dont l'effet serait d'exhausser le niveau naturel des eaux de l'autre côté de la frontière, à moins que l'établissement ou le maintien de ces ouvrages n'ait été approuvé par la Commission mixte internationale.

Il est de plus convenu que les eaux définies au présent traité comme eaux limitrophes non plus que celles qui coupent la frontière ne seront d'aucun côté contaminées au préjudice des biens ou de la santé de l'autre côté.

ARTICLE V

Les Hautes parties contractantes conviennent qu'il est à propos de restreindre le détournement des eaux de la rivière Niagara de manière que le niveau du lac Érié et le débit de l'eau ne soient pas sensiblement diminués. Les deux parties désirent atteindre cet objet en causant le moins de préjudice possible aux placements de fonds qui ont déjà été faits pour la construction d'usines de force motrice sur le côté américain de la rivière sous l'empire de concessions de privilèges de la part de l'État de New-York, et sur le côté canadien sous l'empire de permis accordés par le Dominion du Canada et la province de l'Ontario.

Tant que ce traité restera en vigueur, nul détournement des eaux de la rivière Niagara, en amont des chutes, de leur lit et de leur cours naturels, ne sera permis excepté pour les objets et dans la mesure ci-après prévus.

- Les États-Unis peuvent autoriser et permettre, dans les limites de l'État de New-York, le détournement des eaux de ladite rivière en amont des chutes, pour des fins de force motrice, jusqu'à concurrence d'un détournement moyen et quotidien d'au plus vingt mille pieds cubes d'eau par seconde.

- Le Royaume-Uni, par le Dominion du Canada ou par la province de l'Ontario, peut autoriser et permettre, dans les limites de la province de l'Ontario, le détournement des eaux de ladite rivière en amont des chutes pour des fins de force motrice, jusqu'à concurrence d'un détournement moyen et quotidien de trente-six mille pieds cubes d'eau par seconde.

Il est convenu en outre qu'aussi longtemps que ce traité restera en vigueur, ce même droit de navigation, s'étendra aux eaux du lac Michigan et à tous les canaux reliant les eaux limitrophes qui existent maintenant ou qui pourront être construits à l'avenir sur l'un ou l'autre côté de la ligne. L'une ou l'autre des Hautes parties contractantes peut adopter des règles et règlements déterminant l'usage de ces canaux dans les limites de son propre territoire, et peut imposer des péages pour l'usage de ces canaux, mais toutes ces règles et ces règlements et péages s'appliqueront également à tous les sujets ou citoyens des Hautes parties contractantes et à tous navires, bateaux et vaisseaux des deux Hautes parties contractantes qui seront sur un pied d'égalité quant à l'usage de ces canaux.

ARTICLE II

Chacune des Hautes parties contractantes se réserve à elle-même ou réserve au Gouvernement des différents États, d'un côté, et au Dominion ou aux gouvernements provinciaux, de l'autre, selon le cas, subordonnément aux articles de tout traité existant à cet égard, la juridiction et l'autorité exclusive quant à l'usage et au détournement, temporaires ou permanents, de toutes les eaux situées de leur propre côté de la frontière et qui, en suivant leur cours naturel, couleraient au-delà de la frontière ou se déverseraient dans des cours d'eaux limitrophes, mais il est convenu que toute ingérence dans ces cours d'eau ou tout détournement de leur cours naturel de telles eaux sur l'un ou l'autre côté de la frontière, résultant en un préjudice pour les habitants de l'autre côté de cette dernière, donnera lieu aux mêmes droits et permettra aux parties lésées de se servir des moyens que la loi met à leur disposition tout autant que si telle injustice se produisait dans le pays où s'opère cette ingérence ou ce détournement; mais cette disposition ne s'applique pas au cas déjà existant non plus qu'à ceux qui ont déjà fait expressément l'objet de conventions spéciales entre les deux parties concernées.

Il est entendu cependant, que ni l'une ni l'autre des Hautes parties contractantes n'a l'intention d'abandonner par la disposition ci-dessus aucun droit qu'elle peut avoir à s'opposer à toute ingérence ou tout détournement d'eau sur l'autre côté de la frontière dont l'effet serait de produire un tort matériel aux intérêts de la navigation sur son propre côté de la frontière.

ARTICLE III

Il est convenu que, outre les usages, obstructions et détournements permis jusqu'ici ou autorisés ci-après, par convention spéciale entre les parties, aucun usage ou obstruction ou détournement nouveaux ou autres, soit temporaires ou permanents des eaux limitrophes, d'un côté ou de l'autre de la frontière, influençant le débit ou le niveau naturels des eaux limitrophes de l'autre côté de la frontière, ne pourront être effectués si ce n'est par l'autorité des États-Unis ou du Dominion canadien dans les limites de leurs territoires respectifs et avec l'approbation, comme il est prescrit ci-après, d'une commission mixte qui sera désignée sous le nom de Commission mixte internationale.

Les stipulations ci-dessus ne sont pas destinées à restreindre ou à gêner l'exercice des droits existants dont le gouvernement des États-Unis, d'une part, et le gouvernement du Dominion, de l'autre, sont investis en vue de l'exécution de travaux publics dans les eaux limitrophes, pour l'approfondissement des

TRAITÉ RELATIF AUX EAUX LIMITROPHES ET AUX QUESTIONS ORIGINANT LE LONG DE LA FRONTIÈRE ENTRE LE CANADA ET LES ÉTATS-UNIS

Sa Majesté le roi du Royaume-Uni de la Grande-Bretagne et d'Irlande et des possessions britanniques au-delà des mers, empereur de l'Inde, et les États-Unis d'Amérique, désirant également prévenir tous différends relativement à l'usage des eaux limitrophes et pour régler toutes les questions qui sont actuellement pendantes entre les États-Unis et le Dominion du Canada impliquant les droits, obligations ou intérêts de l'un et l'autre pays relativement à son voisin et à ceux des habitants des deux pays le long de leur frontière commune, et dans le but de pourvoir à l'ajustement et au règlement de toutes questions qui pourraient surgir dans l'avenir, ont résolu de conclure un traité pour atteindre ces fins, et pour cet objet ils ont nommé comme leurs ministres plénipotentiaires:

Le Président des États-Unis d'Amérique, Elihu Root, Secrétaire d'État des États-Unis;

Sa Majesté britannique, le très honorable James Bryce, O.M., son ambassadeur extraordinaire et ministre plénipotentiaire à Washington; et

Lesquels, après s'être mutuellement communiqué leurs pleins pouvoirs respectifs, et les avoir trouvés en bonne et due forme, ont arrêté les articles suivants :

ARTICLE PRÉLIMINAIRE

Pour les fins de ce traité, les eaux limitrophes sont définies comme les eaux de terre ferme à terre ferme des lacs, fleuves et rivières et des voies d'eau qui les relient - ou les parties de ces eaux - que longe la frontière internationale entre les États-Unis et le Dominion du Canada, y compris les baies, les bras et les anses qu'elles forment. Sont toutefois exclues de la présente définition les eaux des affluents qui, dans leur cours naturel, se verseraient dans ces lacs, fleuves, rivières et voies d'eau, les eaux coulant de ces lacs, fleuves, rivières et voies d'eau, ainsi que les eaux des fleuves et rivières traversant la frontière.

ARTICLE I

Les Hautes parties contractantes conviennent que la navigation de toutes les eaux limitrophes navigables se continue pour toujours, libre et ouverte dans un but de commerce pour les habitants et pour les navires, vaisseaux et bateaux des deux pays également, subordonnément, toutefois, à toutes les lois et à tous les règlements de l'un ou l'autre pays dans les limites de son propre territoire, ne venant pas en contradiction avec tel privilège de navigation libre et s'appliquant également et sans distinction aucune entre les habitants, les navires, les vaisseaux et les bateaux des deux pays.

TRAITÉ

du 11 janvier 1909

conclu entre les États-Unis et la Grande-Bretagne

RATIFICATION, PROCLAMATION, RÉUNION ET ADOPTION ET PUBLICATION DES RÈGLES DE PROCÉDURE

Signé à Washington	11 janvier 1909
Ratification conseillée par le Sénat	3 mas 1909
Ratifié par la Grande-Bretagne	31 mars 1910
Ratifié par le Président	1 avril 1910
Ratifications échangées à Washington	5 mai 1910
Proclamation	13 mai 1910

COMMISSION MIXTE INTERNATIONALE

Réunion d'organisation de la Commission aux termes de l'article XII du Traité, à Washington	10 janvier 1912
Adoption et publication des Règles de procédure conformément à l'article XII	2 février 1912
Révisées le	2 décembre 1964

Bureau de la Section américaine
2000 L Street, NW Suite 615
Washington, DC 20440
Téléphone : 202-736-9000
Télécopieur : 202-632-2006

Bureau de la Section canadienne
234, avenue Laurier ouest, 22e étage
Ottawa (Ontario) K1P 6K6
Téléphone : 613-995-2984
Télécopieur : 613-993-5583

Bureau régional des Grands Lacs
100, avenue Ouellette, 8e étage
Windsor (Ontario) N9A 6T3
Téléphone : 519-257-6700
Télécopieur : 519-257-6740

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TRAITÉ RELATIF AUX EAUX LIMITROPHES

Calls for Justice

As the evidence demonstrates, human rights and Indigenous rights abuses and violations committed and condoned by the Canadian state represent genocide against Indigenous women, girls, and 2SLGBTQQIA people. These abuses and violations have resulted in the denial of safety, security, and human dignity. They are the root causes of the violence against Indigenous women, girls, and 2SLGBTQQIA people that generate and maintain a world within which Indigenous women, girls, and 2SLGBTQQIA people are forced to confront violence on a daily basis, and where perpetrators act with impunity.

The steps to end and redress this genocide must be no less monumental than the combination of systems and actions that has worked to maintain colonial violence for generations. A permanent commitment to ending the genocide requires addressing the four pathways explored within this report, namely:

- historical, multigenerational, and intergenerational trauma;
- social and economic marginalization;
- maintaining the status quo and institutional lack of will; and
- ignoring the agency and expertise of Indigenous women, girls, and 2SLGBTQQIA people.

Addressing these four pathways means full compliance with all human and Indigenous rights instruments, as well as with the premise that began this report: that the daily encounters with individuals, institutions, systems, and structures that compromise security must be addressed with a new view toward relationships.

Although we have been mandated to provide recommendations, it must be understood that these recommendations, which we frame as "Calls for Justice," are legal imperatives – they are not optional. The Calls for Justice arise from international and domestic human and Indigenous rights laws, including the *Charter,* the Constitution, and the Honour of the Crown. As such, Canada has a legal obligation to fully implement these Calls for Justice and to ensure Indigenous women, girls, and 2SLGBTQQIA people live in dignity. We demand a world within which First Nations, Inuit, and Métis families can raise their children with the same safety, security, and human rights that non-Indigenous families do, along with full respect for the Indigenous and human rights of First Nations, Inuit, and Métis families.

As we noted in our *Interim Report,* there has been very limited movement to implement recommendations from previous reports. What little efforts have been made have focused more on reactive rather than preventative measures.[1] This is a significant barrier to addressing the root causes of violence. Further, insufficient political will continues to be a roadblock across all initiatives. We maintain now, as we did then, that proper prioritization and resourcing of solutions by Canadian governments must come with real partnerships with Indigenous Peoples that support self-determination, in a decolonizing way.[2]

In presenting these Calls for Justice, we begin, first, by setting out the principles for change that have informed our work throughout the National Inquiry, and that represent the building blocks for meaningful and permanent transformation. These basic principles permeate and inform all of our Calls for Justice, and should be considered guiding principles for interpreting and implementing all of the Calls for Justice.

Next, we articulate our Calls for Justice as imperatives for redress that go beyond one area or issue and that touch on all of the abuses and violations that family members and survivors of violence identified in sharing their truths.

These Calls for Justice represent important ways to end the genocide and to transform systemic and societal values that have worked to maintain colonial violence.

Our Calls for Justice aren't just about institutions, or about governments, although they have foundational obligations to uphold; there is a role for everyone in the short and the long term. Individuals, institutions, and governments can all play a part; we encourage you, as you read these recommendations, to understand and, most importantly, to act on yours.

Principles for Change

Our Calls for Justice are based on a solid foundation of evidence and law. Witnesses who shared their truths with us also explained that there are many important principles and ideas that must inform the implementation of any of the Calls for Justice in order for them to be effective and meaningful.

A Focus on Substantive Equality and Human and Indigenous Rights

Indigenous women, girls, and 2SLGBTQQIA people are holders of inherent Indigenous rights, constitutional rights, and international and domestic human rights. In addition, many Indigenous Peoples in Canada are rights holders under various Treaties, land claims, and settlement agreements.

As this report affirms, and as the Canadian Human Rights Commission has pointed out:

> A fundamental premise of this approach is that Indigenous women and girls should not be treated solely as victims but as independent human rights holders…. A human rights-based approach would be a critical element in efforts to bring about a paradigm shift in Canada's relationship with Indigenous Peoples, particularly Indigenous women and girls. This is because such an approach would reframe issues of importance related to Indigenous women and girls as a "denial of rights" instead of "unfulfilled needs". Exposure to violence would then be seen as a systemic violation of the rights to gender equality and non-discrimination requiring broad structural changes (i.e. policing practices, judicial), instead of a symptom of service gaps requiring temporary solutions.
>
> This approach would reaffirm Canada's commitment to uphold and to promote the human rights of people in vulnerable circumstances. It would also constitute a significant step towards the implementation of Canada's obligations enshrined in international human rights conventions and declarations (e.g. the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Elimination of all Forms of Racial Discrimination, and the United Nations Declaration on the Rights of Indigenous Peoples). These obligations were further outlined in the recommendations made by various international bodies, such as the Committee on the Elimination of All Forms of Discrimination Against Women and the Inter-American Commission on Human Rights.[3]

Throughout this report we have also pointed to other legal instruments, including the *Convention on the Prevention and Punishment of the Crime of Genocide* (PPCG), that must be considered in terms of viewing Indigenous women, girls, and 2SLGBTQQIA people as rights holders. Please note that, due to the complexity of the issue of genocide, a supplementary report will be available on our website that explores this finding in greater detail within a legal framework of analysis. Throughout these Calls, we maintain that all actions and remediation to address root causes of violence must be human and Indigenous rights-based with a focus on substantive equality for Indigenous Peoples.

Indigenous women speak out: there can be no true reconciliation without justice.
Credit: Ben Powless

"Substantive equality" is a legal principle that refers to the achievement of true equality in outcomes. It is required in order to address the historical disadvantages, intergenerational trauma, and discrimination experienced by a person to narrow the gap of inequality that they are experiencing in order to improve their overall well-being. In addition, the fundamental principle that human rights are interconnected means that none of the issues addressed in this report, though separated for ease of reading and comprehension, should be considered in isolation; all are key to achieving and maintaining substantive equality and in implementing measures that uphold rights and create safety. In these Calls for Justice, we frequently call upon "all governments"; in the interpretation of these Calls, **"all governments" refers to federal, provincial, territorial, municipal, and Indigenous governments.**

A Decolonizing Approach

Implementation of these Calls for Justice must include a decolonizing approach. As we explained in our *Interim Report*:

> A decolonizing approach aims to resist and undo the forces of colonialism and to re-establish Indigenous Nationhood. It is rooted in Indigenous values, philosophies, and knowledge systems. It is a way of doing things differently that challenges the colonial influence we live under by making space for marginalized Indigenous perspectives. The National Inquiry's decolonizing approach also acknowledges the rightful power and place of Indigenous women and girls.[4]

Decolonizing approaches involve recognizing inherent rights through the principle that Indigenous Peoples have the right to govern themselves in relation to matters that are internal to their communities; integral to their unique cultures, identities, traditions, languages, and institutions; and with respect to their special relationship to their resources, which many witnesses described as their relatives.

Our approach honours and respects Indigenous values, philosophies, and knowledge systems. It is a strengths-based approach, focusing on the resilience and expertise of individuals and communities themselves.

Inclusion of Families and Survivors

The implementation of the Calls for Justice must include the perspectives and participation of Indigenous women, girls, and 2SLGBTQQIA people with lived experience, including the families of the missing and murdered and survivors of violence. The definition of "family" is not limited to a nuclear family. "Family" must be understood to include all forms of familial kinship, including but not limited to biological families, chosen families, and families of the heart.[5]

We centre their contributions throughout the report, because we know that this inclusion is key to healing and to understanding the strength and resilience that lie at the heart of each person, each family, and each community from whom we heard. We maintain the need for this approach to the implementation of all Calls for Justice, ensuring that the specific measures taken fully engage these perspectives and this expertise.

Self-Determined and Indigenous-Led Solutions and Services

Services and solutions must be led by Indigenous governments, organizations, and people. This is based on the self-determination and self-governance of Indigenous Peoples, as defined per articles 3 and 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP):

> Article 3: "Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

> Article 4: "Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."

Though defined by these articles, self-determination actually represents an inherent right that exists independent of any statute or legislation. The colonial mindset by which Indigenous leaders ask for permission and the state gives permission has to end. Further, the exclusion of Indigenous women, girls, 2SLGBTQQIA people, Elders, and children from the exercise of Indigenous self-determination must end.

Where Indigenous Peoples and non-Indigenous governments have to work together to create solutions and deliver services, it must be in true partnership that respects Indigenous self-determination in all matters. Within this, we maintain that solutions should stem from Indigenous communities and Nations, and that these solutions must be prioritized and sustainably and equitably resourced.

Recognizing Distinctions

Indigenous women, girls, and 2SLGBTQQIA people come from diverse First Nations, Métis, and Inuit communities. The Calls for Justice must be interpreted and implemented in an equitable and non-discriminatory way, addressing the needs of distinct Indigenous Peoples, and taking into account factors that make them distinct. These include, but are not limited to:

- Self-identification
  - ✓ First Nation
  - ✓ Inuit
  - ✓ Métis

- Geographical- or regional-specific information
  - ✓ North, South, East, West
  - ✓ Proximity to urban centres, oceans, water, and natural resources
  - ✓ Locations of traditional territories and homelands
  - ✓ Municipal, provincial, and territorial boundaries

- Residency
  - ✓ On-reserve/off-reserve
  - ✓ Rural/urban
  - ✓ Remote and northern
  - ✓ Communities and settlements

- A gendered lens and framework that ensures that impacts on women, girls, and 2SLGBTQQIA individuals are taken into account. This also includes understanding the differences and diversity among 2SLGBTQQIA people and understanding that the needs, within communities of individuals, may not necessarily be the same.

Cultural Safety

The interpretation and implementation of the Calls for Justice must include the necessity for cultural safety. Cultural safety goes beyond the idea of cultural "appropriateness" and demands the incorporation of services and processes that empower Indigenous Peoples. The creation of cultural safety requires, at a minimum, the inclusion of Indigenous languages, laws and protocols, governance, spirituality, and religion.

Trauma-Informed Approach

Incorporating knowledge of trauma into all policies, procedures, and practices of solutions and services is crucial to the implementation of the Calls for Justice. It is fundamental to recognizing the impacts of trauma and to responding appropriately to signs of trauma. Interpretation and implementation of the Calls for Justice must include funding to ensure all necessary steps to create a trauma-informed approach and to deliver trauma-informed services are viable.

The interpretation and implementation of our Calls for Justice must take into account all of these approaches and principles, because they are interconnected and inseparable. All Calls for Justice are aimed at ending genocide, tackling root causes of violence, and improving the quality of life of Indigenous women, girls, and 2SLGBTQQIA people. This is the only way forward.

Sarah Birmingham is the mother of Mary Ann Birmingham, killed in 1986. When she remembers her daughter, she always remembers her smiling. Now she's participating in the #SacredMMIWG education and awareness campaign to make change. Credit: Nadya Kwandibens

Overarching Findings

While we have included findings specific to particular themes, issues and communities through the second section of this report, we maintain that there are many truths that we heard that make it clear how these areas are connected and are inseparable, where the actions or inactions of particular groups, institutions, and governments have served to promote violence and perpetuate genocide.

Overarching findings include:

☑ The significant, persistent, and deliberate pattern of systemic racial and gendered human rights and Indigenous rights violations and abuses – perpetuated historically and maintained today by the Canadian state, designed to displace Indigenous Peoples from their land, social structures, and governance and to eradicate their existence as Nations, communities, families, and individuals – is the cause of the disappearances, murders, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA people, and is genocide. This colonialism, discrimination, and genocide explains the high rates of violence against Indigenous women, girls, and 2SLGBTQQIA people.

An absolute paradigm shift is required to dismantle colonialism within Canadian society, and from all levels of government and public institutions. Ideologies and instruments of colonialism, racism, and misogyny, past and present, must be rejected.

☑ Canada has signed and ratified many international declarations and treaties that affect Indigenous women's, girls', and 2SLGBTQQIA people's rights, protection, security, and safety. Canada has failed to meaningfully implement the provisions of these legal instruments, including PPCG, ICESCR, ICCPR, UNCRC, CEDAW, and UNDRIP.

Further, the Canadian state has enacted domestic laws, including but not limited to section 35 of the Constitution, the *Charter of Rights and Freedoms*, and human rights legislation, to ensure the legal protection of human rights and Indigenous rights. All governments, including Indigenous governments, have an obligation to uphold and protect the Indigenous and human rights of all Indigenous women, girls, and 2SLGBTQQIA people as outlined in these laws. Canada has failed to protect these rights and to acknowledge and remedy the human rights violations and abuses that have been consistently perpetrated against Indigenous women, girls, and 2SLGBTQQIA people.

There is no accessible and reliable mechanism within the Canadian state for Indigenous women, girls, and 2SLGBTQQIA people to seek recourse and remedies for the violations of their domestic and international human rights and Indigenous rights. The Canadian legal system fails to hold the state and state actors accountable for their failure to meet domestic and international human rights and Indigenous rights obligations.

☑ The Canadian state has displaced Indigenous women and 2SLGBTQQIA people from their traditional roles in governance and leadership and continues to violate their political rights. This has been done through concerted efforts to destroy and replace Indigenous governance systems with colonial and patriarchal governance models, such as the *Indian Act,* and through the imposition of laws of general application throughout Canada. Indigenous governments or bands as established under the *Indian Act* or through local municipal governments do not have the full trust of Indigenous women, girls, and 2SLGBTQQIA people. Indigenous bands and councils and community leadership who have authority through colonial law are generally seen as not representing all of the interests of Indigenous women, girls, and 2SLGBTQQIA people.

☑ We recognize self-determination and self-governance as fundamental Indigenous and human rights and a best practice. Indigenous self-determination and self-governance in all areas of Indigenous society are required to properly serve and protect Indigenous women, girls, and 2SLGBTQQIA people. This is particularly true in the delivery of services.

Efforts by Indigenous women, girls, and 2SLGBTQQIA people to be self-determining face significant barriers. Many Indigenous women's advocacy organizations and grassroots organizations engaging in essential work to support survivors of violence and families of missing or lost loved ones, and working toward restoring safety, are underfunded and undersupported by current funding formulas and systems.

Temporary and deficit-based approaches do not increase capacity for self-determination or self-governance, and fail to adequately provide protection and safety, as well as substantive equality. Short-term or project-based funding models in service areas are not sustainable, and represent a violation of inherent rights to self-governance and a failure to provide funding on a needs-based approach, equitably, substantively, and stably.

Clifford Crowchild honours the memory of his mother, Jacqueline Crazybull, killed in 2007. The #SacredMMIWG awareness campaign was developed by Eagle Vision and shot by renowned Anishinaabe photographer Nadya Kwandibens. Credit: Nadya Kwandibens

Calls For Justice For All Governments

The National Inquiry heard many truths connected with the deliberate actions and inactions of all levels of government. In addition, the evidence makes clear that changing the structures and the systems that sustain violence in daily encounters is not only necessary to combat violence, but is an essential legal obligation of all governments in Canada. We target many of our Calls for Justice at governments for this reason, and identify how governments can work to honour Indigenous women, girls, and 2SLGBTQQIA people, and to protect their human and Indigenous rights, in the thematic areas examined within this report.

Human and Indigenous Rights and Governmental Obligations

1.1 **We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter "all governments")**, in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people, as recommended in our *Interim Report* and in support of existing recommendations by other bodies of inquiry and other reports.[6] As part of the National Action Plan, we call upon all governments to ensure that equitable access to basic rights such as employment, housing, education, safety, and health care is recognized as a fundamental means of protecting Indigenous and human rights, resourced and supported as rights-based programs founded on substantive equality. All programs must be no-barrier, and must apply regardless of Status or location.

Governments should:

i Table and implement a National Action Plan that is flexible and distinctions-based, and that includes regionally specific plans with devoted funding and timetables for implementation that are rooted in the local cultures and communities of diverse Indigenous identities, with measurable goals and necessary resources dedicated to capacity building, sustainability, and long-term solutions.

ii Make publicly available on an annual basis reports of ongoing actions and developments in measurable goals related to the National Action Plan.

1.2 We call upon all governments, with the full participation of Indigenous women, girls, and 2SLGBTQQIA people, to immediately implement and fully comply with all relevant rights instruments, including but not limited to:

i ICCPR, ICESCR, UNCRC, CEDAW, and ICERD, as well as all optional protocols to these instruments, including the 3rd Protocol to the *United Nations Convention on the Rights of the Child* (UNCRC).

ii *American Convention on Human Rights:* specifically, that Canada ratify the *American Convention on Human Rights* and the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.*

iii All the recommendations of the 2015 UN CEDAW *Inquiry Report* and cooperation with the UN Committee on the Elimination of Discrimination against Women on all follow-up procedures.

iv All recommendations made by international human rights bodies, including treaty-monitoring bodies, on causes and recommendations to address violence against all, but specifically Indigenous women, girls, and 2SLGBTQQIA individuals.

v UNDRIP, including recognition, protection, and support of Indigenous self-governance and self-determination, as defined by UNDRIP and by Indigenous Peoples, including that these rights are guaranteed equally to women and men, as rights protected under section 35 of the Constitution. This requires respecting and making space for Indigenous self-determination and self-governance, and the free, prior, and informed consent of Indigenous Peoples to all decision-making processes that affect them, eliminating gender discrimination in the *Indian Act*, and amending the Constitution to bring it into conformity with UNDRIP.

1.3 We call upon all governments, in meeting human and Indigenous rights obligations, to pursue prioritization and resourcing of the measures required to eliminate the social, economic, cultural, and political marginalization of Indigenous women, girls, and 2SLGBTQQIA people when developing budgets and determining government activities and priorities.

1.4 We call upon all governments, and in particular Indigenous governments and Indigenous representative organizations, to take urgent and special measures to ensure that Indigenous women, girls, and 2SLGBTQQIA people are represented in governance and that their political rights are respected and upheld. We call upon all governments to equitably support and promote the role of Indigenous women, girls, and 2SLGBTQQIA people in governance and leadership. These efforts must include the development of policies and procedures to protect Indigenous women, girls, and 2SLGBTQQIA people against sexism, homophobia, transphobia, and racism within political life.

1.5 We call upon all governments to immediately take all necessary measures to prevent, investigate, punish, and compensate for violence against Indigenous women, girls, and 2SLGBTQQIA people.

1.6 We call upon all governments to eliminate jurisdictional gaps and neglect that result in the denial of services, or improperly regulated and delivered services, that address the social, economic, political, and cultural marginalization of, and violence against, Indigenous women, girls, and 2SLGBTQQIA people.

Vanessa Brooks's sister, Tanya Brooks, was killed in 2009. As part of the #SacredMMIWG portrait series, she remembers how her life was with Tanya in it: peaceful, serene, her sacred space. Credit: Nadya Kwandibens

1.7 We call upon the federal, provincial, and territorial governments, in partnership with Indigenous Peoples, to establish a National Indigenous and Human Rights Ombudsperson, with authority in all jurisdictions, and to establish a National Indigenous and Human Rights Tribunal. The ombudsperson and tribunal must be independent of governments and have the authority to receive complaints from Indigenous individuals as well as Indigenous communities in relation to Indigenous and human rights violations, and to conduct thorough and independent evaluations of government services for First Nations, Inuit, and Métis people and communities to determine compliance with human and Indigenous rights laws.

The ombudsperson and the tribunal must be given sufficient resources to fulfill their mandates and must be permanent.

1.8 We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA people's organizations.

1.9 We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.

1.10 We call upon the federal government to create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice to Parliament, annually.

1.11 We call upon the federal government – specifically, Library and Archives Canada and the Privy Council Office – to maintain and to make easily accessible the National Inquiry's public record and website.

Calls for Justice for All Governments: Culture

2.1 We call upon all governments to acknowledge, recognize, and protect the rights of Indigenous Peoples to their cultures and languages as inherent rights, and constitutionally protected as such under section 35 of the Constitution.

2.2 We call upon all governments to recognize Indigenous languages as official languages, with the same status, recognition, and protection provided to French and English. This includes the directives that:

i Federal, provincial, and territorial governments must legislate Indigenous languages in the respective territory as official languages.

ii All governments must make funds available to Indigenous Peoples to support the work required to revitalize and restore Indigenous cultures and languages.

2.3 We call upon all governments to ensure that all Indigenous women, girls, and 2SLGBTQQIA people are provided with safe, no-barrier, permanent, and meaningful access to their cultures and languages in order to restore, reclaim, and revitalize their cultures and identities. These are rights held by all segments of Indigenous communities, from young children to Elders. The programs and services that provide such access should not be tied exclusively to government-run cultural or educational institutions. All governments must further ensure that the rights of Indigenous children to retain and be educated in their Indigenous language are upheld and protected. All governments must ensure access to immersion programs for children from preschool into post-secondary education.

2.4 We call upon all governments to provide the necessary resources and permanent funds required to preserve knowledge by digitizing interviews with Knowledge Keepers and language speakers. We further call upon all governments to support grassroots and community-led Indigenous language and cultural programs that restore identity, place, and belonging within First Nations, Inuit, and Métis communities through permanent, no-barrier funding and resources. Special measures must include supports to restore and revitalize identity, place, and belonging for Indigenous Peoples and communities who have been isolated from their Nations due to colonial violence, including 2SLGBTQQIA people and women who have been denied Status.

2.5 We call upon all governments, in partnership with Indigenous Peoples, to create a permanent empowerment fund devoted to supporting Indigenous-led initiatives for Indigenous individuals, families, and communities to access cultural knowledge, as an important and strength-based way to support cultural rights and to uphold self-determined services. This empowerment fund should include the support of land-based educational programs that can assist in foundational cultural learning and awareness. This empowerment fund will also assist in the revitalization of distinct cultural practices as expressed by Indigenous women, girls, and 2SLGBTQQIA people, with eligibility criteria and decision making directly in their hands.

2.6 We call upon all governments to educate their citizens about, and to confront and eliminate, racism, sexism, homophobia, and transphobia. To accomplish this, the federal government, in partnership with Indigenous Peoples and provincial and territorial governments, must develop and implement an Anti-Racism and Anti-Sexism National Action Plan to end racist and sexualized stereotypes of Indigenous women, girls, and 2SLGBTQQIA people. The plan must target the general public as well as public services.

2.7 We call upon all governments to adequately fund and support Indigenous-led initiatives to improve the representation of Indigenous Peoples in media and pop culture.

Calls for Justice for All Governments: Health and Wellness

3.1 We call upon all governments to ensure that the rights to health and wellness of Indigenous Peoples, and specifically of Indigenous women, girls, and 2SLGBTQQIA people, are recognized and protected on an equitable basis.

3.2 We call upon all governments to provide adequate, stable, equitable, and ongoing funding for Indigenous-centred and community-based health and wellness services that are accessible and culturally appropriate, and meet the health and wellness needs of Indigenous women, girls, and 2SLGBTQQIA people. The lack of health and wellness services within Indigenous communities continues to force Indigenous women, girls, and 2SLGBTQQIA people to relocate in order to access care. Governments must ensure that health and wellness services are available and accessible within Indigenous communities and wherever Indigenous women, girls, and 2SLGBTQQIA people reside.

3.3 We call upon all governments to fully support First Nations, Inuit, and Métis communities to call on Elders, Grandmothers, and other Knowledge Keepers to establish community-based trauma-informed programs for survivors of trauma and violence.

3.4 We call upon all governments to ensure that all Indigenous communities receive immediate and necessary resources, including funding and support, for the establishment of sustainable, permanent, no-barrier, preventative, accessible, holistic, wraparound services, including mobile trauma and addictions recovery teams. We further direct that trauma and addictions treatment programs be paired with other essential services such as mental health services and sexual exploitation and trafficking services as they relate to each individual case of First Nations, Inuit, and Métis women, girls, and 2SLGBTQQIA people.

3.5 We call upon all governments to establish culturally competent and responsive crisis response teams in all communities and regions, to meet the immediate needs of an Indigenous person, family, and/or community after a traumatic event (murder, accident, violent event, etc.), alongside ongoing support.

3.6 We call upon all governments to ensure substantive equality in the funding of services for Indigenous women, girls, and 2SLGBTQQIA people, as well as substantive equality for Indigenous-run health services. Further, governments must ensure that jurisdictional disputes do not result in the denial of rights and services. This includes mandated permanent funding of health services for Indigenous women, girls, and 2SLGBTQQIA people on a continual basis, regardless of jurisdictional lines, geographical location, and Status affiliation or lack thereof.

3.7 We call upon all governments to provide continual and accessible healing programs and support for all children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and their family members. Specifically, we call for the permanent establishment of a fund akin to the Aboriginal Healing Foundation and related funding. These funds and their administration must be independent from government and must be distinctions-based. There must be accessible and equitable allocation of specific monies within the fund for Inuit, Métis, and First Nations Peoples.

Rinelle Harper is a survivor and advocate who refused to let people ignore the issue of violence against Indigenous women, girls, and 2SLGBTQQIA people. She says: "I want people to know that change starts with us." Credit: Nadya Kwandibens

Calls for Justice for All Governments: Human Security

4.1 We call upon all governments to uphold the social and economic rights of Indigenous women, girls, and 2SLGBTQQIA people by ensuring that Indigenous Peoples have services and infrastructure that meet their social and economic needs. All governments must immediately ensure that Indigenous Peoples have access to safe housing, clean drinking water, and adequate food.

4.2 We call upon all governments to recognize Indigenous Peoples' right to self-determination in the pursuit of economic social development. All governments must support and resource economic and social progress and development on an equitable basis, as these measures are required to uphold the human dignity, life, liberty, and security of Indigenous women, girls, and 2SLGBTQQIA people. All governments must support and

resource community-based supports and solutions designed to improve social and economic security, led by Indigenous women, girls, and 2SLGBTQQIA people. This support must come with long-term, sustainable funding designed to meet the needs and objectives as defined by Indigenous Peoples and communities.

4.3 We call upon all governments to support programs and services for Indigenous women, girls, and 2SLGBTQQIA people in the sex industry to promote their safety and security. These programs must be designed and delivered in partnership with people who have lived experience in the sex industry. We call for stable and long-term funding for these programs and services.

4.4 We call upon all governments to provide supports and resources for educational, training, and employment opportunities for all Indigenous women, girls, and 2SLGBTQQIA people. These programs must be available within all Indigenous communities.

4.5 We call upon all governments to establish a guaranteed annual livable income for all Canadians, including Indigenous Peoples, to meet all their social and economic needs. This income must take into account diverse needs, realities, and geographic locations.

4.6 We call upon all governments to immediately commence the construction of new housing and the provision of repairs for existing housing to meet the housing needs of Indigenous women, girls, and 2SLGBTQQIA people. This construction and provision of repairs must ensure that Indigenous women, girls, and 2SLGBTQQIA people have access to housing that is safe, appropriate to geographic and cultural needs, and available wherever they reside, whether in urban, rural, remote, or Indigenous communities.

4.7 We call upon all governments to support the establishment and long-term sustainable funding of Indigenous-led low-barrier shelters, safe spaces, transition homes, second-stage housing, and services for Indigenous women, girls, and 2SLGBTQQIA people who are homeless, near homeless, dealing with food insecurity, or in poverty, and who are fleeing violence or have been subjected to sexualized violence and exploitation. All governments must ensure that shelters, transitional housing, second-stage housing, and services are appropriate to cultural needs, and available wherever Indigenous women, girls, and 2SLGBTQQIA people reside.

4.8 We call upon all governments to ensure that adequate plans and funding are put into place for safe and affordable transit and transportation services and infrastructure for Indigenous women, girls, and 2SLGBTQQIA people living in remote or rural communities. Transportation should be sufficient and readily available to Indigenous communities, and in towns and cities located in all of the provinces and territories in Canada. These plans and funding should take into consideration:

- ways to increase safe public transit;
- ways to address the lack of commercial transit available; and
- special accommodations for fly-in, northern, and remote communities.

Calls for Justice for All Governments: Justice

5.1 We call upon all governments to immediately implement the recommendations in relation to the Canadian justice system in: *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada,* Royal Commission on Aboriginal Peoples (1996); and the *Report of the Aboriginal Justice Inquiry of Manitoba: Public Inquiry into the Administration of Justice and Aboriginal People* (1991).

5.2 We call upon the federal government to review and amend the *Criminal Code* to eliminate definitions of offences that minimize the culpability of the offender.

5.3 We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQIA people.

5.4 We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, that must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:

i Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services.

ii There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services. These oversight bodies must report publicly at least annually.

5.5 We call upon all governments to fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians. This must include but is not limited to the following measures:

i With the growing reliance on information management systems, particularly in the area of major and interjurisdictional criminal investigations, remote communities must be ensured access to reliable high-speed Internet as a right.

ii Major crime units and major case management must be more accessible to remote and northern communities on a faster basis than the service is being delivered now.

iii Capacity must be developed in investigative tools and techniques for the investigation of sexualized violence, including but not limited to tools for the collection of physical evidence, such as sexual assault kits, and specialized and trauma-informed questioning techniques.

iv Crime-prevention funding and programming must reflect community needs.

5.6 We call upon provincial and territorial governments to develop an enhanced, holistic, comprehensive approach for the provision of support to Indigenous victims of crime and families and friends of Indigenous murdered or missing persons. This includes but is not limited to the following measures:

i Guaranteed access to financial support and meaningful and appropriate trauma care must be provided for victims of crime and traumatic incidents, regardless of whether they report directly to the police, if the perpetrator is charged, or if there is a conviction.

ii Adequate and reliable culturally relevant and accessible victim services must be provided to family members and survivors of crime, and funding must be provided to Indigenous and community-led organizations that deliver victim services and healing supports.

iii Legislated paid leave and disability benefits must be provided for victims of crime or traumatic events.

iv Guaranteed access to independent legal services must be provided throughout court processes. As soon as an Indigenous woman, girl, or 2SLGBTQQIA person decides to report an offence, before speaking to the police, they must have guaranteed access to legal counsel at no cost.

v Victim services must be independent from prosecution services and police services.

5.7 We call upon federal and provincial governments to establish robust and well-funded Indigenous civilian police oversight bodies (or branches within established reputable civilian oversight bodies within a jurisdiction) in all jurisdictions, which must include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, with the power to:

i Observe and oversee investigations in relation to police negligence or misconduct, including but not limited to rape and other sexual offences.

ii Observe and oversee investigations of cases involving Indigenous Peoples.

iii Publicly report on police progress in addressing findings and recommendations at least annually.

5.8 We call upon all provincial and territorial governments to enact missing persons legislation.

5.9 We call upon all governments to ensure that protection orders are available, accessible, promptly issued, and effectively serviced and resourced to protect the safety of Indigenous women, girls, and 2SLGBTQQIA people.

5.10 We call upon all governments to recruit and retain more Indigenous justices of the peace, and to expand their jurisdictions to match that of the Nunavut Justice of the Peace.

5.11 We call upon all governments to increase accessibility to meaningful and culturally appropriate justice practices by expanding restorative justice programs and Indigenous Peoples' courts.

5.12 We call upon federal, provincial, and territorial governments to increase Indigenous representation in all Canadian courts, including within the Supreme Court of Canada.

5.13 We call upon all provincial and territorial governments to expand and adequately resource legal aid programs in order to ensure that Indigenous women, girls, and 2SLGBTQQIA people have access to justice and meaningful participation in the justice system. Indigenous women, girls, and 2SLGBTQQIA people must have guaranteed access to legal services in order to defend and assert their human rights and Indigenous rights.

5.14 We call upon federal, provincial and territorial governments to thoroughly evaluate the impact of mandatory minimum sentences as it relates to the sentencing and over-incarceration of Indigenous women, girls, and 2SLGBTQQIA people and to take appropriate action to address their over-incarceration.

5.15 We call upon federal, provincial, and territorial governments and all actors in the justice system to consider Gladue reports as a right and to resource them appropriately, and to create national standards for Gladue reports, including strength-based reporting.

5.16 We call upon federal, provincial, and territorial governments to provide community-based and Indigenous-specific options for sentencing.

5.17 We call upon federal, provincial, and territorial governments to thoroughly evaluate the impacts of Gladue principles and section 718.2(e) of the *Criminal Code* on sentencing equity as it relates to violence against Indigenous women, girls, and 2SLGBTQQIA people.

5.18 We call upon the federal government to consider violence against Indigenous women, girls, and 2SLGBTQQIA people as an aggravating factor at sentencing, and to amend the *Criminal Code* accordingly, with the passage and enactment of Bill S-215.

5.19 We call upon the federal government to include cases where there is a pattern of intimate partner violence and abuse as murder in the first degree under section 222 of the *Criminal Code.*

5.20 We call upon the federal government to implement the Indigenous-specific provisions of the *Corrections and Conditional Release Act* (SC 1992, c.20), sections 79 to 84.1.

5.21 We call upon the federal government to fully implement the recommendations in the reports of the Office of the Correctional Investigator and those contained in the Auditor General of Canada *(Preparing Indigenous Offenders for Release,* Fall 2016); the *Calls to Action of the Truth and Reconciliation Commission of Canada* (2015); the report of the Standing Committee on Public Safety and National Security, *Indigenous People in the Federal Correctional System* (June 2018); the report of the Standing Committee on the Status of Women, *A Call to Action: Reconciliation with Indigenous Women in the Federal Justice and Corrections Systems* (June 2018); and the *Commission of Inquiry into certain events at the Prison for Women in Kingston* (1996, Arbour Report) in order to reduce the gross overrepresentation of Indigenous women and girls in the criminal justice system.

5.22 We call upon the federal government to return women's corrections to the key principles set out in *Creating Choices* (1990).

5.23 We call upon the federal government to create a Deputy Commissioner for Indigenous Corrections to ensure corporate attention to, and accountability regarding, Indigenous issues.

5.24 We call upon the federal government to amend data collection and intake-screening processes to gather distinctions-based and intersectional data about Indigenous women, girls, and 2SLGBTQQIA people.

5.25 We call upon all governments to resource research on men who commit violence against Indigenous women, girls, and 2SLGBTQQIA people.

Calls for Justice: Industries, Institutions, Services, and Partnerships

As this report has demonstrated, so much of the violence shared in the truths of those who testified began with an encounter between a person and an institution or a service that could have ultimately contributed to wellness, if it had occurred differently. In this section of our Calls for Justice, we identify important industries, institutions and services that are featured in testimony throughout this report. We include the idea of partnership, because so many of these services and institutions operated in partnership with governments at all levels; these Calls, therefore, while aimed at service providers, must be interpreted with an insistence on proper resourcing and interjurisdictional cooperation, in order to ensure safety for Indigenous women, girls, and 2SLGBTQQIA people.

Calls for Media and Social Influencers:

6.1 We call upon all media, news corporations and outlets, and, in particular, government-funded corporations and outlets; media unions, associations, and guilds; academic institutions teaching journalism or media courses; governments that fund such corporations, outlets, and academic institutions; and journalists, reporters, bloggers, film producers, writers, musicians, music producers, and, more generally, people working in the entertainment industry to take decolonizing approaches to their work and publications in order to educate all Canadians about Indigenous women, girls, and 2SLGBTQQIA people. More specifically, this includes the following:

i Ensure authentic and appropriate representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, in order to address negative and discriminatory stereotypes.

Winnipeg Police Chief Danny Smyth participates in the National Inquiry's #SacredMMIWG art project/portrait series. He and many others continue to bring light to the issue of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. Credit: Nadya Kwandibens

ii Support Indigenous people sharing their stories, from their perspectives, free of bias, discrimination, and false assumptions, and in a trauma-informed and culturally sensitive way.

iii Increase the number of Indigenous people in broadcasting, television, and radio, and in journalist, reporter, producer, and executive positions in the entertainment industry, including, and not limited to, by:

- providing educational and training opportunities aimed at Indigenous inclusion; and
- providing scholarships and grants aimed at Indigenous inclusion in media, film, and music industry-related fields of study.

iv Take proactive steps to break down the stereotypes that hypersexualize and demean Indigenous women, girls, and 2SLGBTQQIA people, and to end practices that perpetuate myths that Indigenous women are more sexually available and "less worthy" than non-Indigenous women because of their race or background.

Calls for Health and Wellness Service Providers:

7.1 We call upon all governments and health service providers to recognize that Indigenous Peoples – First Nations, Inuit, and Métis, including 2SLGBTQQIA people – are the experts in caring for and healing themselves, and that health and wellness services are most effective when they are designed and delivered by the Indigenous Peoples they are supposed to serve, in a manner consistent with and grounded in the practices, world views, cultures, languages, and values of the diverse Inuit, Métis, and First Nations communities they serve.

7.2 We call upon all governments and health service providers to ensure that health and wellness services for Indigenous Peoples include supports for healing from all forms of unresolved trauma, including intergenerational, multigenerational, and complex trauma. Health and wellness programs addressing trauma should be Indigenous-led, or in partnership with Indigenous communities, and should not be limited in time or approaches.

7.3 We call upon all governments and health service providers to support Indigenous-led prevention initiatives in the areas of health and community awareness, including, but not limited to programming:

- for Indigenous men and boys
- related to suicide prevention strategies for youth and adults
- related to sexual trafficking awareness and no-barrier exiting
- specific to safe and healthy relationships
- specific to mental health awareness
- related to 2SLGBTQQIA issues and sex positivity

7.4 We call upon all governments and health service providers to provide necessary resources, including funding, to support the revitalization of Indigenous health, wellness, and child and Elder care practices. For healing, this includes teachings that are land-based and about harvesting and the use of Indigenous medicines for both ceremony and health issues. This may also include: matriarchal teachings on midwifery and postnatal care for both woman and child; early childhood health care; palliative care; Elder care and care homes to keep Elders in their home communities as valued Knowledge Keepers; and other measures. Specific programs may include but are not limited to correctional facilities, healing centres, hospitals, and rehabilitation centres.

7.5 We call upon governments, institutions, organizations, and essential and non-essential service providers to support and provide permanent and necessary resources for specialized intervention, healing and treatment programs, and services and initiatives offered in Indigenous languages.

7.6 We call upon institutions and health service providers to ensure that all persons involved in the provision of health services to Indigenous Peoples receive ongoing training, education, and awareness in areas including, but not limited to:

- the history of colonialism in the oppression and genocide of Inuit, Métis, and First Nations Peoples;
- anti-bias and anti-racism;
- local language and culture; and
- local health and healing practices.

7.7 We call upon all governments, educational institutions, and health and wellness professional bodies to encourage, support, and equitably fund Indigenous people to train and work in the area of health and wellness.

7.8 We call upon all governments and health service providers to create effective and well-funded opportunities, and to provide socio-economic incentives, to encourage Indigenous people to work within the health and wellness field and within their communities. This includes taking positive action to recruit, hire, train, and retain long-term staff and local Indigenous community members for health and wellness services offered in all Indigenous communities.

7.9 We call upon all health service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.

Calls for Transportation Service Providers and the Hospitality Industry:

8.1 We call upon all transportation service providers and the hospitality industry to undertake training to identify and respond to sexual exploitation and human trafficking, as well as the development and implementation of reporting policies and practices.

Calls for Police Services:

9.1 We call upon all police services and justice system actors to acknowledge that the historical and current relationship between Indigenous women, girls, and 2SLGBTQQIA people and the justice system has been largely defined by colonialism, racism, bias, discrimination, and fundamental cultural and societal differences. We further call upon all police services and justice system actors to acknowledge that, going forward, this relationship must be based on respect and understanding, and must be led by, and in partnerships with, Indigenous women, girls, and 2SLGBTQQIA people.

9.2 We call upon all actors in the justice system, including police services, to build respectful working relationships with Indigenous Peoples by knowing, understanding, and respecting the people they are serving. Initiatives and actions should include, but are not limited to, the following measures:

i Review and revise all policies, practices, and procedures to ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous Peoples, including victims and survivors of violence.

ii Establish engagement and partnerships with Indigenous Peoples, communities, and leadership, including women, Elders, youth, and 2SLGBTQQIA people from the respective territories and who are resident within a police service's jurisdiction.

iii Ensure appropriate Indigenous representation, including Indigenous women, girls, and 2SLGBTQQIA people, on police services boards and oversight authorities.

iv Undertake training and education of all staff and officers so that they understand and implement culturally appropriate and trauma-informed practices, especially when dealing with families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.

9.3 We call upon all governments to fund an increase in recruitment of Indigenous Peoples to all police services, and for all police services to include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, within their ranks. This includes measures such as the following:

i Achieve representative First Nations, Inuit, and Métis diversity and gender diversity within all police services through intensive and specialized recruitment across Canada.

ii Ensure mandatory Indigenous language capacity within police services.

iii Ensure that screening of recruits includes testing for racial, gender, gender identity, and sexual orientation bias.

iv Include the Indigenous community in the recruitment and hiring committees/process.

v In training recruits, include: history of police in the oppression and genocide of Indigenous Peoples; anti-racism and anti-bias training; and culture and language training. All training must be distinctions-based and relevant to the land and people being served; training must not be pan-Indigenous.

vi Retain Indigenous officers through relevant employment supports, and offer incentives to Indigenous officers to meet their unique needs as Indigenous officers serving Indigenous communities, to ensure retention and overall health and wellness of the service.

vii End the practice of limited-duration posts in all police services, and instead implement a policy regarding remote and rural communities focused on building and sustaining a relationship with the local community and cultures. This relationship must be led by, and in partnership with, the Indigenous Peoples living in those remote and rural communities.

9.4 We call upon non-Indigenous police services to ensure they have the capacity and resources to serve and protect Indigenous women, girls, and 2SLGBTQQIA people. We further call upon all non-Indigenous police services to establish specialized Indigenous policing units within their services located in cities and regions with Indigenous populations.

i Specialized Indigenous policing units are to be staffed with experienced and well-trained Indigenous investigators, who will be the primary investigative teams and officers overseeing the investigation of cases involving Indigenous women, girls, and 2SLGBTQQIA people.

ii Specialized Indigenous policing units are to lead the services' efforts in community liaison work, community relationship building, and community crime-prevention programs within and for Indigenous communities.

iii Specialized Indigenous policing units, within non-Indigenous police services, are to be funded adequately by governments.

9.5 We call upon all police services for the standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are thoroughly investigated. This includes the following measures:

i Establish a communication protocol with Indigenous communities to inform them of policies, practices, and programs that make the communities safe.

ii Improve communication between police and families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from the first report, with regular and ongoing communication throughout the investigation.

iii Improve coordination across government departments and between jurisdictions and Indigenous communities and police services.

iv Recognize that the high turnover among officers assigned to a missing and murdered Indigenous woman's, girl's, or 2SLGBTQQIA person's file may negatively impact both progress on the investigation and relationships with family members; police services must have robust protocols to mitigate these impacts.

v Create a national strategy, through the Canadian Association of Chiefs of Police, to ensure consistency in reporting mechanisms for reporting missing Indigenous women, girls, and 2SLGBTQQIA people. This could be developed in conjunction with implementation of a national database.

vi Establish standardized response times to reports of missing Indigenous persons and women, girls, and 2SLGBTQQIA people experiencing violence, and conduct a regular audit of response times to monitor and provide feedback for improvement.

vii Lead the provincial and territorial governments to establish a nationwide emergency number.

9.6 We call upon all police services to establish an independent, special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous Peoples within their police service. This special investigation unit must be transparent in practice and report at least annually to Indigenous communities, leadership, and people in their jurisdiction.

9.7 We call upon all police services to partner with front-line organizations that work in service delivery, safety, and harm reduction for Indigenous women, girls, and 2SLGBTQQIA people to expand and strengthen police services delivery.

9.8 We call upon all police services to establish and engage with a civilian Indigenous advisory committee for each police service or police division, and to establish and engage with a local civilian Indigenous advisory committee to advise the detachment operating within the Indigenous community.

9.9 We call upon all levels of government and all police services for the establishment of a national task force, comprised of an independent, highly qualified, and specialized team of investigators, to review and, if required, to reinvestigate each case of all unresolved

files of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from across Canada. Further, this task force must disclose to families and to survivors all non-privileged information and findings.

9.10 We call upon all police services to voluntarily produce all unresolved cases of missing or murdered Indigenous women, girls, and 2SLGBTQQIA people to the national task force.

9.11 We call upon all police services to develop and implement guidelines for the policing of the sex industry in consultation with women engaged in the sex industry, and to create a specific complaints mechanism about police for those in the sex industry.

Calls for Attorneys and Law Societies:

10.1 We call upon the federal, provincial, and territorial governments, and Canadian law societies and bar associations, for mandatory intensive and periodic training of Crown attorneys, defence lawyers, court staff, and all who participate in the criminal justice system, in the area of Indigenous cultures and histories, including distinctions-based training. This includes, but is not limited to, the following measures:

i All courtroom officers, staff, judiciary, and employees in the judicial system must take cultural competency training that is designed and led in partnership with local Indigenous communities.

ii Law societies working with Indigenous women, girls, and 2SLGBTQQIA people must establish and enforce cultural competency standards.

iii All courts must have a staff position for an Indigenous courtroom liaison worker that is adequately funded and resourced to ensure Indigenous people in the court system know their rights and are connected to appropriate services.

Calls for Educators:

11.1 We call upon all elementary, secondary, and post-secondary institutions and education authorities to educate and provide awareness to the public about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and about the issues and root causes of violence they experience. All curriculum development and programming should be done in partnership with Indigenous Peoples, especially Indigenous women, girls, and 2SLGBTQQIA people. Such education and awareness must include historical and current truths about the genocide against Indigenous Peoples through state laws, policies, and colonial practices. It should include, but not be limited to, teaching Indigenous history, law, and practices from Indigenous perspectives and the use of *Their Voices Will Guide Us* with children and youth.

11.2 We call upon all educational service providers to develop and implement awareness and education programs for Indigenous children and youth on the issue of grooming for exploitation and sexual exploitation.

Calls for Social Workers and Those Implicated in Child Welfare:

12.1 We call upon all federal, provincial, and territorial governments to recognize Indigenous self-determination and inherent jurisdiction over child welfare. Indigenous governments and leaders have a positive obligation to assert jurisdiction in this area. We further assert that it is the responsibility of Indigenous governments to take a role in intervening, advocating, and supporting their members impacted by the child welfare system, even when not exercising jurisdiction to provide services through Indigenous agencies.

12.2 We call upon on all governments, including Indigenous governments, to transform current child welfare systems fundamentally so that Indigenous communities have control over the design and delivery of services for their families and children. These services must be adequately funded and resourced to ensure better support for families and communities to keep children in their family homes.

12.3 We call upon all governments and Indigenous organizations to develop and apply a definition of "best interests of the child" based on distinct Indigenous perspectives, world views, needs, and priorities, including the perspective of Indigenous children and youth. The primary focus and objective of all child and family services agencies must be upholding and protecting the rights of the child through ensuring the health and well-being of children, their families, and communities, and family unification and reunification.

12.4 We call upon all governments to prohibit the apprehension of children on the basis of poverty and cultural bias. All governments must resolve issues of poverty, inadequate and substandard housing, and lack of financial support for families, and increase food security to ensure that Indigenous families can succeed.

12.5 We call upon all levels of government for financial supports and resources to be provided so that family or community members of children of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are capable of caring for the children left behind. Further, all governments must ensure the availability and accessibility of specialized care, such as grief, loss, trauma, and other required services, for children left behind who are in care due to the murder or disappearance of their caregiver.

12.6 We call upon all governments and child welfare services to ensure that, in cases where apprehension is not avoidable, child welfare services prioritize and ensure that a family member or members, or a close community member, assumes care of Indigenous children. The caregivers should be eligible for financial supports equal to an amount that might otherwise be paid to a foster family, and will not have other government financial

support or benefits removed or reduced by virtue of receiving additional financial supports for the purpose of caring for the child. This is particularly the case for children who lose their mothers to violence or to institutionalization and are left behind, needing family and belonging to heal.

12.7 We call upon all governments to ensure the availability and accessibility of distinctions-based and culturally safe culture and language programs for Indigenous children in the care of child welfare.

12.8 We call upon provincial and territorial governments and child welfare services for an immediate end to the practice of targeting and apprehending infants (hospital alerts or birth alerts) from Indigenous mothers right after they give birth.

12.9 We call for the establishment of a Child and Youth Advocate in each jurisdiction with a specialized unit with the mandate of Indigenous children and youth. These units must be established within a period of one year of this report. We call upon the federal government to establish a National Child and Youth Commissioner who would also serve as a special measure to strengthen the framework of accountability for the rights of Indigenous children in Canada. This commissioner would act as a national counterpart to the child advocate offices that exist in nearly all provinces and territories.

12.10 We call upon the federal, provincial, and territorial governments to immediately adopt the Canadian Human Rights Tribunal 2017 CHRT 14 standards regarding the implementation of Jordan's Principle in relation to all First Nations (Status and non-Status), Métis, and Inuit children. We call on governments to modify funding formulas for the provision of services on a needs basis, and to prioritize family support, reunification, and prevention of harms. Funding levels must represent the principle of substantive equity.

12.11 We call upon all levels of government and child welfare services for a reform of laws and obligations with respect to youth "aging out" of the system, including ensuring a complete network of support from childhood into adulthood, based on capacity and needs, which includes opportunities for education, housing, and related supports. This includes the provision of free post-secondary education for all children in care in Canada.

12.12 We call upon all child and family services agencies to engage in recruitment efforts to hire and promote Indigenous staff, as well as to promote the intensive and ongoing training of social workers and child welfare staff in the following areas:

- history of the child welfare system in the oppression and genocide of Indigenous Peoples
- anti-racism and anti-bias training
- local culture and language training
- sexual exploitation and trafficking training to recognize signs and develop specialized responses

12.13 We call upon all governments and child welfare agencies to fully implement the Spirit Bear Plan.[7]

12.14 We call upon all child welfare agencies to establish more rigorous requirements for safety, harm-prevention, and needs-based services within group or care homes, as well as within foster situations, to prevent the recruitment of children in care into the sex industry. We also insist that governments provide appropriate care and services, over the long term, for children who have been exploited or trafficked while in care.

12.15 We call upon child welfare agencies and all governments to fully investigate deaths of Indigenous youth in care.

Calls for Extractive and Development Industries:

13.1 We call upon all resource-extraction and development industries to consider the safety and security of Indigenous women, girls, and 2SLGBTQQIA people, as well as their equitable benefit from development, at all stages of project planning, assessment, implementation, management, and monitoring.

13.2 We call upon all governments and bodies mandated to evaluate, approve, and/or monitor development projects to complete gender-based socio-economic impact assessments on all proposed projects as part of their decision making and ongoing monitoring of projects. Project proposals must include provisions and plans to mitigate risks and impacts identified in the impact assessments prior to being approved.

13.3 We call upon all parties involved in the negotiations of impact-benefit agreements related to resource-extraction and development projects to include provisions that address the impacts of projects on the safety and security of Indigenous women, girls, and 2SLGBTQQIA people. Provisions must also be included to ensure that Indigenous women and 2SLGBTQQIA people equitably benefit from the projects.

13.4 We call upon the federal, provincial, and territorial governments to fund further inquiries and studies in order to better understand the relationship between resource extraction and other development projects and violence against Indigenous women, girls, and 2SLGBTQQIA people. At a minimum, we support the call of Indigenous women and leaders for a public inquiry into the sexual violence and racism at hydroelectric projects in northern Manitoba.

13.5 We call upon resource-extraction and development industries and all governments and service providers to anticipate and recognize increased demand on social infrastructure because of development projects and resource extraction, and for mitigation measures to be identified as part of the planning and approval process. Social infrastructure must be expanded and service capacity built to meet the anticipated needs of the host communities in advance of the start of projects. This includes but is not limited to ensuring that policing, social services, and health services are adequately staffed and resourced.

Calls for Correctional Service Canada:

14.1 We call upon Correctional Service Canada to take urgent action to establish facilities described under sections 81 and 84 of the *Corrections and Conditional Release Act* to ensure that Indigenous women, girls, and 2SLGBTQQIA people have options for decarceration. Such facilities must be strategically located to allow for localized placements and mother-and-child programming.

14.2 We call upon Correctional Service Canada to ensure that facilities established under sections 81 and 84 of the *Corrections and Conditional Release Act* receive funding parity with Correctional Service Canada-operated facilities. The agreements made under these sections must transfer authority, capacity, resources, and support to the contracting community organization.

14.3 We call upon Correctional Service Canada to immediately rescind the maximum security classification that disproportionately limits federally sentenced Indigenous women classified at that level from accessing services, supports, and programs required to facilitate their safe and timely reintegration.

14.4 We call upon Correctional Service Canada to evaluate, update, and develop security classification scales and tools that are sensitive to the nuances of Indigenous backgrounds and realities.

14.5 We call upon Correctional Service Canada to apply Gladue factors in all decision making concerning Indigenous women and 2SLGBTQQIA people and in a manner that meets their needs and rehabilitation.

14.6 We call upon Correctional Service Canada and provincial and territorial services to provide intensive and comprehensive mental health, addictions, and trauma services for incarcerated Indigenous women, girls, and 2SLGBTQQIA people, ensuring that the term of care is needs-based and not tied to the duration of incarceration. These plans and services must follow the individuals as they reintegrate into the community.

14.7 We call upon Correctional Service Canada to prohibit transfer of federally incarcerated women in need of mental health care to all-male treatment centres.

14.8 We call upon Correctional Service Canada to ensure its correctional facilities and programs recognize the distinct needs of Indigenous offenders when designing and implementing programming for First Nations, Inuit, and Métis women. Correctional Service Canada must use culturally safe, distinctions-based, and trauma-informed models of care, adapted to the needs of Indigenous women, girls, and 2SLGBTQQIA people.

14.9 We call upon Correctional Service Canada, in order to support reintegration, to increase opportunities for meaningful vocational training, secondary school graduation, and post-secondary education.

14.10 We call upon Correctional Service Canada to increase and enhance the role and participation of Elders in decision making for all aspects of planning for Indigenous women and 2SLGBTQQIA people.

14.11 We call upon Correctional Service Canada to expand mother-and-child programming and to establish placement options described in sections 81 and 84 of the *Corrections and Conditional Release Act* to ensure that mothers and their children are not separated.

14.12 We call upon Correctional Service Canada and provincial and territorial correctional services to provide programming for men and boys that confronts and ends violence against Indigenous women, girls, and 2SLGBTQQIA people.

14.13 We call upon Correctional Service Canada to eliminate the practice of strip-searches.

Marlene Jack, sister of Doreen Jack, missing since 1989. Of the missing, she says: "I just want to bring them home. Find them and bring them home, where they belong." Credit: Nadya Kwandibens

Calls for Justice for All Canadians

As this report has shown, and within every encounter, each person has a role to play in order to combat violence against Indigenous women, girls, and 2SLGBTQQIA people. Beyond those Calls aimed at governments or at specific industries or service providers, we encourage every Canadian to consider how they can give life to these Calls for Justice.

We call on all Canadians to:

15.1 Denounce and speak out against violence against Indigenous women, girls, and 2SLGBTQQIA people.

15.2 Decolonize by learning the true history of Canada and Indigenous history in your local area. Learn about and celebrate Indigenous Peoples' history, cultures, pride, and diversity, acknowledging the land you live on and its importance to local Indigenous communities, both historically and today.

15.3 Develop knowledge and read the *Final Report.* Listen to the truths shared, and acknowledge the burden of these human and Indigenous rights violations, and how they impact Indigenous women, girls, and 2SLGBTQQIA people today.

15.4 Using what you have learned and some of the resources suggested, become a strong ally. Being a strong ally involves more than just tolerance; it means actively working to break down barriers and to support others in every relationship and encounter in which you participate.

15.5 Confront and speak out against racism, sexism, ignorance, homophobia, and transphobia, and teach or encourage others to do the same, wherever it occurs: in your home, in your workplace, or in social settings.

15.6 Protect, support, and promote the safety of women, girls, and 2SLGBTQQIA people by acknowledging and respecting the value of every person and every community, as well as the right of Indigenous women, girls, and 2SLGBTQQIA people to generate their own, self-determined solutions.

15.7 Create time and space for relationships based on respect as human beings, supporting and embracing differences with kindness, love, and respect. Learn about Indigenous principles of relationship specific to those Nations or communities in your local area and work, and put them into practice in all of your relationships with Indigenous Peoples.

15.8 Help hold all governments accountable to act on the Calls for Justice, and to implement them according to the important principles we set out.

Suggested Resources for Learning:

National Inquiry into Missing and Murdered Indigenous Women and Girls. *Our Women and Girls Are Sacred: The Interim Report of the National Inquiry into Missing and Murdered Women and Girls.* http://www.mmiwg-ffada.ca/publications/.

National Inquiry into Missing and Murdered Indigenous Women and Girls. *Their Voices Will Guide Us: Student and Youth Engagement Guide.* http://www.mmiwg-ffada.ca/publications/.

Transcripts, testimonies, and public statements offered during the Truth-Gathering Process, available at www.mmiwg-ffada.ca/transcripts/ and http://www.mmiwg-ffada.ca/part-ii-and-part-iii-knowledge-keeper-expert-and-institutional-hearing-transcripts/.

In addition, please consult our bibliography for a list of all sources used in this report.

Suggested Resources for Allyship:

Amnesty International. "10 Ways to Be a Genuine Ally to Indigenous Communities." https://www.amnesty.org.au/10-ways-to-be-an-ally-to-indigenous-communities/.

Dr. Lynn Gehl. "Ally Bill of Responsibilities." http://www.lynngehl.com/uploads/5/0/0/4/5004954/ally_bill_of_responsibilities_poster.pdf.

Indigenous Perspectives Society. "How to Be an Ally to Indigenous People." https://ipsociety.ca/news/page/7/.

Montreal Urban Aboriginal Community Strategy Network. "Indigenous Ally Toolkit." https://gallery.mailchimp.com/86d28ccd43d4be0cfc11c71a1/files/102bf040-e221-4953-a9ef-9f0c5efc3458/Ally_email.pdf.

Lorne Cardinal, from Squamish, BC, reminds us that it's not over – there are still missing and murdered women in this country, and still work to be done. Credit: Nadya Kwandibens

Calls for Justice: Distinctions-Based Calls

As we have maintained throughout the National Inquiry, and within this report, while many Indigenous women, girls, and 2SLGBTQQIA people share experiences of violence in common, the distinctions among these communities are important in understanding some of the specific ways, beyond the Calls for Justice already articulated, in which their rights to safety can be upheld by all governments, institutions and service providers. While the time limitations imposed upon the National Inquiry have not permitted an in-depth analysis based on regional or local specificity, we extend these Calls for Justice in relation to particular Indigenous communities – Inuit, Métis and First Nations as well as to Indigenous 2SLGBTQQIA people – whose distinctive needs must be addressed.

Inuit-Specific Calls for Justice:

Principles and guidelines for interpretation and implementation

Distinctions-Based Approach

Inuit, Métis, and First Nations are distinct peoples. Implementation of all recommendations in this *Final Report* and actions taken to ensure safety and social, economic, political, and cultural health and prosperity of Inuit women, girls, and 2SLGBTQQIA people must be done in a manner that is distinctions-based, recognizing and reflecting the distinct needs and governance structures of Inuit and reflective of the distinct relationship between Inuit and the Crown. They must also respect and appreciate the internal diversity within Inuit communities, including the diverse history, languages, dialects, and spiritual and religious beliefs.

Decision Making through Inuit Self-Determination

All actions taken to ensure the safety and well-being of Inuit women, girls, and 2SLGBTQQIA people must include the participation of Inuit women, girls, and 2SLGBTQQIA people and those with lived experience. Further, they must recognize and implement Inuit self-determination. All actions must be Inuit-led, rooted in Inuit laws, culture, language, traditions, and societal values. Implementation efforts will succeed only through the recognition and respect of Inuit knowledge, wisdom, and expertise.

Improving the safety and the social, economic, and cultural health and prosperity of Inuit women, girls, and 2SLGBTQQIA people can be achieved only through the sustained, wholesome, and transparent collaborative action of all governments (federal, provincial, and territorial) in full partnership with Inuit. Inuit society is artificially compartmentalized and divided through colonial geopolitical boundaries. Therefore, federal, provincial, and territorial jurisdictions must work with Inuit self-determination mechanisms to ensure appropriate decision making regarding intervention programs and services. Further, all governments must not use jurisdiction as an excuse to impede actions required to eliminating the social, economic, political, and cultural inequality and infrastructure gaps that are resulting in increased violence against Inuit women, girls, and 2SLGBTQQIA people.

Substantive Equality

State recognition, protection, and compliance with the human rights and Indigenous rights of Inuit are a legal imperative. Efforts by all governments are required to achieve substantive equality for Inuit. There must be true equality in outcomes. Nothing less than substantive equality is required to address the historical disadvantages, intergenerational trauma, and discrimination experienced by Inuit women, girls, and 2SLGBTQQIA people in order to ensure their social, economic, political, and cultural prosperity. In order to obtain substantive equality, all the specific needs of Inuit must be met in a culturally appropriate way and include equitable, sustainable and long-term resourcing and funding.

Calls for Justice for Inuit

Testimony shared by Inuit witnesses, experts, and Elders, and submissions by Inuit representative organizations, along with existing reports and research, demonstrated that Inuit have unique and distinct experiences of colonial oppression and violence. Further, witnesses emphasized distinct areas of concern and priority areas for Inuit women, girls, and 2SLGBTQQIA people that require distinct recommendations.

16.1 We call upon all governments to honour all socio-economic commitments as defined in land claims agreements and self-government agreements between Inuit and the Crown. These commitments must be upheld and implemented. Articles 23 and 24 of the Nunavut Land Claims Agreement, and commitments by governments to provide for the housing and economic needs of Inuit, must be fully complied with and implemented.

16.2 We call upon all governments to create laws and services to ensure the protection and revitalization of Inuit culture and language. All Inuit, including those living outside Inuit Nunangat, must have equitable access to culture and language programs. It is essential that Elders are included in the development and delivery of these programs.

16.3 We call upon all governments with jurisdiction in Inuit Nunangat to recognize Inuktut as the founding language, and it must be given official language status through language laws. Inuktut must be afforded the same recognition and protection and promotion as English and French within Inuit Nunangat, and all governments and agencies providing services to Inuit must ensure access to services in Inuktut, and invest in the capacity to be able to do so. Furthermore, all government and agency service providers must be culturally competent and educated in Inuit culture, laws, values, and history, also well as the history of colonial violence perpetuated by the Canadian state and government agents against Inuit.

16.4 Given that the intergenerational transfer of Inuit knowledge, values, and language is a right that must be upheld, we call upon all governments to fund and support the recording of Inuit knowledge about culture, laws, values, spirituality, and history prior to and since the start of colonization. Further, this knowledge must be accessible and taught to all Inuit, by Inuit. It is imperative that educational institutions prioritize the teaching of this knowledge to Inuit children and youth within all areas of the educational curriculum.

16.5 Given that reliable high-speed Internet services and telecommunications are necessary for Inuit to access government services and to engage in the Canadian economic, cultural, and political life, we call upon all governments with jurisdiction in Inuit Nunangat to invest the infrastructure to ensure all Inuit have access to high-speed Internet.

16.6 We call upon all governments and Inuit organizations to work collaboratively to ensure that population numbers for Inuit outside of the Inuit homeland are captured in a disaggregated manner, and that their rights as Inuit are upheld. These numbers are urgently needed to identify the growing, social, economic, political, and cultural needs of urban Inuit.

16.7 We call upon all governments to ensure the availability of effective, culturally appropriate, and accessible health and wellness services within each Inuit community. The design and delivery of these services must be inclusive of Elders and people with lived experience. Closing the service and infrastructure gaps in the following areas is urgently needed, and requires action by all governments. Required measures include but are not limited to:

i The establishment and funding of birthing centres in each Inuit community, as well as the training of Inuit midwives in both Inuit and contemporary birthing techniques.

ii The establishment and funding of accessible and holistic community wellness, health, and mental health services in each Inuit community. These services must be Inuit-led and operate in accordance with Inuit health and wellness values, approaches, and methods.

iii The establishment and funding of trauma and addictions treatment and healing options in each Inuit community.

16.8 We call upon all governments to invest in the recruitment and capacity building of Inuit within the medical, health, and wellness service fields. Training and competency in both contemporary and Inuit medical, health, and wellness practices and methodologies are essential for effective services in these fields.

16.9 We call upon the Government of Canada, in partnership with Inuit, to establish and resource an Inuit Healing and Wellness Fund to support grassroots and community-led programs. This fund must be permanently resourced and must be administered by Inuit and independent from government.

16.10 We call upon all governments to develop policies and programs to include healing and health programs within educational systems. These programs must be Inuit-led and must provide the resources to teach Inuit children Inuit-appropriate socio-emotional coping skills, pride, and capacity.

16.11 Given that healing occurs through the expression of art and culture, we call upon all governments within Inuit Nunangat to invest in Inuit artistic expression in all its forms through the establishment of infrastructure and by ensuring sustainable funds are available and accessible for Inuit artists.

16.12 We call upon all governments and service providers to ensure that Inuit men and boys are provided services that are gender- and Inuit-specific to address historic and ongoing trauma they are experiencing. These programs must be Inuit-led and -run, and must be well resourced and accessible.

16.13 We call upon all governments to take all measures required to implement the National Inuit Suicide Prevention Strategy with Inuit nationally and regionally, through Inuit Tapiriit Kanatami (ITK).

16.14 We call upon all federal, provincial, and territorial governments to review and amend laws in relation to child and family services to ensure they uphold the rights of Inuit children and families and conform to Inuit laws and values. Inuit parents and guardians must be provided access to Inuit-specific parenting and caregiving teachings and services.

16.15 In light of the multijurisdictional nature of child and family services as they currently operate for Inuit in Canada, we call upon the federal government, in partnership with Inuit, to establish and fund an Inuit Child and Youth Advocate with jurisdiction over all

Inuit children in care. In the absence of a federally mandated Inuit Child and Youth Advocate, we call on all provinces and territories with Inuit children in their care to each establish Inuit-specific child and youth advocates.

16.16 We call upon all government agencies providing child and family services to Inuit children to enumerate and report on the number of Inuit children in their care. This data must be disaggregated and the reports must be shared with Inuit organizations and Inuit child and youth advocates.

16.17 We call upon all governments to prioritize supporting Inuit families and communities to meet the needs of Inuit children, recognizing that apprehension must occur only when absolutely required to protect a child. Placement of Inuit children with extended family and in Inuit homes must be prioritized and resourced. Placement outside of their communities and outside their homelands must be restricted.

16.18 We call upon all governments to respect the rights of Inuit children and people in care, including those who are placed in care outside of their Inuit homelands. All governments must ensure that children and people in care have access to their families and kinship systems and have meaningful access to their culture and language and to culturally relevant services. All child and family services agencies must work with Inuit communities within their jurisdiction to meet their obligations to Inuit children in their care. We call upon all governments to immediately invest in safe, affordable, and culturally appropriate housing within Inuit communities and for Inuit outside of their homelands, given the links between the housing crisis and violence, poor health (including tuberculosis) and suicide. Immediate and directed measures are required to end the crisis.

16.19 We call upon all governments to develop and fund safe houses, shelters, transition houses, and second-stage housing for Inuit women, girls, and 2SLGBTQQIA people fleeing violence. These houses and shelters are required in all Inuit communities and in urban centres with large Inuit populations. Shelters must not require full occupancy to remain open and to receive funding. Further, they must be independent from child and family services agencies, as women may not seek shelter due to fear of agency involvement. This action includes the establishment and funding of shelters and safe spaces for families, children, and youth, including Inuit who identify as 2SLGBTQQIA, who are facing socio-economic crises in all Inuit communities and in urban centres with large Inuit populations.

16.20 We call upon all governments to support the establishment of programs and services designed to financially support and promote Inuit hunting and harvesting in all Inuit communities. All governments with jurisdiction in Inuit Nunangat must immediately increase minimum wage rates and increase social assistance rates to meet the needs of Inuit and to match the higher cost of living in Inuit communities. A guaranteed annual livable income model, recognizing the right to income security, must be developed and implemented.

16.21 We call upon all governments to ensure equitable access to high-quality educational opportunities and outcomes from early childhood education to post-secondary education within Inuit communities. Further, all governments must invest in providing Inuit women, girls, and 2SLGBTQQIA people with accessible and equitable economic opportunities.

16.22 We call upon all governments to fund and to support culturally and age-appropriate programs for Inuit children and youth to learn about developing interpersonal relationships. These programs could include, for example, training in developing healthy relationships and personal well-being and traditional parenting skills. Furthermore, Inuit children and youth must be taught how to identify violence through the provision of age-appropriate educational programs like the Good Touch/Bad Touch program offered in Nunavik.

16.23 We call upon all governments to work with Inuit to provide public awareness and education to combat the normalization of domestic violence and sexualized violence against Inuit women, girls, and 2SLGBTQQIA people; to educate men and boys about the unacceptability of violence against Inuit women, girls, and 2SLGBTQQIA people; and to raise awareness and education about the human rights and Indigenous rights of Inuit.

16.24 We call upon all governments to fund and to support programs for Inuit children and youth to teach them how to respond to threats and identify exploitation. This is particularly the case with respect to the threats of drugs and drug trafficking as well as sexual exploitation and human trafficking. This awareness and education work must be culturally and age-appropriate and involve all members of the community, including 2SLGBTQQIA Inuit.

16.25 We call upon all educators to ensure that the education system, from early childhood to post-secondary, reflects Inuit culture, language, and history. The impacts and history of colonialism and its legacy and effects must also be taught. Successful educational achievements are more likely to be attained and be more meaningful for Inuit when they reflect their socio-economic, political, and cultural reality and needs. Further, we call upon all governments with jurisdiction over education within the Inuit homeland to amend laws, policies, and practices to ensure that the education system reflects Inuit culture, language, and history.

16.26 We call upon all governments to establish more post-secondary options within Inuit Nunangat to build capacity and engagement in Inuit self-determination in research and academia. We call on all governments to invest in the establishment of an accredited university within Inuit Nunangat.

16.27 We call upon all governments to ensure that in all areas of service delivery – including but not limited to policing, the criminal justice system, education, health, and social services – there be ongoing and comprehensive Inuit-specific cultural competency training for public servants. There must also be ongoing and comprehensive training in such

areas as trauma care, cultural safety training, anti-racism training, and education with respect to the historical and ongoing colonialism to which Inuit have been and are subjected.

16.28 Given that the failure to invest in resources required for treatment and rehabilitation has resulted in the failure of section 718(e) of the *Criminal Code* and the Gladue principles to meet their intended objectives, we call upon all governments to invest in Inuit-specific treatment and rehabilitation services to address the root causes of violent behaviour. This must include but is not limited to culturally appropriate and accessible mental health services, trauma and addictions services, and access to culture and language for Inuit. Justice system responses to violence must ensure and promote the safety and security of all Inuit, and especially that of Inuit women, girls, and 2SLGBTQQIA people.

16.29 We call upon all governments and service providers, in full partnership with Inuit, to design and provide wraparound, accessible, and culturally appropriate victim services. These services must be available and accessible to all Inuit and in all Inuit communities.

16.30 We call upon Correctional Service Canada and provincial and territorial corrections services to recognize and adopt an Inuit Nunangat model of policy, program, and service development and delivery. This is required to ensure that Inuit in correctional facilities get the Inuit-specific treatment and rehabilitation programs and services they need. Further, it will ensure that Inuit women can remain within their Inuit homelands and are able to maintain ties with their children and families. Correctional Service Canada and provincial and territorial correctional services must ensure that effective, needs-based, and culturally and linguistically appropriate correctional services are made available for Inuit women, girls, and 2SLGBTQQIA people in custody. Inuit men and boys in custody must also receive specialized programs and services to address their treatment and rehabilitation needs and to address the root causes of violent behaviour. We call upon Correctional Service Canada to support and equitably fund the establishment of facilities and spaces as described in section 81 and section 84 of the *Corrections and Conditional Release Act,* within all Inuit regions.

16.31 We call upon Correctional Service Canada and provincial and territorial correctional services to amend their intake and data-collection policies and practices to ensure that distinctions-based information about Inuit women, girls, and 2SLGBTQQIA people is accurately captured and monitored. All correctional services must report annually to Inuit representative organizations on the number of Inuit women within correctional services' care and custody.

16.32 We call upon police services, in particular the Royal Canadian Mounted Police (RCMP), to ensure there is Inuit representation among sworn officers and civilian staff within Inuit communities. Inuit are entitled to receive police services in Inuktut and in a culturally competent and appropriate manner. The RCMP must ensure they have the capacity

to uphold this right. Within the Nunavut Territory, and in accordance with Article 23 of the Nunavut Land Claims Agreement, the RCMP has obligations to recruit, train, and retain Inuit. The RCMP must take immediate and directed measures to ensure the number of Inuit within the RCMP in Nunavut, and throughout the Inuit homelands, is proportionally representative.

16.33 We call upon all governments to invest in capacity building, recruitment, and training to achieve proportional representation of Inuit throughout public service in Inuit homelands.

16.34 Within the Nunavut Territory, we call upon the federal and territorial governments to fully implement the principles and objectives of Article 23 of the Nunavut Land Claims Agreement. Proportional representation is an imperative in the arenas of public services and, in particular, the child welfare system, social services, the criminal justice system, police services, the courts, and corrections throughout Inuit Nunangat.

16.35 We call upon the federal government and the Province of Quebec to ensure the intent and objectives of the policing provisions of the James Bay Northern Quebec Agreement are fully implemented, including Inuit representation, participation, and control over policing services within Nunavik. The federal government and the government of Quebec must ensure the Kativik Regional Police Force (KRPF) is resourced and provided with the legal capacity to provide Nunavik Inuit with effective and substantively equitable policing services. Urgent investments are required to ensure that the KRPF has the infrastructure and human resource capacity to meet its obligations to provide competent, Inuit-specific policing services.

16.36 We call upon all governments to ensure there are police services in all Inuit communities.

From Salluit, Nunavik, Elisapie Isaac is an Inuk singer/songwriter, mother, filmmaker and producer. She reminds us that lost loved ones are "Taken, Not Forgotten." Credit: Nadya Kwandibens

16.37 We call upon all governments within Inuit Nunangat to amend laws, policies, and practices to reflect and recognize Inuit definitions of "family," "kinship," and "customs" to respect Inuit family structures.

16.38 We call upon all service providers working with Inuit to amend policies and practices to facilitate multi-agency interventions, particularly in cases of domestic violence, sexualized violence, and poverty. Further, in response to domestic violence, early intervention and prevention programs and services must be prioritized.

16.39 We call upon all governments to support and fund the establishment of culturally appropriate and effective child advocacy centres like the Umingmak Centre, the first child advocacy centre in Nunavut, throughout the Inuit homeland.

16.40 We call upon all governments to focus on the well-being of children and to develop responses to adverse childhood experiences that are culturally appropriate and evidence-based. This must include but is not limited to services such as intervention and counselling for children who have been sexually and physically abused.

16.41 We call upon governments and Inuit representative organizations to work with Inuit women, girls, and 2SLGBTQQIA people to identify barriers and to promote their equal representation within governance, and work to support and advance their social, economic, cultural, and political rights. Inuit women, Elders, youth, children, and 2SLGBTQQIA people must be given space within governance systems in accordance with their civil and political rights.

16.42 We call upon the federal government to ensure the long-term, sustainable, and equitable funding of Inuit women's, youths', and 2SLGBTQQIA people's groups. Funding must meet the capacity needs and respect Inuit self-determination, and must not be tied to the priorities and agenda of federal, provincial, or territorial governments.

16.43 We call upon all governments and service providers within the Inuit homelands to ensure there are robust oversight mechanisms established to ensure services are delivered in a manner that is compliant with the human rights and Indigenous rights of Inuit. These mechanisms must be accessible and provide for meaningful recourse.

16.44 We call upon all governments to ensure the collection of disaggregated data in relation to Inuit to monitor and report on progress and the effectiveness of laws, policies, and services designed to uphold the social, economic, political, and cultural rights and well-being of Inuit women, girls, and 2SLGBTQQIA people. Monitoring and data collection must recognize Inuit self-determination and must be conducted in partnership with Inuit. Within any and all mechanisms established to oversee and monitor the implementation of the National Inquiry's recommendations, we call upon all governments to ensure the equitable and meaningful involvement of Inuit governments and representative organizations, including those of Inuit women, girls, and and 2SLGBTQQIA people.

16.45 We call upon the federal government to acknowledge the findings of the Qikiqtani Truth Commission and to work to implement the recommendations therein in partnership with Qikiqtani Inuit Association and the Inuit of the Qikiqtaaluk region.

16.46 Many people continue to look for information and the final resting place of their lost loved one. The federal government, in partnership with Inuit, has established the Nanilavut project. We recognize the significance of the project as an important step in healing and Inuit self-determination in the healing and reconciliation process. We call upon the federal government to support the work of the Nanilavut project on a long-term basis, with sustained funding so that it can continue to serve Inuit families as they look for answers to the questions of what happened to their loved ones. We further insist that it must provide for the option of repatriation of the remains of lost loved ones once they are located.

Métis-Specific Calls for Justice:

The Calls for Justice in this report must be interpreted and implemented in a distinctions-based manner, taking into account the unique history, culture and reality of Métis communities and people. This includes the way that Métis people and their issues have been ignored by levels of government, which has resulted in barriers to safety for Métis women, girls, and 2SLGBTQQIA people. The diversity of the experiences of Métis women, girls, and 2SLGBTQQIA people, both among themselves, and as between other Indigenous women, girls, and 2SLGBTQQIA people, must be fully recognized and understood.

All actions taken to ensure the safety and well-being of Métis women, girls, and 2SLGBTQQIA people must include their participation, including those with lived experience. In addition, the recognition and protection of, and compliance with, the human rights and Indigenous rights of Métis women, girls, and 2SLGBTQQIA people on a substantively equal basis is a legal imperative.

Métis witnesses who testified at the National Inquiry, and Parties with Standing's closing submissions, emphasized the need for greater awareness of Métis issues and distinctive realities, and practical supports for Métis families. They also focused on guiding principles such as: Métis self-determination, and the need for culturally-specific solutions; respect for human rights; prevention in relation to violence and child welfare, and substantively equal governmental support for Métis children and families; and, inclusion of all Métis perspectives in decision making, including 2SLGBTQQIA people and youth.

17.1 We call upon the federal government to uphold its constitutional responsibility to Métis people and to non-Status people in the provision of all programs and services that fall under its responsibility.

17.2 We call upon the federal government to pursue the collection and dissemination of disaggregated data concerning violence against Métis women, girls, and 2SLGBTQQIA people, including barriers they face in accessing their rights to safety, informed by Métis knowledge and experiences. We also call upon the federal government to support and fund research that highlights distinctive Métis experiences, including the gathering of more stories specific to Métis perspectives on violence.

17.3 We call upon all governments to ensure equitable representation of Métis voices in policy development, funding, and service delivery, and to include Métis voices and perspectives in decision-making, including Métis 2SLGBTQQIA people and youth, and to implement self-determined and culturally specific solutions for Métis people.

17.4 We call upon all governments to fund and support Métis-specific programs and services that meet the needs of Métis people in an equitable manner, and dedicated Métis advocacy bodies and institutions, including but not limited to Métis health authorities and Métis child welfare agencies.

17.5 We call upon all governments to eliminate barriers to accessing programming and services for Métis, including but not limited to barriers facing Métis who do not reside in their home province.

17.6 We call upon all governments to pursue the implementation of a distinctions-based approach that takes into account the unique history of Métis communities and people, including the way that many issues have been largely ignored by levels of government and now present barriers to safety.

17.7 We call upon all governments to fund and to support culturally appropriate programs and services for Métis people living in urban centres, including those that respect the internal diversity of Métis communities with regards to spirituality, gender identity, and cultural identity.

17.8 We call upon all governments, in partnership with Métis communities, organizations, and individuals, to design mandatory, ongoing cultural competency training for public servants (including staff working in policing, justice, education, health care, social work, and government) in areas such as trauma-informed care, cultural safety training, anti-racism training, and understanding of Métis culture and history.

17.9 We call upon all governments to provide safe transportation options, particularly in rural, remote, and northern communities, including “safe rides” programs, and to monitor high recruitment areas where Métis women, girls, and 2SLGBTQQIA individuals may be more likely to be targeted.

17.10 We call upon all governments to respect Métis rights and individuals’ self-identification as Métis.

17.11 We call upon all governments to support and fund dialogue and relationships between Métis and First Nations communities.

17.12 We call upon police services to build partnerships with Métis communities, organizations, and people to ensure culturally safe access to police services.

17.13 We call upon police services to engage in education about the unique history and needs of Métis communities.

17.14 We call upon police services to establish better communication with Métis communities and populations through representative advisory boards that involve Métis communities and address their needs.

17.15 We call upon all governments to fund the expansion of community-based security models that include Métis perspectives and people, such as local peacekeeper officers or programs such as the Bear Clan Patrol.

17.16 We call upon all governments to provide support for self-determined and culturally specific needs-based child welfare services for Métis families that are focused on prevention and maintenance of family unity. These services will also focus on: avoiding the need for foster care; restoring family unity and providing support for parents trying to reunite with children; healing for parents; and developing survivor-led programs to improve family safety. These services include culturally grounded parenting education and interventions that support the whole family, such as substance abuse treatment programs that accommodate parents with children and that are specifically suited to Métis needs and realities. We also call upon all governments to provide long-term stable funding for wraparound services and exceptional programs aimed at keeping Métis families together.

17.17 We call upon all governments to provide more funding and support for Métis child welfare agencies and for child placements in Métis homes.

17.18 We call upon all governments to establish and maintain funding for cultural programming for Métis children in foster care, especially when they are placed in non-Indigenous or non-Métis families.

17.19 We call upon all governments to address Métis unemployment and poverty as a way to prevent child apprehension.

17.20 We call upon all governments to fund and support programs for Métis women, girls, and 2SLGBTQQIA people, including more access to traditional healing programs, treatment centres for youth, family support and violence prevention funding and initiatives for Métis, and the creation of no-barrier safe spaces, including spaces for Métis mothers and families in need.

17.21 We call upon the federal government to recognize and fulfill its obligations to the Métis people in all areas, especially in health, and further call upon all governments for services such as those under FNIHB to be provided to Métis and non-Status First Nations Peoples in an equitable manner consistent with substantive human rights standards.

17.22 We call upon all governments to respect and to uphold the full implementation of Jordan's Principle with reference to the Métis.

17.23 We call upon all governments to provide Métis-specific programs and services that address emotional, mental, physical, and spiritual dimensions of well-being, including coordinated or co-located services to offer holistic wraparound care, as well as increased mental health and healing and cultural supports.

17.24 We call upon all governments and educators to fund and establish Métis-led programs and initiatives to address a lack of knowledge about the Métis people and culture within Canadian society, including education and advocacy that highlights the positive history and achievements of Métis people and increases the visibility, understanding, and appreciation of Métis people.

17.25 We call upon all governments to fund programs and initiatives that create greater access to cultural knowledge and foster a positive sense of cultural identity among Métis communities. These include initiatives that facilitate connections with family, land, community, and culture; culturally specific programming for Métis 2SLGBTQQIA people and youth; events that bring Métis Elders, Knowledge Keepers and youth together; and mentorship programs that celebrate and highlight Métis role models.

Sharon Johnson is sister to Sandra Johnson, killed in 1992. Every year she organizes a Valentine's Day Memorial Walk in Thunder Bay to honour and remember those who are no longer with us. Credit: Nadya Kwandibens

17.26 We call upon all governments to fund and support cultural programming that helps to revitalize the practise of Métis culture, including integrating Métis history and Métis languages into elementary and secondary school curricula, and programs and initiatives to help Métis people explore their family heritage and identity and reconnect with the land.

17.27 We call upon all governments to pursue the development of restorative justice and rehabilitation programs, including within correctional facilities, specific to Métis needs and cultural realities, to help address root causes of violence and reduce recidivism, and to support healing for victims, offenders, and their families and communities.

17.28 We call upon all governments to provide increased victim support services specific to Métis needs to help Métis victims and families navigate the legal system and to support their healing and well-being throughout the process of seeking justice.

17.29 We call upon all actors within the justice system to engage in education and training regarding the history and contemporary realities of Métis experiences.

2SLGBTQQIA-Specific Calls for Justice:

Witnesses who testified at the National Inquiry emphasized the need for greater awareness of 2SLGBTQQIA issues, including the important history and contemporary place of 2SLGBTQQIA people within communities and ceremony, and practical supports and safe places for 2SLGBTQQIA people. Several priority areas were identified, including policing, education, justice, socio-economic priorities, health and healing, and child welfare. Witnesses also focused on guiding principles such as self-determined and culturally-specific solutions for 2SLGBTQQIA people, respect for human rights, prevention in relation to violence and child welfare, and inclusion of all perspectives in decision making, including youth.

Submissions made to the National Inquiry, specific to 2SLGBTQQIA peoples, reflected the need for a distinctions-based approach that takes into account the unique challenges to safety for 2SLGBTQQIA individuals and groups, including youth.

18.1 We call upon all governments and service providers to fund and support greater awareness of 2SLGBTQQIA issues, and to implement programs, services, and practical supports for 2SLGBTQQIA people that include distinctions-based approaches that take into account the unique challenges to safety for 2SLGBTQQIA individuals and groups.

18.2 We call upon all governments and service providers to be inclusive of all perspectives in decision making, including those of 2SLGBTQQIA people and youth.

18.3 We call upon all governments, service providers, and those involved in research to change the way data is collected about 2SLGBTQQIA people to better reflect the presence of individuals and communities, and to improve the inclusion of 2SLGBTQQIA people in research, including 2SLGBTQQIA-led research.

18.4 We call upon all governments, service providers, and those involved in research to modify data collection methods to:

i Increase accurate, comprehensive statistical data on 2SLGBTQQIA individuals, especially to record the experiences of trans-identified individuals and individuals with non-binary gender identities.

ii Eliminate "either-or" gender options and include gender-inclusive, gender-neutral, or non-binary options – for example, an "X-option" – on reporting gender in all contexts, such as application and intake forms, surveys, Status cards, census data and other data collection.

iii Increase precision in data collection to recognize and capture the diversity of 2SLGBTQQIA communities: for example, the experiences of Two-Spirit women/lesbians, and differentiations between Two-Spirit and trans-identified individuals and between trans-masculine and trans-feminine experiences.

18.5 We call upon all governments and service providers to ensure that all programs and services have 2SLGBTQQIA front-line staff and management, that 2SLGBTQQIA people are provided with culturally specific support services, and that programs and spaces are co-designed to meet the needs of 2SLGBTQQIA clients in their communities.

18.6 We call upon all governments and service providers to fund and support youth programs, including mentorship, leadership, and support services that are broadly accessible and reach out to 2SLGBTQQIA individuals.

18.7 We call upon all governments and service providers to increase support for existing successful grassroots initiatives, including consistent core funding.

18.8 We call upon all governments and service providers to support networking and community building for 2SLGBTQQIA people who may be living in different urban centres (and rural and remote areas), and to increase opportunities for 2SLGBTQQIA networking, collaboration, and peer support through a national organization, regional organizations, advocacy body, and/or a task force dedicated to advancing action to support the well-being of Indigenous 2SLGBTQQIA persons in Canada.

18.9 We call upon First Nations, Métis, and Inuit leadership and advocacy bodies to equitably include 2SLGBTQQIA people, and for national Indigenous organizations to have a 2SLGBTQQIA council or similar initiative.

18.10 We call upon all governments and service providers to provide safe and dedicated ceremony and cultural places and spaces for 2SLGBTQQIA youth and adults, and to advocate for 2SLGBTQQIA inclusion in all cultural spaces and ceremonies. These 2SLGBTQQIA-inclusive spaces must be visibly indicated as appropriate.

18.11 We call upon all governments, service providers, industry, and institutions to accommodate non-binary gender identities in program and service design, and offer gender-neutral washrooms and change rooms in facilities.

18.12 We call upon all police services to better investigate crimes against 2SLGBTQQIA people, and ensure accountability for investigations and handling of cases involving 2SLGBTQQIA people.

18.13 We call upon all police services to engage in education regarding 2SLGBTQQIA people and experiences to address discrimination, especially homophobia and transphobia, in policing.

18.14 We call upon all police services to take appropriate steps to ensure the safety of 2SLGBTQQIA people in the sex industry.

18.15 We call upon all governments, educators, and those involved in research to support and conduct research and knowledge gathering on pre-colonial knowledge and teachings about the place, roles, and responsibilities of 2SLGBTQQIA people within their respective communities, to support belonging, safety, and well-being.

18.16 We call upon all governments and educators to fund and support specific Knowledge Keeper gatherings on the topic of reclaiming and re-establishing space and community for 2SLGBTQQIA people.

18.17 We call upon all governments, service providers, and educators to fund and support the re-education of communities and individuals who have learned to reject 2SLGBTQQIA people, or who deny their important history and contemporary place within communities and in ceremony, and to address transphobia and homophobia in communities (for example, with anti-transphobia and anti-homophobia programs), to ensure cultural access for 2SLGBTQQIA people.

18.18 We call upon all governments and service providers to educate service providers on the realities of 2SLGBTQQIA people and their distinctive needs, and to provide mandatory cultural competency training for all social service providers, including Indigenous studies, cultural awareness training, trauma-informed care, anti-oppression training, and training on 2SLGBTQQIA inclusion within an Indigenous context (including an understanding of 2SLGBTQQIA identities and Indigenous understandings of gender and sexual orientation). 2SLGBTQQIA people must be involved in the design and delivery of this training.

18.19 We call upon all governments, service providers, and educators to educate the public on the history of non-gender binary people in Indigenous societies, and to use media, including social media, as a way to build awareness and understanding of 2SLGBTQQIA issues.

18.20 We call upon provincial and territorial governments and schools to ensure that students are educated about gender and sexual identity, including 2SLGBTQQIA identities, in schools.

18.21 We call upon federal and provincial correctional services to engage in campaigns to build awareness of the dangers of misgendering in correctional systems and facilities and to ensure that the rights of trans people are protected.

18.22 We call upon federal and provincial correctional services to provide dedicated 2SLGBTQQIA support services and cultural supports.

18.23 We call upon coroners and others involved in the investigation of missing and murdered Indigenous trans-identified individuals and individuals with non-binary gender identities to use gender-neutral or non-binary options, such as an X-marker, for coroners' reports and for reporting information related to the crimes, as appropriate.

18.24 We call upon all governments to address homelessness, poverty, and other socio-economic barriers to equitable and substantive rights for 2SLGBTQQIA people.

18.25 We call upon all governments to build safe spaces for people who need help and who are homeless, or at risk of becoming homeless, which includes access to safe, dedicated 2SLGBTQQIA shelters and housing, dedicated beds in shelters for trans and non-binary individuals, and 2SLGBTQQIA-specific support services for 2SLGBTQQIA individuals in housing and shelter spaces.

18.26 We call upon health service providers to educate their members about the realities and needs of 2SLGBTQQIA people, and to recognize substantive human rights dimensions to health services for 2SLGBTQQIA people.

18.27 We call upon health service providers to provide mental health supports for 2SLGBTQQIA people, including wraparound services that take into account particular barriers to safety for 2SLGBTQQIA people.

18.28 We call upon all governments to fund and support, and service providers to deliver, expanded, dedicated health services for 2SLGBTQQIA individuals including health centres, substance use treatment programs, and mental health services and resources.

18.29 We call upon all governments and health service providers to create roles for Indigenous care workers who would hold the same authority as community mental health nurses and social workers in terms of advocating for 2SLGBTQQIA clients and testifying in court as recognized professionals.

18.30 We call upon federal, provincial, and territorial governments and health service providers to reduce wait times for sex-reassignment surgery.

18.31 We call upon all governments and health service providers to provide education for youth about 2SLGBTQQIA health.

18.32 We call upon child welfare agencies to engage in education regarding the realities and perspectives of 2SLGBTQQIA youth; to provide 2SLGBTQQIA competency training to parents and caregivers, especially to parents of trans children and in communities outside of urban centres; and to engage in and provide education for parents, foster families, and other youth service providers regarding the particular barriers to safety for 2SLGBTQQIA youth.

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1 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*.

2 Ibid.

3 Canadian Human Rights Commission, "Submission by the Canadian Human Rights Commission to the Government of Canada Pre-Inquiry Design Process."

4 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report,* 22.

5 National Inquiry into Missing and Murdered Indigenous Women and Girls, *Interim Report*.

6 Ibid.

7 Available at https://fncaringsociety.com/spirit-bear-plan

Truth and Reconciliation Commission of Canada: Calls to Action

Truth and Reconciliation Commission of Canada: Calls to Action

2015

Truth and Reconciliation Commission of Canada, 2012
1500–360 Main Street
Winnipeg, Manitoba
R3C 3Z3
Telephone: (204) 984-5885
Toll Free: 1-888-872-5554 (1-888-TRC-5554)
Fax: (204) 984-5915
E-mail: info@trc.ca
Website: www.trc.ca

Calls to Action

In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action.

Legacy

Child welfare

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
    i. Monitoring and assessing neglect investigations.
    ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
    iii. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools.
    iv. Ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for Aboriginal communities and families to provide more appropriate solutions to family healing.
    v. Requiring that all child-welfare decision makers consider the impact of the residential school experience on children and their caregivers.
2. We call upon the federal government, in collaboration with the provinces and territories, to prepare and publish annual reports on the number of Aboriginal children (First Nations, Inuit, and Métis) who are in care, compared with non-Aboriginal children, as well as the reasons for apprehension, the total spending on preventive and care services by child-welfare agencies, and the effectiveness of various interventions.
3. We call upon all levels of government to fully implement Jordan's Principle.
4. We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody cases and includes principles that:
    i. Affirm the right of Aboriginal governments to establish and maintain their own child-welfare agencies.
    ii. Require all child-welfare agencies and courts to take the residential school legacy into account in their decision making.
    iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.

Education

6. We call upon the Government of Canada to repeal Section 43 of the *Criminal Code of Canada*.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate

educational and employment gaps between Aboriginal and non-Aboriginal Canadians.

8. We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves.

9. We call upon the federal government to prepare and publish annual reports comparing funding for the education of First Nations children on and off reserves, as well as educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principles:

    i. Providing sufficient funding to close identified educational achievement gaps within one generation.

    ii. Improving education attainment levels and success rates.

    iii. Developing culturally appropriate curricula.

    iv. Protecting the right to Aboriginal languages, including the teaching of Aboriginal languages as credit courses.

    v. Enabling parental and community responsibility, control, and accountability, similar to what parents enjoy in public school systems.

    vi. Enabling parents to fully participate in the education of their children.

    vii. Respecting and honouring Treaty relationships.

11. We call upon the federal government to provide adequate funding to end the backlog of First Nations students seeking a post-secondary education.

12. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate early childhood education programs for Aboriginal families.

Language and culture

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

    i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.

    ii. Aboriginal language rights are reinforced by the Treaties.

    iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.

    iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.

    v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

16. We call upon post-secondary institutions to create university and college degree and diploma programs in Aboriginal languages.

17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

Health

18. We call upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law, and under the Treaties.

19. We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes

between Aboriginal and non-Aboriginal communities, and to publish annual progress reports and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

20. In order to address the jurisdictional disputes concerning Aboriginal people who do not reside on reserves, we call upon the federal government to recognize, respect, and address the distinct health needs of the Métis, Inuit, and off-reserve Aboriginal peoples.

21. We call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.

22. We call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients.

23. We call upon all levels of government to:

    i. Increase the number of Aboriginal professionals working in the health-care field.

    ii. Ensure the retention of Aboriginal health-care providers in Aboriginal communities.

    iii. Provide cultural competency training for all health-care professionals.

24. We call upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Justice

25. We call upon the federal government to establish a written policy that reaffirms the independence of the Royal Canadian Mounted Police to investigate crimes in which the government has its own interest as a potential or real party in civil litigation.

26. We call upon the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people.

27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

28. We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

29. We call upon the parties and, in particular, the federal government, to work collaboratively with plaintiffs not included in the Indian Residential Schools Settlement Agreement to have disputed legal issues determined expeditiously on an agreed set of facts.

30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.

31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying causes of offending.

32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.

33. We call upon the federal, provincial, and territorial governments to recognize as a high priority the need to address and prevent Fetal Alcohol Spectrum Disorder (FASD), and to develop, in collaboration with Aboriginal people, FASD preventive programs that can be delivered in a culturally appropriate manner.

34. We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

    i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

    ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.

    iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.

    iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

35. We call upon the federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system.

36. We call upon the federal, provincial, and territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexually abused.

37. We call upon the federal government to provide more supports for Aboriginal programming in halfway houses and parole services.

38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

39. We call upon the federal government to develop a national plan to collect and publish data on the criminal victimization of Aboriginal people, including data related to homicide and family violence victimization.

40. We call on all levels of government, in collaboration with Aboriginal people, to create adequately funded and accessible Aboriginal-specific victim programs and services with appropriate evaluation mechanisms.

41. We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:

    i. Investigation into missing and murdered Aboriginal women and girls.

    ii. Links to the intergenerational legacy of residential schools.

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the *Constitution Act, 1982*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed by Canada in November 2012.

Reconciliation

Canadian Governments and the *United Nations Declaration on the Rights of Indigenous People*

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the *United Nations Declaration on the Rights of Indigenous Peoples*.

Royal Proclamation and Covenant of Reconciliation

45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.

ii. Adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to:

i. Reaffirmation of the parties' commitment to reconciliation.

ii. Repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.

iii. Full adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation.

iv. Support for the renewal or establishment of Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

v. Enabling those excluded from the Settlement Agreement to sign onto the Covenant of Reconciliation.

vi. Enabling additional parties to sign onto the Covenant of Reconciliation.

47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius,* and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

Settlement Agreement Parties and the *United Nations Declaration on the Rights of Indigenous Peoples*

48. We call upon the church parties to the Settlement Agreement, and all other faith groups and interfaith social justice groups in Canada who have not already done so, to formally adopt and comply with the principles, norms, and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation. This would include, but not be limited to, the following commitments:

i. Ensuring that their institutions, policies, programs, and practices comply with the *United Nations Declaration on the Rights of Indigenous Peoples*.

ii. Respecting Indigenous peoples' right to self-determination in spiritual matters, including the right to practise, develop, and teach their own spiritual and religious traditions, customs, and ceremonies, consistent with Article 12:1 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

iii. Engaging in ongoing public dialogue and actions to support the *United Nations Declaration on the Rights of Indigenous Peoples*.

iv. Issuing a statement no later than March 31, 2016, from all religious denominations and faith groups, as to how they will implement the *United Nations Declaration on the Rights of Indigenous Peoples*.

49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*.

Equity for Aboriginal People in the Legal System

50. In keeping with the *United Nations Declaration on the Rights of Indigenous Peoples*, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and

understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

51. We call upon the Government of Canada, as an obligation of its fiduciary responsibility, to develop a policy of transparency by publishing legal opinions it develops and upon which it acts or intends to act, in regard to the scope and extent of Aboriginal and Treaty rights.

52. We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles:

    i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time.

    ii. Once Aboriginal title has been established, the burden of proving any limitation on any rights arising from the existence of that title shifts to the party asserting such a limitation.

National Council for Reconciliation

53. We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation. The legislation would establish the council as an independent, national, oversight body with membership jointly appointed by the Government of Canada and national Aboriginal organizations, and consisting of Aboriginal and non-Aboriginal members. Its mandate would include, but not be limited to, the following:

    i. Monitor, evaluate, and report annually to Parliament and the people of Canada on the Government of Canada's post-apology progress on reconciliation to ensure that government accountability for reconciling the relationship between Aboriginal peoples and the Crown is maintained in the coming years.

    ii. Monitor, evaluate, and report to Parliament and the people of Canada on reconciliation progress across all levels and sectors of Canadian society, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action.

    iii. Develop and implement a multi-year National Action Plan for Reconciliation, which includes research and policy development, public education programs, and resources.

    iv. Promote public dialogue, public/private partnerships, and public initiatives for reconciliation.

54. We call upon the Government of Canada to provide multi-year funding for the National Council for Reconciliation to ensure that it has the financial, human, and technical resources required to conduct its work, including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.

55. We call upon all levels of government to provide annual reports or any current data requested by the National Council for Reconciliation so that it can report on the progress towards reconciliation. The reports or data would include, but not be limited to:

    i. The number of Aboriginal children—including Métis and Inuit children—in care, compared with non-Aboriginal children, the reasons for apprehension, and the total spending on preventive and care services by child-welfare agencies.

    ii. Comparative funding for the education of First Nations children on and off reserves.

    iii. The educational and income attainments of Aboriginal peoples in Canada compared with non-Aboriginal people.

    iv. Progress on closing the gaps between Aboriginal and non-Aboriginal communities in a number of health indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence, and the availability of appropriate health services.

    v. Progress on eliminating the overrepresentation of Aboriginal children in youth custody over the next decade.

    vi. Progress on reducing the rate of criminal victimization of Aboriginal people, including data related to homicide and family violence victimization and other crimes.

    vii. Progress on reducing the overrepresentation of Aboriginal people in the justice and correctional systems.

56. We call upon the prime minister of Canada to formally respond to the report of the National Council for Reconciliation by issuing an annual "State of Aboriginal Peoples" report, which would outline the government's plans for advancing the cause of reconciliation.

Professional Development and Training for Public Servants

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Church Apologies and Reconciliation

58. We call upon the Pope to issue an apology to Survivors, their families, and communities for the Roman Catholic Church's role in the spiritual, cultural, emotional, physical, and sexual abuse of First Nations, Inuit, and Métis children in Catholic-run residential schools. We call for that apology to be similar to the 2010 apology issued to Irish victims of abuse and to occur within one year of the issuing of this Report and to be delivered by the Pope in Canada.

59. We call upon church parties to the Settlement Agreement to develop ongoing education strategies to ensure that their respective congregations learn about their church's role in colonization, the history and legacy of residential schools, and why apologies to former residential school students, their families, and communities were necessary.

60. We call upon leaders of the church parties to the Settlement Agreement and all other faiths, in collaboration with Indigenous spiritual leaders, Survivors, schools of theology, seminaries, and other religious training centres, to develop and teach curriculum for all student clergy, and all clergy and staff who work in Aboriginal communities, on the need to respect Indigenous spirituality in its own right, the history and legacy of residential schools and the roles of the church parties in that system, the history and legacy of religious conflict in Aboriginal families and communities, and the responsibility that churches have to mitigate such conflicts and prevent spiritual violence.

61. We call upon church parties to the Settlement Agreement, in collaboration with Survivors and representatives of Aboriginal organizations, to establish permanent funding to Aboriginal people for:

    i. Community-controlled healing and reconciliation projects.

    ii. Community-controlled culture- and language-revitalization projects.

    iii. Community-controlled education and relationship-building projects.

    iv. Regional dialogues for Indigenous spiritual leaders and youth to discuss Indigenous spirituality, self-determination, and reconciliation.

Education for reconciliation

62. We call upon the federal, provincial, and territorial governments, in consultation and collaboration with Survivors, Aboriginal peoples, and educators, to:

    i. Make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

    ii. Provide the necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms.

    iii. Provide the necessary funding to Aboriginal schools to utilize Indigenous knowledge and teaching methods in classrooms.

    iv. Establish senior-level positions in government at the assistant deputy minister level or higher dedicated to Aboriginal content in education.

63. We call upon the Council of Ministers of Education, Canada to maintain an annual commitment to Aboriginal education issues, including:

    i. Developing and implementing Kindergarten to Grade Twelve curriculum and learning resources on Aboriginal peoples in Canadian history, and the history and legacy of residential schools.

    ii. Sharing information and best practices on teaching curriculum related to residential schools and Aboriginal history.

    iii. Building student capacity for intercultural understanding, empathy, and mutual respect.

    iv. Identifying teacher-training needs relating to the above.

64. We call upon all levels of government that provide public funds to denominational schools to require such schools to provide an education on comparative religious studies, which must include a segment on

Aboriginal spiritual beliefs and practices developed in collaboration with Aboriginal Elders.

65. We call upon the federal government, through the Social Sciences and Humanities Research Council, and in collaboration with Aboriginal peoples, post-secondary institutions and educators, and the National Centre for Truth and Reconciliation and its partner institutions, to establish a national research program with multi-year funding to advance understanding of reconciliation.

Youth Programs

66. We call upon the federal government to establish multi-year funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

Museums and Archives

67. We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to make recommendations.

68. We call upon the federal government, in collaboration with Aboriginal peoples, and the Canadian Museums Association to mark the 150th anniversary of Canadian Confederation in 2017 by establishing a dedicated national funding program for commemoration projects on the theme of reconciliation.

69. We call upon Library and Archives Canada to:

    i. Fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joinet-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

    ii. Ensure that its record holdings related to residential schools are accessible to the public.

    iii. Commit more resources to its public education materials and programming on residential schools.

70. We call upon the federal government to provide funding to the Canadian Association of Archivists to undertake, in collaboration with Aboriginal peoples, a national review of archival policies and best practices to:

    i. Determine the level of compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and the *United Nations Joinet-Orentlicher Principles*, as related to Aboriginal peoples' inalienable right to know the truth about what happened and why, with regard to human rights violations committed against them in the residential schools.

    ii. Produce a report with recommendations for full implementation of these international mechanisms as a reconciliation framework for Canadian archives.

Missing Children and Burial Information

71. We call upon all chief coroners and provincial vital statistics agencies that have not provided to the Truth and Reconciliation Commission of Canada their records on the deaths of Aboriginal children in the care of residential school authorities to make these documents available to the National Centre for Truth and Reconciliation.

72. We call upon the federal government to allocate sufficient resources to the National Centre for Truth and Reconciliation to allow it to develop and maintain the National Residential School Student Death Register established by the Truth and Reconciliation Commission of Canada.

73. We call upon the federal government to work with churches, Aboriginal communities, and former residential school students to establish and maintain an online registry of residential school cemeteries, including, where possible, plot maps showing the location of deceased residential school children.

74. We call upon the federal government to work with the churches and Aboriginal community leaders to inform the families of children who died at residential schools of the child's burial location, and to respond to families' wishes for appropriate commemoration ceremonies and markers, and reburial in home communities where requested.

75. We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of

appropriate memorial ceremonies and commemorative markers to honour the deceased children.

76. We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:

    i. The Aboriginal community most affected shall lead the development of such strategies.

    ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.

    iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site.

National Centre for Truth and Reconciliation

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

78. We call upon the Government of Canada to commit to making a funding contribution of $10 million over seven years to the National Centre for Truth and Reconciliation, plus an additional amount to assist communities to research and produce histories of their own residential school experience and their involvement in truth, healing, and reconciliation.

Commemoration

79. We call upon the federal government, in collaboration with Survivors, Aboriginal organizations, and the arts community, to develop a reconciliation framework for Canadian heritage and commemoration. This would include, but not be limited to:

    i. Amending the Historic Sites and Monuments Act to include First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.

    ii. Revising the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.

    iii. Developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history.

80. We call upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

81. We call upon the federal government, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.

82. We call upon provincial and territorial governments, in collaboration with Survivors and their organizations, and other parties to the Settlement Agreement, to commission and install a publicly accessible, highly visible, Residential Schools Monument in each capital city to honour Survivors and all the children who were lost to their families and communities.

83. We call upon the Canada Council for the Arts to establish, as a funding priority, a strategy for Indigenous and non-Indigenous artists to undertake collaborative projects and produce works that contribute to the reconciliation process.

Media and Reconciliation

84. We call upon the federal government to restore and increase funding to the CBC/Radio-Canada, to enable Canada's national public broadcaster to support reconciliation, and be properly reflective of the diverse cultures, languages, and perspectives of Aboriginal peoples, including, but not limited to:

    i. Increasing Aboriginal programming, including Aboriginal-language speakers.

    ii. Increasing equitable access for Aboriginal peoples to jobs, leadership positions, and professional development opportunities within the organization.

    iii. Continuing to provide dedicated news coverage and online public information resources on issues of concern to Aboriginal peoples and all Canadians,

including the history and legacy of residential schools and the reconciliation process.

85. We call upon the Aboriginal Peoples Television Network, as an independent non-profit broadcaster with programming by, for, and about Aboriginal peoples, to support reconciliation, including but not limited to:

    i. Continuing to provide leadership in programming and organizational culture that reflects the diverse cultures, languages, and perspectives of Aboriginal peoples.

    ii. Continuing to develop media initiatives that inform and educate the Canadian public, and connect Aboriginal and non-Aboriginal Canadians.

86. We call upon Canadian journalism programs and media schools to require education for all students on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations.

Sports and Reconciliation

87. We call upon all levels of government, in collaboration with Aboriginal peoples, sports halls of fame, and other relevant organizations, to provide public education that tells the national story of Aboriginal athletes in history.

88. We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel.

89. We call upon the federal government to amend the Physical Activity and Sport Act to support reconciliation by ensuring that policies to promote physical activity as a fundamental element of health and well-being, reduce barriers to sports participation, increase the pursuit of excellence in sport, and build capacity in the Canadian sport system, are inclusive of Aboriginal peoples.

90. We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:

    i. In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.

    ii. An elite athlete development program for Aboriginal athletes.

    iii. Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.

    iv. Anti-racism awareness and training programs.

91. We call upon the officials and host countries of international sporting events such as the Olympics, Pan Am, and Commonwealth games to ensure that Indigenous peoples' territorial protocols are respected, and local Indigenous communities are engaged in all aspects of planning and participating in such events.

Business and Reconciliation

92. We call upon the corporate sector in Canada to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

    i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

    ii. Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.

    iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Newcomers to Canada

93. We call upon the federal government, in collaboration with the national Aboriginal organizations, to revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including

information about the Treaties and the history of residential schools.

94. We call upon the Government of Canada to replace the Oath of Citizenship with the following:

> I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

Truth and Reconciliation Commission of Canada

1500–360 Main Street
Winnipeg, Manitoba
R3C 3Z3
Telephone: (204) 984-5885
Toll Free: 1-888-872-5554 (1-888-TRC-5554)
Fax: (204) 984-5915
E-mail: info@trc.ca
Website: www.trc.ca

SIX NATIONS

OF THE GRAND RIVER

LAND RIGHTS • FINANCIAL JUSTICE • RESOLUTIONS

MOHAWK

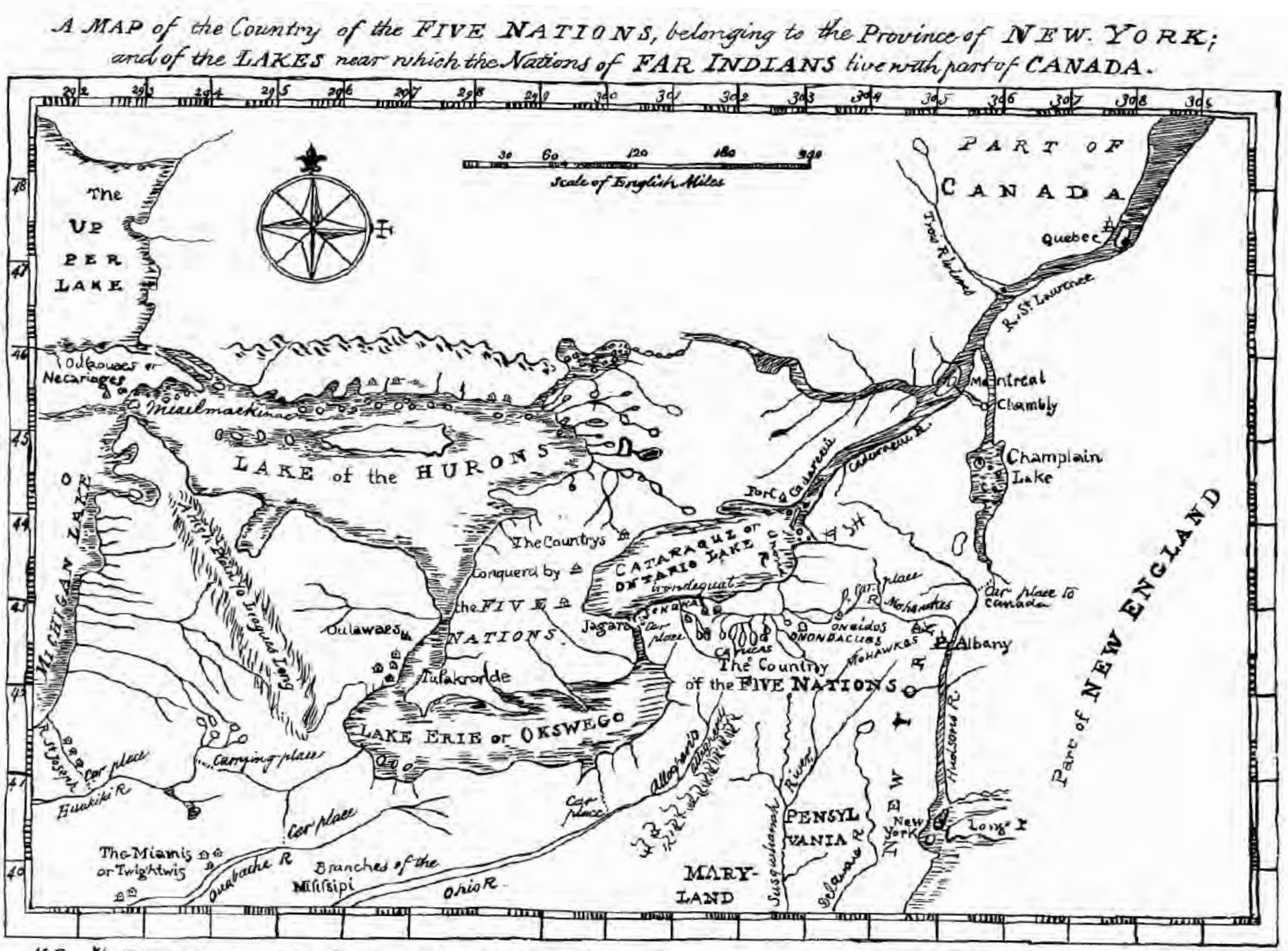
ONEIDA

ONONDAGA

CAYUGA

SENECA

TUSCARORA



N.B. The Tuscaroras are now reckond a sixth Nation & live between the Onnondagues & Oneidos; & the Necariages of Misdumalinac were received to be the seventh Nation at Albany, May 30th 1723 at their own desire 80 men of that Nation being present besides Women & children

Reproduction of old map of country occupied by the Five Nations, for report on the Six Nations of New York.

Eleventh Census: 1890

SIX NATIONS COUNCIL

LANDS AND RESOURCES DEPARTMENT

Main Office
#2498 Chiefswood Road
PHONE: 519-753-0665

Wildlife Management Office
#1721 Chiefswood Road
PHONE: 519-445-0330

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For more detailed information, please visit: www.sixnations.ca/LandsResources

revised: March 2015

1. SIX NATIONS LANDS AND RESOURCES DEPARTMENT

A. Introduction (Archival Research, Development of Land Claims)

The Six Nations Land Claims Research Office was established about the same time as the creation of the Office of Native Claims in 1974. As of August 1, 2003, the Six Nations Land Claims Research Office was restructured and became the Six Nations Lands and Resources department. The Lands and Resources Department now consists of the Land Research Unit, the Land Use Unit, and the Wildlife Management Office. The Six Nations Lands and Resources Department continues to investigate and report to the Six Nations Council, breaches of the Crown's fiduciary obligation to manage Six Nations' lands and resources in the best interest of the Six Nations. In the development of land claims, four main areas of investigation are:

i) Were the terms of the October 25, 1784 Haldimand Treaty and other Treaties fulfilled and honoured;
ii) Were the alienation of portions of the Six Nations tract undertaken lawfully;
iii) Were the terms and conditions of the alienation fulfilled; and
iv) Were the financial assets derived from the land alienations properly accounted for and maximized to benefit the Six Nations of the Grand River Indians?

This investigation involves archival researching into the ancestral/treaty lands of Six Nations including those conferred to Six Nations on October 25, 1784 by the Haldimand Treaty. The Haldimand Treaty authorized Six Nations to take possession of and settle upon the Banks of the Grand River from Lake Erie to its source being six miles on each side of the River (to be held in trust by the Crown) comprising a total of approximately 950,000 acres. The lands were granted in partial recognition of the loss sustained by the Six Nations in the aftermath of their alliance with the British Crown during the American War of Independence.

As set out in the grant of land, the Crown had a duty to protect Six Nations' lands for their sole use. In many cases, not only did the Government fail to do so, the officials of the Crown actively encouraged settlement upon those lands. As a result of this intrusion, the lands became unsuitable as hunting grounds and Six Nations was forced to find alternate means of support.

B. Crown Canada (Land Claims Process)

In July 1973, the Office of Native Claims, within Indian and Northern Affairs Canada, was created to review claims with Native Groups. Canada's Specific Claims Policy "Outstanding Business" was created in 1982 to address the many illegal acts and injustices attributable to the Crown in Right of Canada and its Agents.

Canada's Specific Claims Policy was amended on April 25, 1991, which included: the formation of an Indian Specific Claims Commission and the acceptance of pre-Confederation claims. There have been only 370 claims settled since 1973 and a small percentage of those claims have been settled through negotiations or resolved by courts. In 2007, a Specific Claims Action Plan was launched to alter the way Specific Claims are handled to improve and speed up the process. As a result of this action plan, a Specific Claims Tribunal Act came into effect in October, 2008.

There are four scenarios in which a First Nation can file a claim with the Tribunal if they choose to:

- if a claim has not been accepted for negotiation by Canada
- if Canada fails to meet the three-year time frame set out in the legislation for assessing claims
- at any stage in the negotiation process if all parties agree
- if three years of negotiations do not result in a final settlement.

There is also a limit on the award of compensation of $150 million per individual claim, nor can it award punitive damages, compensation for cultural or spiritual losses or non-financial compensation. Six Nations would also have to withdraw all claims submissions prior to 2008 and re-submit them with new evidence or allegations to be considered for the Tribunal.

Some Quick Facts on the History of Canada's Land Claim System:

- **1947** • It was recommended by the Special Joint Committee of the Senate and the House of Commons that a commission be set up to settle claims.
- **1973** • The "Specific Claims Policy" was developed by Canada as an alternative to litigation.
- **1979** • It was recommended that an independent body be created to resolve land claims. It was a conflict of interest to have the government involved in resolving land claims against itself.
- **1991** • An Indian Specific Claims Commission was established to provide mediation and conduct reviews dealing with rejected claims outside the courts.
- **1998** • It was recommended by a Joint First Nations/Canada Task Force on Specific Claims Policy reform to create an independent claims commission and tribunal to help resolve disputes.
- **2007** • June – It was proposed by the Federal Government that major reforms of the specific claims process be conducted, including a creation of an independent tribunal, faster processing of claims, and better access to mediation.
- **2008** • A Specific Claims Tribunal Act was developed between the Canadian Government and the AFN and introduced in the House of Commons and came into effect in October.

For more information: www.aadnc-aandc.gc.ca

C. Crown's Trusteeship (Fiduciary Responsibility of the Crown) & (Six Nations' Trust Funds Management)

Throughout Six Nations' history, the Crown had a responsibility to uphold various *Proclamations, Royal Instructions and Legislation* issued to manage and protect Six Nations' interests. Some of these documents also outline the requirements for the alienation of Indian lands, which were not followed or enforced. The requirements include items such as a descriptive plan to be signed, witnessed and attached to the surrender; an *Order-in-Council*, wherein the Crown formally accepted and sanctioned the surrender, was to be passed; and Six Nations were to publicly agree to these surrenders.

Crown Canada (Federal) has, since the late 1700's, held trust property on behalf of Six Nations. In order to provide a permanent means of economic support for Six Nations, any income earned for monies received from any sales or leases of land, royalties or fees under permits or licenses for gas extraction, gypsum mining and timber cutting, etc. was to be held by the Crown in trust to comprise returns on investments for Six Nations.

Crown Ontario (Provincial) has, since 1867 assumed ownership of all lands, mines, minerals and royalties being Province of Ontario. Six Nations by investigation and research have discovered numerous examples of improprieties and mismanagement by the governments for whose acts or omissions the Federal and Provincial governments are responsible.

Today, Six Nations have approximately 45,482.951 acres out of approximately 950,000 acres of land. As of December 31, 2014, the Trust Fund Account for Six Nations was $2,330,637.26. Since 1784, more than 900,000 acres of land have been lost. Other lands were leased out of economic necessity. Proceeds from the disposal of these lands together with other Six Nations properties, should have received a proper return on the investment of those proceeds and should have yielded a substantially larger sum of money in the trust accounts administered by the Crown than the amount referred to above. This demonstrates that the trust property has been substantially depleted.

D. Outstanding lawful Obligations (Six Nations' Claims Developed)

Some First Nations' grievances occurred back a century or more, while some are more recent. Under the terms of the *Indian Act*, between 1927 and 1951, First Nations were not able to hire lawyers to bring claims against the Crown without the Government's permission. Those provisions of the *Indian Act* were repealed and First Nations were then able to pursue their grievances against the Government.

If an outstanding lawful obligation is found and damages are owed, Crown Canada offers to negotiate a settlement with First Nations.

Under the prior system, the Government was the sole judge on the amount and type of award. Under the new system, Superior Court Judges decide on validity of claim and how much will be awarded. The awards have a limit and because of this limit, they are not deemed appropriate to Six Nations' Claims.

E. Six Nations' Claims (Basis & Allegations)

Six Nations' claims are based on *Canada's Specific Claims Policy* which discloses outstanding "lawful obligations" on the following breaches:

a) a failure to fulfil a legal obligation of the Crown* to provide lands or other assets under a treaty or another agreement between the First Nation and the Crown;

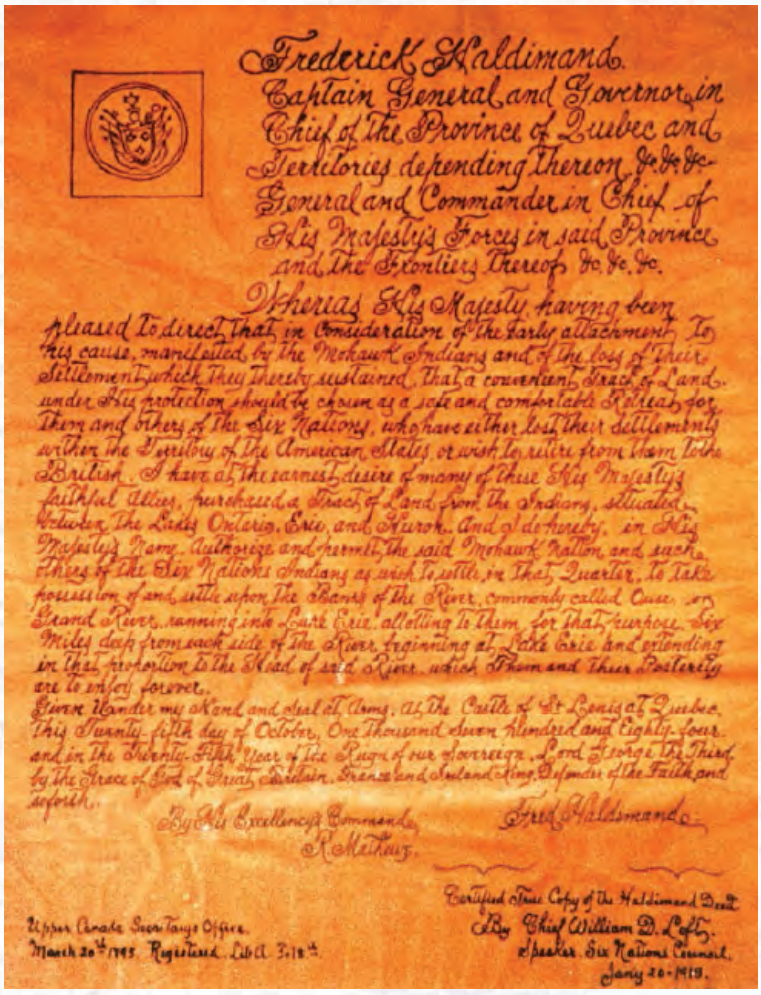
b) a breach of a legal obligation of the Crown* under the Indian Act or any other legislation pertaining to Indians or lands reserved for Indians of Canada or of a colony of Great Britain of which at least some portion now forms part of Canada;

c) a breach of a legal obligation arising from the Crown's provision or non-provision of reserve lands, including unilateral undertakings that give rise to a fiduciary obligation at law, or its administration of reserve lands, Indian moneys or other assets of the First Nation;

d) an illegal lease or disposition by the Crown of reserve lands;

e) a failure to provide adequate compensation for reserve lands taken or damaged by the Crown or any of its agencies under legal authority; or

f) fraud by employees or agents of the Crown in connection with the acquisition, leasing or disposition of reserve lands.



Frederick Haldimand.
Captain General and Governor in
Chief of the Province of Quebec and
Territories depending thereon &c. &c. &c.
General and Commander in Chief of
His Majesty's Forces in said Province
and the Frontiers Thereof &c. &c. &c.

Whereas His Majesty having been
pleased To direct That in Consideration of the early attachment To
his cause, manifested by the Mohawk Indians and of the loss of their
Settlement which They thereby sustained, That a convenient Tract of Land
under His protection should be chosen as a safe and comfortable Retreat for
Them and others of the Six Nations, who have either lost their Settlements
within the Territory of the American States, or wish to retire from them to the
British. I have at the earnest desire of many of those His Majesty's
faithful Allies, purchased a Tract of Land from the Indians, situated
between the Lakes Ontario, Erie, and Huron. And do hereby, in His
Majesty's Name, Authorize and permit the said Mohawk Nation, and such
Others of the Six Nations Indians as wish to settle in That Quarter, to take
possession of, and settle upon The Banks of the River, commonly called Ouse, or
Grand River, running into Lake Erie, allotting to them, for that purpose, Six
Miles deep from each side of the River, beginning at Lake Erie and extending
in that proportion to the Head of said River, which Them and Their Posterity
are to enjoy forever.
Given Under my Hand and Seal at Arms, At The Castle of St Lewis at Quebec
This Twenty-fifth day of October, One Thousand Seven Hundred and Eighty-Four
and in The Twenty-Fifth Year of The Reign of our Sovereign Lord George The Third
by the Grace of God of Great Britain, France and Ireland King Defender of the Faith and
so forth.

By His Excellency's Command,
R. Mathews.

Fred Haldimand.

Certified True Copy of The Haldimand Deed
By Chief William D. Loft.
Speaker Six Nations Council.
Jany 20-1919.

Upper Canada Secretarys Office.
March 20th 1795. Registered Lib C. 3. 12th.

The Crown had an obligation to fulfill the terms & conditions of the Haldimand Treaty of ***October 25, 1784***

The following is a list of the twenty-nine (29) land claims filed against the Crown seeking resolution (in date order):

1	Canadian National Railway Right-of-Way, Oneida Township - **settled**	Nov. 4, 1980
2	Innisfil Township - 900 acres	Jan. 21, 1982
3	East Hawkesbury Township - 4,000 acres	Oct. 18, 1984
4	Block #5, Moulton Township - 30,800 acres	Oct. 18, 1984
5	Hamilton-Port Dover Plank Road, Seneca & Oneida Townships	Jun. 18, 1987
6	Welland Canal (Feeder Dam) - 2,415.60 acres	Jan. 21, 1988
7	Block #6, Canborough Township - 19,000 acres &	Sep. 20, 1988
	Federal Government responsibility	Feb. 17, 1989
8	Johnson Settlement, Brantford Township - 7,000 acres	Jan. 19, 1989
9	Burtch Tract, Brantford Township - 5,223 acres	Apr. 20, 1989
10	Ordnance Reserve - Lots 25 & 26, Con. 4, Port Maitland, Dunn Township	Jul. 21, 1989
11	1841 Purported General Surrender	Sep. 28, 1989
12	Eagle's Nest Tract, Brantford Township - 1,800 acres	Sep. 28, 1989
13	Onondaga Township - Lots 10-14, Con. II, & Lots 6-15, Con. III - 2,000 acres	Mar. 15, 1990
14	Martin's Tract, Onondaga Township - 1,500 acres	Apr. 19, 1990
15	Oxbow Bend, Brantford Township - 1,200 acres	Jul. 19, 1990
16	Oneida Township	Sep. 20, 1990
17	Canadian National Railway Right-of-Way, River Range, Onondaga Township	Apr. 18, 1991
18	Cayuga Township South Side of the Grand River	Jun. 20, 1991
19	Grand River Navigation Company (Land Grants) - 368 7/10 acres	Apr. 16, 1992
20	Bed of the Grand River and Islands thereon	Jul. 16, 1992
21	Tow Path Lands	Oct. 19, 1992
22	Exploration of Oil & Natural Gas underlying the Six Nations Reserve	Jan. 21, 1993
23	Source of the Grand River	Apr. 2, 1993
24	Six Nations Investments in Custody of Coutts and Company	Aug. 19, 1993
25	Misappropriation of Six Nations Funds by Samuel P. Jarvis	Apr. 21, 1994
26	The Right to Hunt and Fish	Oct. 24, 1994
27	Compensation for Lands Included in Letters Patent No. 708 dated Nov. 5, 1851 Brantford Town Plot	Dec. 19, 1994
*28	Compensation for Lands Patented to Nathan Gage on February 25, 1840 Re: Brantford Town Plot	Feb. 27, 1995
*29	Compensation for Lands Included in Letters Patent No. 910 dated July 12, 1852 Re: Brantford Town Plot	May 18, 1995

***Six Nations formally submitted two additional claims in 1995. Canada refused to accept these two additional claims for review under their Specific Claims Policy.**

As of 1995, until present day, all of the above-noted claim files were closed by Aboriginal Affairs and Northern Development Canada (AANDC). This does not meand these claims are invalid or have been rejected. Nor does it mean that the list of claims is complete. There are many more potential claims that require additional research.

The following are brief summaries of the before mentioned claim submissions and are subject to change as additional research may be acquired:

1. Canadian National Railway Right-of-Way, Oneida Township - settled

The Hamilton and Lake Erie Railway was incorporated on December 24, 1869, by *An Act to authorize the construction of a Railway from some point in the City of Hamilton to Caledonia*, which reads "the said company hereby incorporated… shall have full power under this Act to construct a railway…with full power to acquire the necessary lands for that purpose." On October 7, 1871, James Turner advised Joseph Howe that "in completing survey of line…serious damage will be done to a large number of farms in the Township of Oneida…which would be avoided were the line run a little to the westward…between the Indian Reserve and the rest of the township." During a Council Meeting on March 7, 1872, "the Speaker rose and said in reference to the proposed right of way, it is unecessary to have a Meeting, as the Council w^{d} not consent to grant it." Then on September 23, 1873, "there will be no necessity to take a Surrender from the Indians of those lands as the Law authorizes a Railway Company to take all lands required for the purposes of the Railway."

The minutes of the Board of the Hamilton and Lake Erie Railway Company meeting, of March 22, 1875, are as follows:

> "The President explained that he had attended the Conference with the Chiefs of the Six Nation Indians & had succeeded in obtaining a Grant of the Right of Way through their Land on consideration of the Company issuing Half fare tickets to the Indians for all time to come. Thereafter, to the motion of Mr Copp, seconded by Mr Williams, it was unanimously Resolved, "That in consideration of the Land required for the purposes of this Company for their Right of Way and Station Grounds in the Indian Reserve Lands in the Township of Oneida in the County of Haldimand, being granted to this Company, The Company Do Grant to all adult Indians of the Six Nations residing upon the Indian Reserve in the Counties of Haldimand and Brant, for all time to come, the privilege of being carried as Passengers from any Station to any other Station on the Line of the Railway of the Company, lying between the waters of Burlington Bay and the waters of Lake Erie by any of the ordinary Passenger Trains of the Company, at one half the usual & ordinary rate of fare for Passengers, & that an Agreement embodying the terms of this resolution be executed by the Company."

This offer was accepted by the Council on April 2, 1875, as recorded in the following minutes:

> "The Speaker rose, and reported the decision of The Council, that the right of way through the Township of Oneida, according to the plan of Survey produced, be granted to the Hamilton and Lake Erie Railway Company free of any charge, in consideration of passing members of the Six Nations over said Railway at half rates for all time to come."

However, through a letter of August 14, 1875, "the condition proposed by the C^{o}. that they will carry members of the Six Nation Indian Community at half fare over the road, cannot be entertained. Any land required for a right of way by the C^{o}. must be paid for in the usual way & as regulated by the 25th Sec. of Act 31 Vic., Cap. 42."

In 1895, "the area of land originally taken for Right of Way is shown in the correspondence of record to have been 89.12 acres, valued at \$16^{00} per acre = \$1,425.92." Demands were made to obtain payment, but were ignored by the railway company.

In 1903, the Grand Trunk Railway Company, which had taken over the previous railway companies, required a small portion of Reserve land to build a siding. This activated the Indian Department to press for payment, and after threatening court action, the Company forwarded to the Secretary, Department of Indian Affairs, a Voucher on February 24, 1904, for the sum of \$2,287.16, being the original valuation computed with interest. This was placed to the credit of the Six Nations on March 24, 1904. On June 24, 1904, Letters Patent No. 13856 was issued to the Grand Trunk Railway Company conveying the land to the Company.

This land, being part of the Six Nations Reserve, was never surrendered to the Crown. On November 4, 1980, Six Nations Council filed a claim with the Minister of Indian Affairs for the unauthorized taking of reserve land.

The Government established a specific claims policy, where a claimant band could establish that their reserve lands were never lawfully surrendered, or otherwise taken without legal authority. The band shall be compensated either by the return of those lands or by payment of the current, unimproved value of the lands. In any settlement of specific native claims, the Government will take third party interests into account. As a general rule, the Government will not accept any settlement which will lead to third parties being dispossessed.

On June 8, 1983, the Minister accepted Six Nations claim as eligible for negotiation in accordance with the provisions of the Government's specific claims policy.

In December, 1984, the Six Nations Council reached a tentative agreement with the Federal Government for the unauthorized transfer of the land, being used by the Canadian National Railway, running along the Eastern limit of the reserve. Consequently, it became necessary to arrive at a monetary value of the claim. After prolonged negotiations an amount of $610,000.00 was agreed upon. However, rather than take a cash settlement, the Six Nations Band Council has taken options on three (3) parcels of land, the value of which, together with expenses incurred amounts to the total agreed upon.

Terms of Settlement

In January, 1985, and under the terms of proposed settlement, Canada agreed to complete the purchase of and set aside land as an addition to the Six Nations Reserve No. 40.

The Six Nations Band Council will also have the first chance to purchase the said railway lands if they are no longer used for railway purposes and are re-acquired by Canada. Furthermore, nothing in this claim settlement shall affect any rights the band may have in any other lands except the described railway lands.

A survey of the lands were undertaken and the Six Nations Band Council therefore called for a surrender vote, under Section 39 of the Indian Act, of the Band's interest in the railway lands consisting of 80.616 acres upon the condition of having the 259.171 acres added to the Six Nations Reserve.

On November 2, 1985, a referendum was held with the results in favour. However, a majority of the electors did not vote, thus a second referendum was held on December 7, 1985, accepting the terms and conditions of the Railway Land Claim Settlement Agreement.

By an Order-in-Council P.C. 1987-687, dated April 2, 1987, the 259.171 acres were added to the Six Nations Indian Reserve No. 40. (See Map: Lands acquired for Six Nations).

CNR Settlement lands
located in Onondaga Township

2. Innisfil Township [Simcoe County, W. of Lake Simcoe & Cooks Bay] – 900 acres

3. East Hawkesbury Township [Prescott & Russell County, S. of Ottawa River] – 4,000 acres

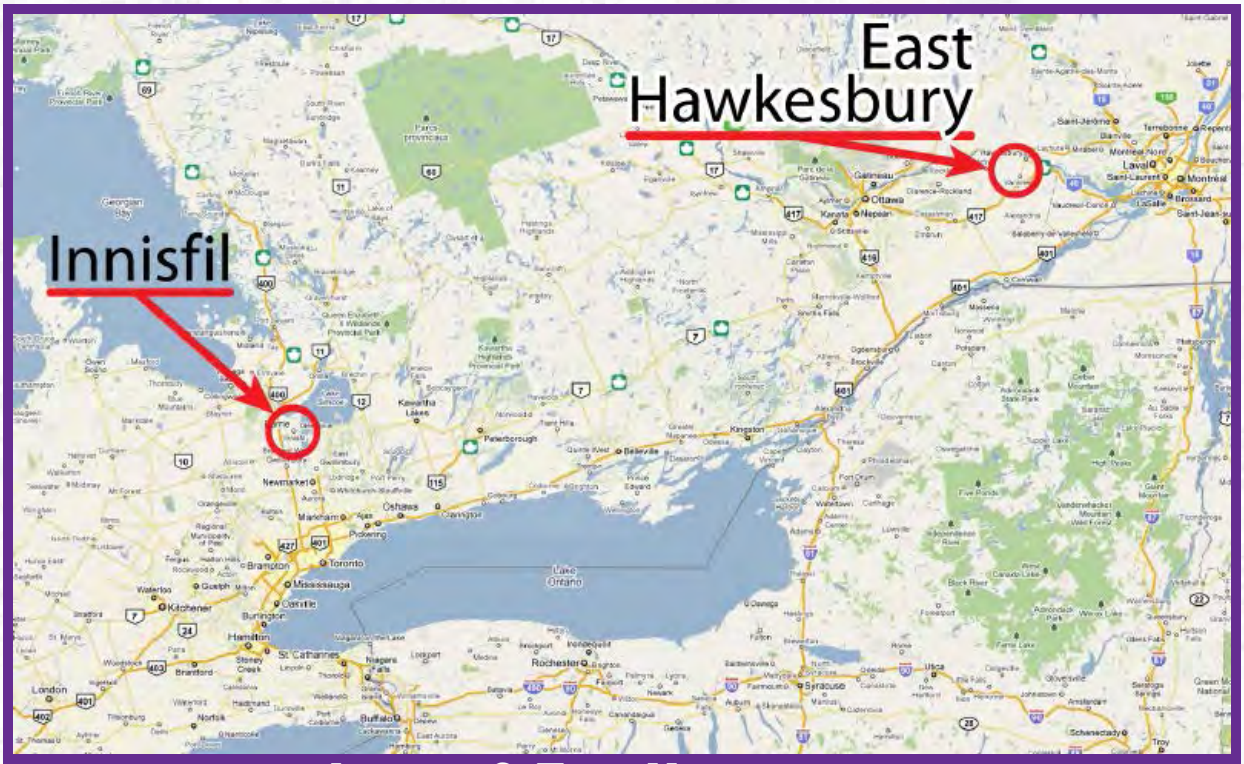
Colonel William Claus throughout his career was a Crown appointed official with many titles; below is a list that shows his dual acting Government appointed positions acting on behalf and for the benefit of Six Nations and the Government of the day:

Deputy Superintendent of Six Nations	Oct. 1796 to 1826
Six Nations Trustee	Feb. 5, 1798 to Nov. 11, 1826
Deputy Superintendent General of Indian Affairs & Deputy Inspector General of Indian Affairs	Sept. 30, 1800 to Nov. 11, 1826
Member of Executive Council	Feb.1818 to Sept. 1824
Member of Legislative Council	Feb.1812 to Nov.12, 1826

The Executive Council of Upper Canada reported on the history and present state of the trusts accounts created for Six Nations on May 14, 1830. This Executive Council could not ascertain how the trust accounts were managed for Six Nations by Colonel William Claus. It was reported, that upon the death of Colonel Claus, his son, John Claus was confirmed as the solicitation in the appointment of Trustee by the late Lieutenant Governor Sir Peregrine Maitland. The Executive Council recommended further investigation into the trust accounts.

James Givins, Chief Superintendent of Indian Affairs, in a letter dated December 31, 1830, reported that the Lieutenant Governor had been authorized by John Claus to liquidate the debt of about £5,000, which Colonel William Claus owed to Six Nations, by appropriating the whole of his Estate to Six Nations.

By three separate surrenders all dated June 6, 1831, John Claus (Colonel William Claus' son) conveyed 900 acres in Innisfil Township and 2,800 acres in East Hawkesbury Township to Six Nations, and Catherine Claus (Colonel William Claus' widow) conveyed 1,200 acres in East Hawkesbury Township to Six Nations.



Innisfil & East Hawkesbury

On September 23, 1831, Bernard Turquand, Accountant, under the intimation of the Lieutenant Governor, issued a statement on the financial affairs of Six Nations. Turquand found that the sum of at least £5,641.1.4 ½ (provincial currency) could not be accounted for by John Claus and charged the same to the estate of the late Colonel William Claus.

Between 1840 and 1860, the Innisfil Township lands were sold and between 1847 and 1878, the East Hawkesbury lands were sold.

On November 7, 1851, J.S. Macdonald, Solicitor General, advised Lieutenant Colonel R. Bruce, Superintendent General of Indian Affairs, that he was acting as defense for the parties in East Hawkesbury and Innisfil Townships in the action to have the parties ejected from the lands which they had acquired from the Indian Department. The action had been brought forward by Mr. and Mrs. Dickson of Niagara.

Solicitor General Macdonald advised that it had been agreed upon by the plaintiff's attorney and himself, that one of the actions would be tried and if the judgment was in the plaintiff's favor, such judgment would determine the whole and the plaintiff would be at liberty to take possession of all the lands, as if judgment had been obtained in all the actions, unless a satisfactory arrangement could be made with the Department within four months after such final judgment.

In 1852, the Court of Upper Canada, Queen's Bench, held in a test case (Dickson v. Gross) that the title of one of the purchasers to a part of the Innisfil lands was defective because John Claus did not have proper title in 1831 in order to be able to convey the lands to Six Nations. The Court held that such title had resided in the William Claus Estate and not in John Claus personally.

On January 20, 1853, Alexander Stewart, at the request of Six Nations, advised the Honourable Colonel Bruce, Superintendent General of Indian Affairs, that Six Nations objected to any payment being made out of their funds to the heirs and devisees of Colonel William Claus.

On February 7, 1853, a Committee of the Executive Council of Canada reported to the Governor General that in regard to the action brought by Walter Dickson, representative of several heirs of Colonel William Claus, judgment had been given in favor of the plaintiff Dickson.

The Committee thought that by reaching a compromise with Colonel William Claus heirs' and devisees' claim to the lands in Innisfil and East Hawkesbury Townships, by perfecting the title of the Crown for Six Nations that the best interests of Six Nations had been taken into consideration. The Committee also thought that the direction pursued had enabled the Indian Department to settle the various and complex claims that would have been presented against them for a less sum than if any other course had been followed.

From 1831 to 1851, Six Nations Trust Funds were used to pay land taxes on the Innisfil and East Hawkesbury lands.

From 1847 to 1921, sums were paid out of the Six Nations Trust Funds: Costs of the 1852 Court Action awarded against the defendants, other expenses of the defendants, and £5,000 to release any interests which the Colonel Claus Estate might have in the Innisfil and East Hawkesbury lands.

Allegations

There is no lawful surrender from Six Nations to the Crown for the sale of Six Nations lands in Innisfil and East Hawkesbury Townships.

Six Nations is not liable to pay land taxes on Indian lands. Six Nations is entitled to be reimbursed with interest the sums paid for land taxes from 1831 to 1851 on the Innisfil and East Hawkesbury lands and should receive full and fair compensation.

As Six Nations is not liable for matters resulting from the incompetence of Crown Officials, Six Nations should be reimbursed with interest the sums paid to obtain lawful title to the Innisfil and East Hawkesbury lands.

4. Block No. 5, Moulton Township - 30,800 acres

Joseph Brant's Power of Attorney of November 2, 1796 did not authorize the purported surrender of Block No. 5.

Nevertheless, on February 5, 1798, a major part of Block No. 5 consisting of approximately 30,800 acres was purportedly surrendered and patented to William Jarvis for a security of £5,775 (provincial currency).

On June 24, 1803, the Executive Council of Upper Canada reported that William Jarvis had not executed security for the payment of Block No. 5. The Executive Council conceived that Mr. Jarvis could not pay for the block and recommended that the Six Nations instruct their Trustees accept a release from Mr. Jarvis. On Mr. Jarvis' release of Block No. 5 the Executive Council advised that it would return the land to Six Nations.

Six Nations meeting in Council on August 17, 1803, agreed that William Jarvis had not complied with his contract for Block No. 5 and the block should revert back to Six Nations.

In May, 1807, William Claus, Deputy Superintendent General of Indian Affairs, reported to Six Nations that Lord Thomas Douglas, Earl of Selkirk was named the new purchaser of Block No. 5 and paid £600 of the purchase money to William Jarvis (being the amount Jarvis had paid). The £600 was to be deducted from Lord Selkirk's security price.

On January 15, 1808, Lord Thomas Douglas, Earl of Selkirk executed a mortgage wherein Earl of Selkirk agreed to pay £3,475 with 6% interest for Block No. 5. No terms are listed on this document. By 1836, the mortgage went into default.

By letter of October 16, 1909, Henry T. Ross, Assistant Deputy Minister of Finance, advised E.L. Newcombe, Deputy Minister of Justice, that nothing had been paid on Block No. 5 since the February 1853 payment of £400.

On November 19, 1993, John Sinclair, Assistant Deputy Minister, Claims & Indian Government, Indian and Northern Affairs, advised Chief Steve Williams of Six Nations, that Canada acknowledged it had breached a lawful obligation to Six Nations in relation to its administration of Indian funds or other assets by failing to enforce the Earl of Selkirk mortgage when the mortgage went into default in 1836.

Block 5, Moulton Township

Allegations

Block No. 5 was not lawfully surrendered.

Although Six Nations requested the return of Block No. 5 (Moulton Township) consisting of 30,800 acres it was never returned.

The Crown has not shown that all of the principal and interest owing from Block No. 5 was credited to the Six Nations Trust Fund Accounts.

The Crown has not shown that the mortgage for Block No. 5 was actually discharged.

5. Hamilton-Port Dover Plank Road, Seneca and Oneida Townships

From 1763 to 1982, Regulations, Instructions and Constitutional Rules pertaining to the alienation or dispossession of Indian lands were issued by the Crown. Subsequently, these Laws were not administered by the Government when dealing with Indian Lands.

On March 6, 1834, *An Act to authorize the construction of a Road from Hamilton, in the Gore District, to Port Dover in the London District* was passed. In accordance with this Act, the Commissioner was to empower to contract for a surrender of the land from persons who occupy, held possession of or interest in any of the Lands for the said new Road or Highway. Damages were also to be paid to the Claimant.

On January 16, 1835, Six Nations in Council, advised that they would permit leases for half a mile on each side of the Hamilton Swamp Road (Hamilton-Port Dover Plank Road).

On May 1, 1845, J.M. Higginson (Civil Secretary) reported to David Thorburn, Special Commissioner, that the land to the extent of half a mile in depth on either side of the Hamilton-Port Dover Plank Road was purportedly surrendered to the Crown in 1835 to enable the Lieutenant Governor, to grant leases of 21 years.

From approximately 1837 to 1953, the Crown sold lands, and letters patent were issued for the lands approximately half a mile on each side of the Hamilton-Port Dover Plank Road.

Allegations

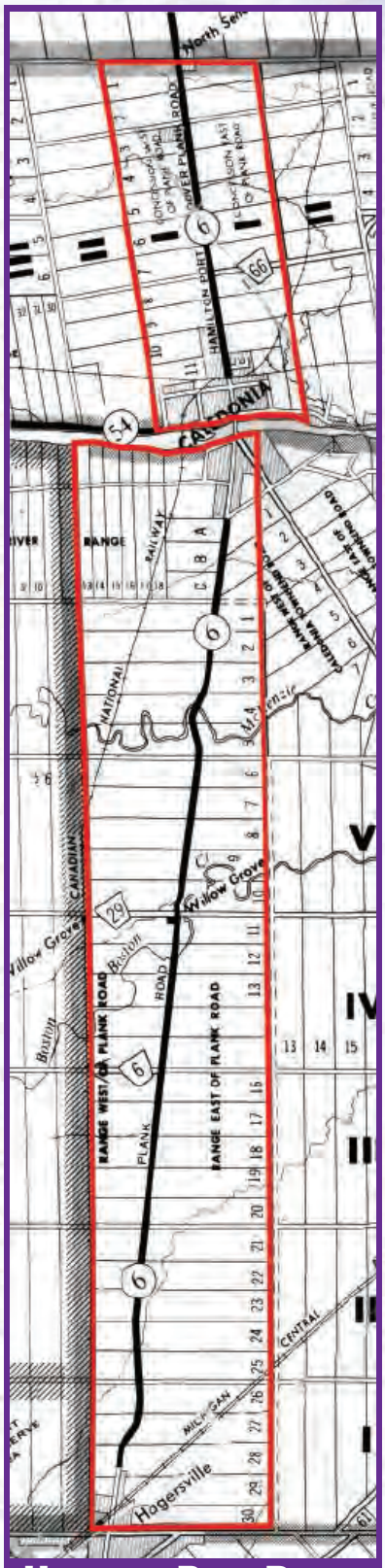
The Hamilton-Port Dover Plank Road which later became Highway 6 is located in the Townships of Oneida and Seneca. The lands used to construct the Hamilton-Port Dover Plank Road and the tier of lots on each side of the road consists of approximately 10,406.527 acres (deed plotted); 1,946.340 acres are in Seneca Township and 8,460.187 acres are in Oneida Township, including the Town plot of Caledonia.

There is no lawful surrender from Six Nations to the Crown for the lands taken for use of a road being the Hamilton-Port Dover Plank Road, or for the tier of lots on each side of the road.

Six Nations were deprived of continual rental revenues for the land and royalty revenues on the mineral resources there under or within the tier of lots on each side of the Hamilton-Port Dover Plank Road.

Six Nations never received compensation for the lands used to construct the Hamilton-Port Dover Plank Road, nor did they receive full and fair compensation for the tier of lots on each side of the road.

The Crown has not shown that all the purported sums paid on the tier of lots on each side of the Hamilton-Port Dover Plank Road were credited to the Six Nations Trust Fund Accounts.



Hamilton-Port Dover Plank Road

6. Welland Canal (Feeder Dam) – 2,415.60 acres

By Statute of January 19, 1824, the Welland Canal Company was incorporated to construct the Welland Canal. The statute provided that Six Nations was to be compensated if any part of the Welland Canal passed through Six Nations lands or if damage to the property or possessions of Six Nations was determined.

By Statute of June 9, 1846, the works of the Welland Canal were vested in the Province of Canada, with provision made for the determination of any unsettled claim for property taken, or for direct or consequential damages to property arising from the construction of public works including the Welland Canal.

By memorandum of November 2, 1883, J.H. Pope, Acting Minister of Railways & Canals, reported that lands in Dunn and Cayuga Townships had been submerged by the waters of the Welland Canal due to the construction of the Dunnville Dam which was raised to the height of five feet in 1829, one foot higher in 1830 and to its full height in 1835. Pope reported that in the years 1833, 1836, 1837, 1838 and 1849 compensation for damages to land improvements on 290 acres had been made to individual Indians, but no compensation was paid for the drowned land itself.

On January 27, 1890, the Deputy Minister of Justice was directed to submit to the Exchequer Court of Canada, Six Nations claim to the lands flooded by the Welland Canal.

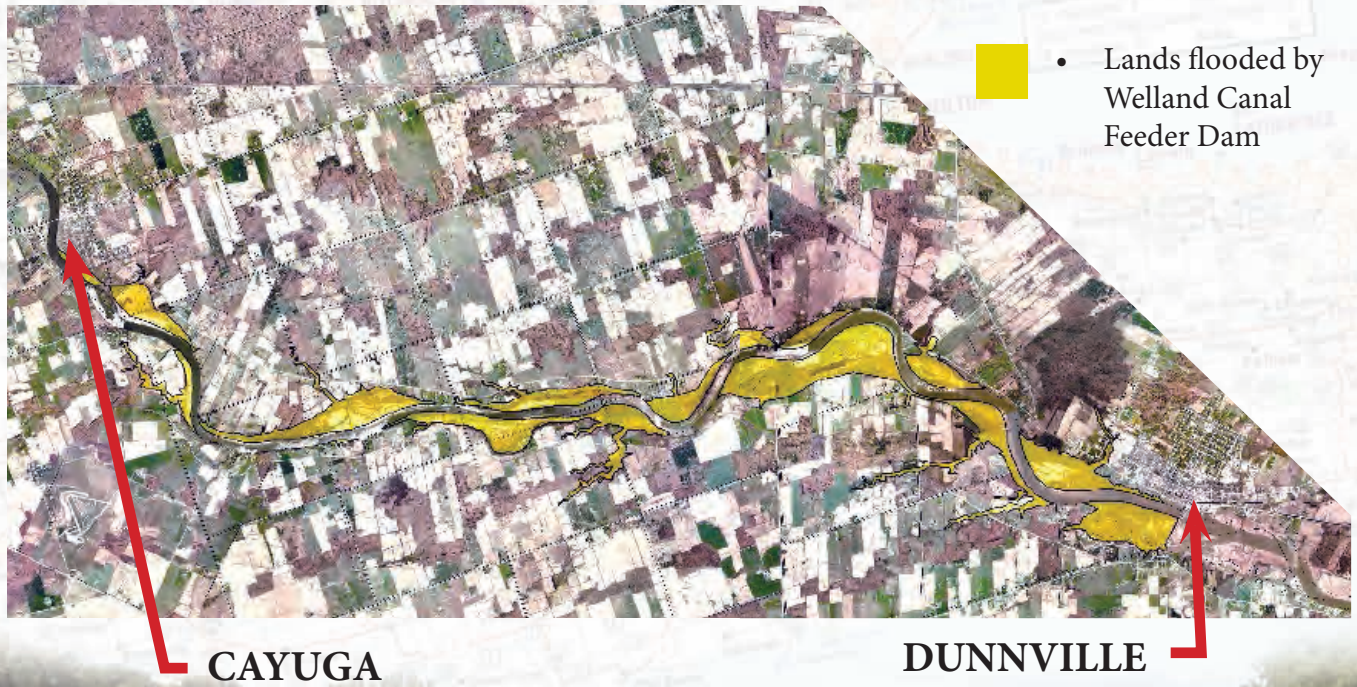
On February 7, 1890, Six Nations claim to the lands flooded by the Welland Canal was filed with the Exchequer Court of Canada. On October 7, 1987, Robert Biljan, Administrator, Federal Court of Canada, advised that the claim had been filed, but never placed before the Court.

The lands flooded by the Welland Canal also formed part of the court action taken by Six Nations on January 12, 1943.

On May 13, 1994, John Sinclair, Assistant Deputy Minister, Claims & Indian Government, Indian and Northern Affairs, advised Chief Steve Williams, that Canada had a lawful obligation for the Welland Canal Company's failure to compensate Six Nations for the loss of 2,415.60 acres of Six Nations reserve land due to flooding.

Allegations

Six Nations is entitled to full and fair compensation for 2,415.60 acres of land flooded by the Welland Canal Company.



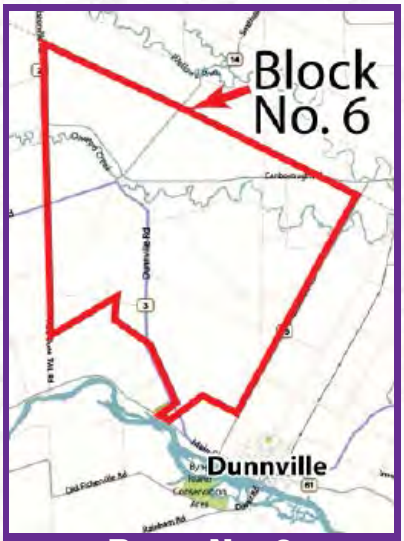
7. Block No. 6, Canborough Township – 19, 000 acres

Joseph Brant's Power of Attorney of November 2, 1796, did not authorize the purported surrender of Block No. 6.

Nevertheless, on February 5, 1798, part of Block No. 6 consisting of approximately 19,000 acres was purportedly surrendered and patented to Benjamin Canby for security of £5,000 (provincial currency).

On May 14, 1830, the Executive Council of Upper Canada reported that contrary to the express injunction of the Government, Benjamin Canby surreptitiously obtained the letters patent for Block No. 6 without having given the required security. The Executive Council recommended that a reference be made to the Crown Law Officers to ascertain if the Crown's letters patent accepted by Canby constituted a legal encumbrance on the Estate.

On January 30, 1843, Samuel P. Jarvis, Chief Superintendent of Indian Affairs, reported to the Commissioners on Indian Affairs, that nothing had been done on Block No. 6 since the Executive Council of Upper Canada's recommendation of May 14, 1830. Jarvis recommended that the Government take immediate steps to repeal the letters patent of Benjamin Canby unless his heirs complied with the terms of the grant and paid all the arrears of interest which had not been paid, for about forty years. Jarvis stated that the unpaid interest for forty years amounted to £12,000 and the principal was £5,000.



Block No. 6

Allegations

The Crown has not shown that all of the principal and interest owing from Block No. 6 was credited to the Six Nations Trust Fund Accounts.

The Crown has not shown that a mortgage for Block No. 6 was ever executed.

8. Johnson Settlement, Brantford Township – 7,000 acres

By Order-in-Council of October 4, 1843, the Crown acknowledged that the lands which comprised the Johnson Settlement tract, some 7,000 acres and other lands were reserved out of the lands purportedly to be surrendered for disposition to the Crown under the January 18, 1841 document. Six Nations had indicated their consent that these lands would be let on short leases.

Nevertheless, the Crown subsequently sold these lands and all of the proceeds from the sales were not paid to Six Nations. Six Nations have never consented to an absolute surrender of these lands.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

Six Nations were deprived of continual rental revenues by the Crown's sale of the lands in the Johnson Settlement. Six Nations did not receive full and fair compensation for the lands sold.

The Crown has not shown that all the purported sums paid were credited to the Six Nations Trust Fund Accounts.

9. Burtch Tract, Brantford Township – 5,223 acres

By a Report of a Committee of the Executive Council of Canada of August 3, 1843, approved by the Governor General on October 4, 1843, the Committee recommended that the following lands be considered and reserved for Six Nations:

- all the lands on the south side of the Grand River, excepting a tier of lots on each side of the Plank Road leading from Hamilton to Port Dover (a distance of more than twenty miles and containing approximately 55,000 acres) and lands lying between the Township of Cayuga and Burtch's Landing;
- All Six Nations members who are at present residing on the north side of the Grand River may remain to enjoy their improvements;
- a lot at Tuscarora on which a church was built;
- any further lands which the Six Nations wished to retain, the Committee also stated that it had no objection to leasing the Johnson Settlement and the other small tracts on short leases as mentioned in Six Nations Petition of June 24, 1843, and;
- in 1844, the lands forming the Burtch Tract were designated as being in the Township of Tuscarora and in 1846, the boundary line was changed making the Burtch Tract lands to form part of the Township of Brantford.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consisted of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations, nor for any portion of the lands not so reserved.

The Crown has not shown that all the purported sums paid were credited to the Six Nations Trust Fund accounts.

10. Ordnance Reserve, Lots 25 and 26, Concession 4, Port Maitland, Dunn Township

Lots 25 and 26, Concession 4, Dunn Township, containing approximately 75 acres, forms part of the lands in the Town of Port Maitland.

Lots 25 and 26, Concession 4, Dunn Township, at one point, was known as an Ordnance Reserve, and today is where the Town of Port Maitland stands.

In 1840, the Crown took possession of Lots 25 and 26, Concession 4, Dunn Township for "military purposes."

By Statute of February 10, 1840, the Crown was empowered to purchase or lease lands for military works provided proper compensation was made. The Statute provided that when land could not be obtained by consent, the Military could take possession of lands if first certified by the Commander of Her Majesty's Forces or if there was an enemy invasion.

From 1917 to 1940 the Crown issued free letters patent for parts of Lots 25 and 26, Concession 4, Dunn Township and some lands are unpatented to this day.

Allegations

Six Nations did not receive compensation for Lots 25 and 26, Concession 4, Dunn Township, containing approximately 75 acres.

11. 1841 Purported General Surrender

Throughout the late 1830's, Six Nations regularly made complaints to the Crown regarding the squatters who were unlawfully using the unsurrendered Six Nations tract and subsequently requested action be taken for their removal.

On January 5, 1841, Samuel P. Jarvis, Superintendent General of Indian Affairs, advised by letter to John Smoke Johnson, Peter Green, Peter Fishcarrier, Thomas Echo and others forming the deputation of Mohawk Chiefs, that the Lieutenant Governor was of the opinion that the only solution to prevent unlawful white settlement on their lands was for Six Nations to surrender their lands to the Government for disposition, with the exception of portions which Six Nations wished to retain for their own use. The Lieutenant Governor recommended that Six Nations adopt this course of action and asked Six Nations to immediately choose a tract for their future residence.

Samuel P. Jarvis wrote another letter on January 15, 1841 to the Chiefs of Six Nations; as it appeared, his letter of January 5, 1841 had been misinterpreted by Six Nations. Mr. Jarvis stated that by Six Nations disposing of all their lands, with the exception of those parts which they choose to occupy, their income would immediately be increased. Mr. Jarvis advised that the Government had no intention of removing any individual Indians from the lands they presently occupied. In all cases, removal would be voluntary. Mr. Jarvis stated that he would not recommend, nor would the Government approve, the removal of upwards of 2,000 white settlers from Six Nations lands. Mr. Jarvis recommended that Six Nations approve of the Government disposing, either by lease or otherwise, all their lands which could be made available with the exception of the farms at present in their actual occupation and cultivation and of 20,000 acres as a further reservation. The selection of the reservation was to be deferred until after a general survey of the tract when the position most advantageous to Six Nations could be more judiciously selected.

Then on January 18, 1841, a small deputation of Six Nations considered the proposal made by the Government, per letters of January 5 and 15, 1841. This document expressly excludes the lands known as Johnson Settlement and is signed by Moses Walker, John S. Johnson, Skanawate, Karokarentini, John Whitecoat and Peter Green, and witnessed by Jacob Martin, James Winniett and John W. Gwynne. This document and the letters of January 5 and 15, 1841, were registered in the Provincial Registrar's Office on November 1, 1844. A sketch or plan was not submitted to Six Nations showing precisely what lands were at issue; and in fact, none of the procedures that were required for the legal alienation of Indian lands were followed, nor were they attempted to be followed.

Soon after on February 4, 1841, Six Nations petitioned the Governor General against the alleged surrender. No authority was granted by Six Nations to sign such a document and the whole procedure was rushed by Mr. Jarvis so that many of the Chiefs never even knew what was being contemplated. This petition was signed by 51 Six Nations Chiefs and Warriors.

Six Nations once again petitioned Lord Charles Baron Sydenham, Governor General of British North America, on July 7, 1841 to disallow this purported surrender. The Chiefs stated that Mr. Jarvis intimidated those Indians into signing the document and they were not Chiefs.

Allegations

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations. The Royal Instructions and laws for the legal alienation of Indian lands were not followed.

There is no Order-in-Council approving of or accepting the purported surrender and no required plan or sketch was produced then or has been produced since, which specifically identifies what, if any, lands are effected.

Promises and conditions made in the January, 1841, meetings have never been fulfilled and the Crown breached their fiduciary trust to the Six Nations.

12. Eagles Nest Tract, Brantford Township – 1,800 acres

By Order-in-Council of October 4, 1843, the Crown acknowledged that the lands which comprised the Eagles Nest Tract, some 1,800 acres and other lands were reserved out of the lands purportedly to be surrendered for disposition to the Crown under the January 18, 1841 document. Six Nations had indicated their consent that these lands would be let on short leases. Nevertheless, the Crown subsequently sold these lands and all of the proceeds from the sales were not paid to the Six Nations. Six Nations have never consented to an absolute surrender of these lands.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

Six Nations were deprived of continual rental revenues by the sale of the lands in the Eagles Nest Tract to be reserved for leasing purposes. Six Nations did not receive full and fair compensation for the lands sold.

The Crown has not shown that all the purported sums paid were credited to the Six Nations Trust Fund Accounts.

13. Onondaga Township: Lots 10 - 14, Conc. II & Lots 6 - 15, Conc. III – 2,000 acres

In a petition dated June 24, 1843, the Chiefs of Six Nations reserved for their future residence all the lands on the south side of the Grand River lying between the Township of Cayuga and Burtch's Landing except a tier of lots on each side of a contemplated Plank Road and on the north side of the Grand River, including Onondaga Township lands presently occupied by members of Six Nations.

In a report of the Committee of the Executive Council of Canada of August 3, 1843, the Committee recommended that lands on the north side of the Grand River resided upon and improved by members of Six Nations (Onondaga Township) not be considered within the purported surrender and be reserved for Six Nations.

Subsequently the Order-in-Council dated October 4, 1843, acceded to the request by Six Nations to have the lands as petitioned for on the north side of the River reserved for them in Onondaga Township.

On December 13 & 18, 1844, Six Nations reaffirm their wish to retain 3,600 acres in Onondaga Township.

Once again on January 20, 1845, Six Nations confirm their wish to retain 3,600 acres in Onondaga Township. David Thorburn, Special Commissioner, reports that if 3,600 acres are reserved on the north side, an equal amount shall be deducted from the General Reserve on the south side.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

Lots 10-14, Concession II and Lots 6-15, Concession III in the Township of Onondaga were to form a part of the area to be reserved for the Six Nations Indians.

These lands were never included in the purported surrender of 1841. There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

14. Martin's Tract, Onondaga Township – 1,500 acres

In a petition dated June 24, 1843, the Chiefs of Six Nations reserved for their future residence all the lands on the south side of the Grand River lying between the Township of Cayuga and Burtch's Landing except a tier of lots on each side of a contemplated Plank Road and on the north side of the Grand River, lands presently occupied by the members of Six Nations. Six Nations also reserved the unoccupied lands in the Martin Settlement may be let at short leasing purposes.

Order-in-Council dated October 4, 1843, confirms the leasing for short term periods, the area identified as the Martin Tract.

Mr. David Thorburn, Special Commissioner for Six Nations, enclosed the results of Six Nations Council meeting of November 9, 1844, wherein they unequivocally state that they wanted the Martin Tract let on short term leases, which affirms their desire throughout the years.

Subsequently, on April 1, 1848, Sheriff, E. Cartwright Thomas, reports that squatters on Indian lands, through Government inducements for them to reside, will have their interests protected.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

The Martin Tract in Onondaga Township was a part of the land set aside for the Six Nations of the Grand River Indians.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

Six Nations were deprived of continual rental revenues by the sale of the lands in the Martin Tract that were to be reserved for leasing purposes. Six Nations did not receive full and fair compensation for the lands sold.

The Crown is specifically and lawfully responsible for the Six Nations of the Grand River Indians and for the 1,500 acres at issue and has not shown that all the purported sums paid were credited to the Six Nations Trust Fund Accounts.

15. Oxbow Bend, Brantford Township – 1,200 acres

In a petition dated June 24, 1843, the Chiefs of Six Nations reserved for their future residence all the lands on the south side of the Grand River lying between the Township of Cayuga and Burtch's Landing except a tier of lots on each side of a contemplated Plank Road and on the north side of the Grand River, lands presently occupied by the members of Six Nations. Six Nations also reserved the Oxbow Bend for the purpose of short term leases.

Order-in-Council dated October 4, 1843, confirms the leasing for short term periods, the area identified as the Oxbow Bend.

Mr. David Thorburn, Special Commissioner for Six Nations, enclosed the results of Six Nations Council meetings wherein they unequivocally state that they wanted Oxbow Bend let on short term leases, which affirms their desire throughout the years.

Subsequently, on April 1, 1848, Sheriff, E. Cartwright Thomas, reports that squatters on Indian lands, through Government inducements for them to reside, will have their interests protected.

Allegations

In or about 1843, the Crown reserved specific lands for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

The Oxbow Bend, Brantford Township, was a part of the land set aside for the Six Nations of the Grand River Indians.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

Six Nations were deprived of continual rental revenues by the sale of the lands in the Oxbow Bend that were to be reserved for leasing purposes. Six Nations did not receive full and fair compensation for the lands sold.

The Crown is specifically and lawfully responsible for the Six Nations of the Grand River Indians and for the 1,200 acres at issue and has not shown that all the purported sums paid were credited to the Six Nations Trust Fund Accounts.

16. Oneida Township

In a petition dated June 24, 1843, the Chiefs of Six Nations reserved for their future residence all the lands on the south side of the Grand River lying between the Township of Cayuga and Burtch's Landing (includes Oneida Township).

Order-in-Council dated October 4, 1843, is passed acceding to the lands as petitioned by Six Nations on the south side of the Grand River as being reserved for them. Thus, Oneida Township being on the south side of the Grand River and lying between Burtch's Landing and Cayuga is considered as not having been surrendered, but reserved.

A Public Notice is then issued on March 28, 1844, relative to Six Nations lands stating that the lands on the south side of the Grand River between the Townships of Brantford and Cayuga, with the exception of one Concession on either side of the Plank Road, between the Caledonia Bridge and the Southern limits of the Indian lands, are set apart for the exclusive occupation of the Six Nations Indians.

Subsequently, on May 16, 1844, Samuel P. Jarvis, Chief Superintendent of Indian Affairs, reports on the petition by Mr. Robert Russell Bown on behalf of the squatters. Mr. Jarvis states that the lands from Burtch's Landing to Cayuga are reserved for the Indians by an Order-in-Council of October 4, 1843, cannot be disposed of in fee simple without obtaining the consent of the Indians.

Allegations

By Order-in-Council of 1843, the Township of Oneida was to form a part of the area the Crown reserved specific for Six Nations and as of 1995 the Six Nations Reserve consists of approximately 45,482.951 acres, being only a small portion of the lands said to be reserved for Six Nations.

The Township of Oneida on the south side of the Grand River is a portion of the Six Nations Tract that was never included in the purported surrender of 1841.

There is no lawful surrender from Six Nations to the Crown for the sale of any portion of the lands reserved for Six Nations.

Six Nations were deprived of continual rental revenues by the sale of the lands in the Oneida Township that were to be reserved for leasing purposes. Six Nations did not receive full and fair compensation for the lands sold.

The Crown is specifically and lawfully responsible for the Six Nations of the Grand River Indians and for the lands at issue and has not shown that all the purported sums paid were credited to the Six Nations Trust Fund Accounts.

17. Canadian National Railway Right-of-Way, Lots 45-61 River Range, Onondaga Township

On August 10, 1850, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada* was amended to include Rail-Roads or Tram Roads. Also on this date, *An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury* was sanctioned.

A Proclamation was issued on November 8, 1850, reserving certain lands in Onondaga Township being River Lots 45-61, Con. 3 in its entirety for the use and benefit of the Six Nations Indians exclusively.

On November 25, 1851, Directors of the Brantford & Buffalo Rail-Road Company requested David Thorburn, Special Commissioner to Six Nations, to aid their Contractors in the formation of a Railway through the Indian lands.

Colonel R. Bruce, Superintendent General of Indian Affairs, advised Mr. Thorburn, on June 19, 1852, that a free grant of reserved Indian lands for the railway could not be warranted and that Charles Bain, Director of the Grand River Navigation Company, is appointed the Arbitrator for settling the amount of compensation.

The Brantford and Buffalo Joint Stock Rail-Road Company changed its name to the Buffalo, Brantford and Goderich Railway Company on November 10, 1852.

An Act to incorporate the Buffalo and Lake Huron Railway Company with power to purchase from the Buffalo, Brantford and Goderich Railway Company their line of Railway, and for other purposes, was passed on May 16, 1856.

On June 13, 1863, Chiefs of the Six Nations Council questioned whether the Buffalo and Lake Huron Railway Company had paid for their Right-of-Way. William Spragge, Deputy Superintendent General of Indian Affairs, replied that they had not but negotiations were pending.

Thomas Short writes to Jasper T. Gilkison, Superintendent of Indian Affairs, on February 1, 1871, respecting the Right-of-Way by the Buffalo and Lake Huron Railway for which the Six Nations have not been paid.

On October 2, 1956, W.C. Bethune, Superintendent of Reserves and Trusts, reported to the Canadian National Railway the findings of the Dominion Public Archives that the Indians were not consulted as to the taking of these lands for Railway purposes; a price of $1,500.00 was paid on April 28, 1871; and no letters patent were ever issued for this Right-of-Way.

As of April 25, 1957, the Buffalo and Lake Huron Railway Company was now comprised in Canadian National Railways.

On November 2, 1990, Graham Swan, Director, Lands Directorate, Indian and Northern Affairs Canada, notified Six Nations Land Research Office that their office cannot locate any evidence of a license having been issued to the Canadian National Railway Company for the use of the subject Right-of-Way which crosses Lots 45 - 61 in the Township of Onondaga.

Allegations

Under the Provisions of the Indian Protection Act dated November 8, 1850, a Proclamation was issued reserving certain lands in Onondaga Township being River Lots 45 - 61 in its entirety for the use and benefit of the Six Nations Indians exclusively.

There has never been a surrender document obtained from Six Nations giving their consent to the railway Right-of-Way.

The Canadian National Railway has no license or lease for the lawful use of these lands, nor did their predecessors.

The Crown is specifically and lawfully responsible to Six Nations for the railway lands at issue.

The Crown is in breach of its trust by allowing Canadian National Railway to continue to occupy and use the said lands.

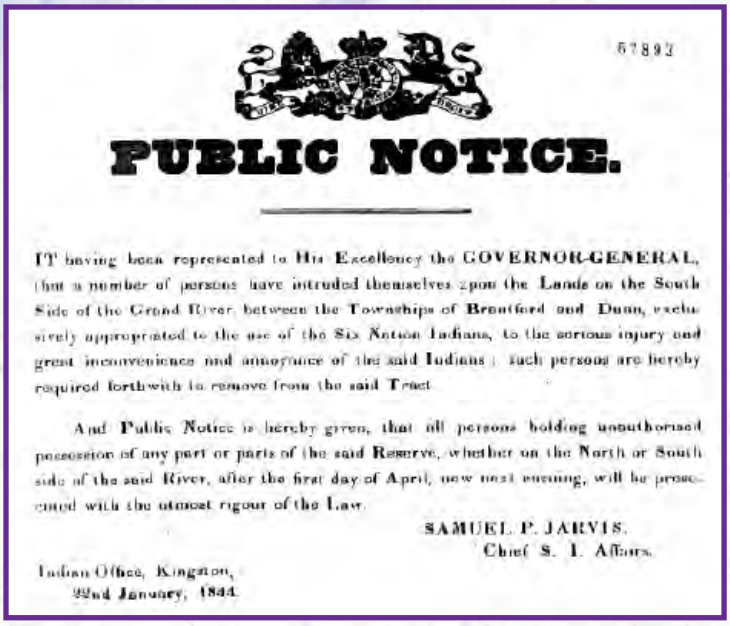
18. Cayuga Township South Side of the Grand River

A Purported Surrender No. 38, being an estimated 50,212 acres of land located in the Township of Dunn and parts of the Townships of Moulton, Canborough and Cayuga, was executed on February 8, 1834.

An Order-in-Council dated October 4, 1843, was passed stating that the Government has no interest or wish to procure the surrender of any portion of the land against the free wish of the Indians themselves, however injurious to them the large reservation may prove.

Samuel P. Jarvis, Chief Superintendent of Indian Affairs, on January 22, 1844, issued a Public Notice as represented by His Excellency the Governor General that all lands on the south side of the Grand River between the Townships of Brantford and Dunn are exclusively appropriated for the use of the Six Nations and that all such persons are hereby required forthwith to remove from the said Tract. These parts of Cayuga Township on the south side of the Grand River are de-surrendered in response to the Six Nations pressures to retain the Burtch Tract.

James M. Higginson, Superintendent General of Indian Affairs and Civil Secretary, on March 23, 1846 reports to David Thorburn, Superintendent of Six Nations that any lands relinquished in the Burtch Tract will be made up elsewhere to be reserved for the Six Nations on the south side of the Grand River.



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PUBLIC NOTICE.

IT having been represented to His Excellency the GOVERNOR-GENERAL, that a number of persons have intruded themselves upon the Lands on the South Side of the Grand River, between the Townships of Brantford and Dunn, exclusively appropriated to the use of the Six Nation Indians, to the serious injury and great inconvenience and annoyance of the said Indians: Such persons are hereby required forthwith to remove from the said Tract.

And Public Notice is hereby given, that all persons holding unauthorised possession of any part or parts of the said Reserve, whether on the North or South side of the said River, after the first day of April, now next ensuing, will be prosecuted with the utmost rigour of the Law.

SAMUEL P. JARVIS.
Chief S. I. Affairs.

Indian Office, Kingston,
22nd January, 1844.

David Thorburn writes J.M. Higginson on April 18, 1846, informing of his report as to the Burtch Tract not being reserved for the Six Nations even though the Chiefs are determined to retain the same. Thorburn reasons the Burtch Tract as being excluded from the forming of the reserve, as the lands in Cayuga Township on the south side of the Grand River were reserved for the Six Nations in exchange.

Allegations

The Township of Cayuga on the south side of the Grand River was de-surrendered by the Superintendent of Indian Affairs and reserved for the Six Nations in exchange for the Burtch Tract being excluded from forming part of Six Nations lands.

The Crown is specifically and lawfully responsible for the Six Nations and for the Cayuga Township lands.

19. Grand River Navigation Company (Land Grant) – 368 7/10 acres

On January 28, 1832, *An Act to Incorporate a Joint Stock Company, to Improve the Navigation of the Grand River,* was incorporated to make the Grand River more navigable and provide a better transportation route between the Feeder of Welland Canal to the City of Brantford. The Statute provided that any lands required by the Grand River Navigation Company (GRNC) had to be paid for before possession could be taken. The lands were to be valued by the parties or by Arbitration.

Free letters patent dated November 18, 1837, was issued to the GRNC for a tract in the Nelles Settlement in the County of Haldimand consisting of 368 7/10 acres which included a 36 acre portion of towing path lands along the Grand River from Cayuga to Caledonia. The 368 7/10 acres also formed part of the court action taken by Six Nations on January 12, 1943.

Allegations

There is no lawful surrender for sale from Six Nations to the Crown for 368 7/10 acres in the Nelles Settlement in the County of Haldimand.

Six Nations is entitled to full and fair compensation for the 368 7/10 acres expropriated by the GRNC.

20. Bed of the Grand River and Islands thereon

On October 15, 1792, *An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," and to introduce the English Law as the Rule of Decision in all matters of Controversy, relative to Property and Civil Rights,* passed. In English Common Law, as relates to non-tidal waters (in Ontario all waters are non-tidal) land owners adjacent to non-tidal waters took title to the land under the water to the middle thread of the river or lake. Thus, the English Common Law principle of "ad medium filum aquae" applied.

On January 14, 1793, John Graves Simcoe, Lieutenant Governor, issued Letters Patent to Six Nations confirming to them and their heirs forever the lands as deeded them by Sir Frederick Haldimand.

The Courts held that the 1792 Act adopting English Common Law applied the rule "ad medium filum aquae" in non-tidal rivers whether they be navigable or not in the case of The Keewatin Power Company v. The Town of Kenora on January 22, 1908.

On March 24, 1911, Ontario enacted *"The Bed of Navigable Waters Act"*, which restricts the application of the rule "ad medium filum aquae" to non-navigable bodies of waters or streams.

Allegations

Six Nations are the owners of the Bed of the Grand River and Islands thereon based on the terminology used in the Haldimand Treaty and the Simcoe Patent as the bed to the middle thread of the Grand River passed with the granting of the shoreline property to Six Nations. This ownership is not affected by the Bed of the Navigable Waters Act.

21. Tow Path Lands

In a Statute dated January 28, 1832, the Tow Path lands (sixty-six feet in width along both sides of the Grand River) from the original Welland Canal Feeder Dam in Dunnville to the Village of Brantford, was reserved for the Grand River Navigation Company. The Statute directed that payment was to be made for the use of the Tow Path lands and provided for the expansion of the works from Brantford to Galt. The Tow Path lands were not for the general use of the public, but could be open on payment of dues.

On October 26, 1843, Thomas Parke, Surveyor General, advised that a reservation of one chain in width along both banks of the Grand River for a towing path would be made in all future descriptions of lands on the Grand River.

Allegations

Six Nations remain the owners of the Tow Path lands (one chain in width or sixty-six feet) on each side of the Grand River as reserved from alienation by legislation and directives of the Crown.

There has never been a surrender for the Tow Path lands allowing for the specific sale of these lands. In the alternative, Six Nations has not received full and fair compensation for the Tow Path lands.

22. Exploration of Oil & Natural Gas underlying the Six Nations Reserve

On May 20, 1925, Six Nations surrendered to the Crown for twenty years, the oil and gas rights under the Six Nations Reserve so that a twenty-year lease for the same could be granted to the Honourable Edward Michener.

On July 9, 1925, His Majesty the King executed a lease to the Honourable Edward Michener for the oil and gas under the Six Nations Reserve and on January 11, 1926, a revised lease was executed.

By Agreement of December 31, 1928, the Honourable Edward Michener assigned his rights to the Petrol Oil & Gas Company Limited (POG).

By Report of January 8, 1948, from J.S. Stewart & J.F. Caley, (Senior Geologists), it is stated that the royalty paid by POG was not as favourable to the Indians as that currently paid by other companies to farmers outside the reserve.

On February 25, 1970, H.T. Vergette, A/Chief Lands Division advised C.T.W. Hyslop, Acting Director, that POG had produced gas commercially from wells on the Six Nations Reserve from 1929 to 1970, although the surrender had expired in 1945. By Agreement of November 18, 1970, POG sold its assets to George Hyslop Construction Ltd.

Allegations

From July 15, 1945 to November 18, 1970, POG drilled wells and extracted natural gas from the Six Nations Reserve without any lawful entitlement or authority and without providing full and fair compensation to Six Nations for the gas so extracted.

23. Source of the Grand River

On October 25, 1784, Sir Frederick Haldimand, Captain General and Governor in Chief, issued a Proclamation authorizing Six Nations to take possession of and settle upon the Banks of the Grand River. The lands extending for six miles from each side of the river beginning at Lake Erie and extending in that proportion to the head of the Grand River, herein, members of Six Nations and their descendants were to enjoy forever. The lands under the Haldimand Treaty consisted of approximately 950,000 acres.

Subsequently, on January 14, 1793, John Graves Simcoe, Lieutenant Governor, issued a Patent which granted to Six Nations forever, "all of that territory of land forming part of the district lately purchased by the Imperial Crown from the Mississauga Nation, beginning at the mouth of the Grand River where it empties itself into Lake Erie, and running along the Banks of the Grand River for a space of six miles on each side of the river, or a space co-extensive therewith", and continuing along the Grand River to a place known by the name of the Forks, and from there along the main stream of the Grand River for the space of six miles on each side of the main stream, or for a space equally extensive therewith. The lands allocated to Six Nations under the Simcoe Patent consist of approximately 675,000 acres being only a portion of the Haldimand Treaty lands of 1784.

Allegations

The Crown failed to grant to Six Nations, by the Simcoe Patent, the lands extending to the head of the Grand River (located north of the present Township of Nichol) in the Township of Melancthon. The lands consisted of approximately 275,000 acres, which Six Nations were entitled to have reserved for them under the Haldimand Treaty.

24. Six Nations Investments in Custody of Coutts and Company

The Six Nations Trust Funds were managed by the following for the periods specified:

- from at least January 3, 1775 to February 5, 1798, by Officials of the Indian Department;
- from at least February 5, 1798 to November 1826, by Colonel William Claus, Official of the Indian Department and one of the Crown appointed Trustee;
- from November 1826 to 1830, it is not clear who, or if anyone, managed the funds after William Claus died in November 1826, as there are no financial statements for this period;
- from 1830 to 1844, by the Receiver General's Office in conjunction with the Crown appointed Trustees James Baby, George Herchmer Markland & John Henry Dunn who were appointed in April 1830 and dismissed in June 1839;
- from 1844 to 1847, by the Civil Secretary who was also the Superintendent General of Indian Affairs from February 1841 to June 1860 and the Clerk in the Indian Department, and;
- from 1847 to 1861, by Officials of the Province of Canada and Officials of the Indian Department.

On March 29, 1867, the British Crown transferred legislative authority for Indians and lands reserved for Indians to the Parliament of Canada. The Crown has not provided a full account of all receipts and expenditures.

From January 15, 1805 to June 24, 1817, the proceeds from the sale of Six Nations lands were invested in 3% British Consoles by Coutts and Company, a firm based in London, England. The Coutts and Company accounts show that £16,222.10.9 pounds Sterling (approximately $64,890.15) were used to purchase British Consoles valued at £25,738.14.5 Sterling (approximately $102,954.88) for the benefit of Six Nations.

From May 13, 1846 to June 24, 1847, Coutts and Company redeemed the 3% British Consoles and received £24,597.10.8 Sterling (approximately $98,390.13) which they reinvested in Upper Canada and Canada bonds valued at £24,693.15 Sterling (approximately $98,775.00).

On February 10, 1855, Edmund Head, Governor General, referred to George Grey, Secretary of State letter, wherein G.Grey had sanctioned the transfer of the proceeds of Six Nations investments in England for reinvestment by the Receiver General in debentures in Canada. E.Head proposes to redeem the bonds and invest the proceeds in 6% Provincial securities.

Allegations

Six Nations claims, with interest, all sums paid by Coutts and Company as dividends on Six Nations investments in their custody.

25. Misappropriation of Six Nations Funds by Samuel P. Jarvis

Samuel P. Jarvis was Chief Superintendent of Indian Affairs from June 15, 1837 until he was suspended from office by Charles Murray Cathcart, the Governor General, on May 10, 1845.

On March 19, 1846, Charles M. Cathcart, Governor General, reported that an investigation in the official conduct of Samuel P. Jarvis revealed an unaccountable balance of monies against him amounting to £6,375.6.11 (approximately $25,501.88) which Mr. Jarvis had been called on to pay. Charles M. Cathcart, Governor General, felt that certain allowances should be allowed Mr. Jarvis when passing judgment on his pecuniary transactions, but felt that it was impossible to acquit Mr. Jarvis of culpable negligence and of grave irregularity in the discharge of the responsible duties entrusted to him.

On January 15, 1851, John Sanfield Macdonald, Solicitor General, recommended that an action of account in the Court of Chancery be brought against Samuel P. Jarvis.

On February 22, 1851, R. Bruce, Superintendent General of Indian Affairs, recommended that the Solicitor General's report on the alleged defalcation of Samuel P. Jarvis be referred to the Executive Council before any further action was taken by the Indian Department and that any expenses of a suit in the Court of Chancery, if unsuccessful, were to be borne by the Indians out of their annuity fund.

In 1857, Samuel P. Jarvis died and the Government never forced Mr. Jarvis' Estate to restore the missing funds for which the Government claimed Mr. Jarvis was responsible.

Allegations

Six Nations are entitled to be reimbursed with interest, all of the funds misappropriated from the Six Nations Trust Funds by Samuel P. Jarvis, Superintendent General of Indian Affairs.

26. The Right to Hunt and Fish

Archaeological sites reveal that the Iroquois were resident in what is today Ontario, prior to A.D. 1000.

From 1640-1680, the Iroquois conquered Indian Tribes living in the Ohio Valley.

By 1700, the Five Nations had conquered the hunting grounds north of Lakes Erie and Lake Ontario by right of conquest over the Huron, Petun and Neutral Indians and also claimed the northern territory by Treaty with the North-Western Algonquians, who in 1700 had agreed to hold hunting grounds in common with the Five Nations.

From 1644-1982, many agreements, treaties, instructions and proclamations were issued by Government Officials which guaranteed Six Nations right to free trade and protection of their hunting territory.

Allegations

Six Nations aboriginal and treaty right to hunt and fish is recognized and affirmed by Section 35(1) of the Constitution Act (1982). Six Nations have never ceded these rights to anyone whomsoever.

The Crown in Right of Canada cannot delegate the governance of Six Nations hunting and fishing rights to the Provinces without first seeking Six Nations concurrence through consultation.

All Provincial charges which interfere with the constitutionally protected hunting and fishing rights of the Six Nations are ultra vires (beyond the legal capacity of a person or legal entity) and the Crown in right of Canada should direct their Provincial counterpart to withdraw all such charges.

27. Compensation for Lands Included in Letters Patent No. 708 dated November 5, 1851, Brantford Town Plot

Victoria Park, Brantford, Ontario
Part of Letters Patent No. 708

At a Six Nations Council meeting on April 19, 1830, the Superintendent for Six Nations explained the letter of the Lieutenant Governor of Upper Canada regarding Six Nations ceding to the Crown 807 acres for a Town Plot at Brantford. The land was to be divided into lots and sold for Six Nations' benefit. Three trustees were to take charge of Six Nations' money. Consequently, on this date, twenty-nine (29) Sachems and Chiefs of Six Nations purportedly surrendered (Surrender No. 30) to the King for sale an estimated 807 acres for a Town Plot at Brantford.

On December 1, 1831, Peter Robinson, Commissioner of Crown Lands, issued a public notice advising of the rules established by the Government for regulating the disposal of public lands. Lands were to be surveyed, valued, and sold at public auctions at upset prices per acre. The prices were to be recommended by the Commissioner of Crown Lands. The notice also regulates the terms of payment of purchase money. Indian lands were considered to be "public lands" by Order-in-Council.

On June 29, 1837, John Macaulay, Surveyor General, subdivided the Town Plot of Brantford so each lot might be sold.

On September 15, 1838, Six Nations reported that Sir John Colborne had advised them to surrender to the Government the lands around the Brantford Bridge and he would then compel the squatters to leave their lands. A purported surrender was taken for that purpose, but the squatters still remained on Six Nations lands.

On February 24, 1846, William Walker, Deputy Provincial Surveyor, received instructions from the Surveyor General for the Indian Department, to survey the remaining Town Lots in the Town of Brantford.

The Crown issued Letters Patent No. 708 to the Municipal Council of the Town of Brantford containing 19 2/10 acres on November 5, 1851. These lands were in the original Town of Brantford. The patent stipulated an amount paid of £8 ($32.00) which was only for the patent fee.

From 1830 to 1842, specific valuations and sale conditions were issued for Purported Surrender No. 30.

Allegations

No descriptive plans were signed, witnessed and attached to the Purported Surrender No. 30 in accordance with the Governor's Instructions of 1812 for the alienation of Indian lands.

In the alternative, Six Nations did not receive full and fair compensation for the lands contained in the Purported Surrender No. 30 as some lands were sold under their appraised value; some lands were not appraised; some lands were obtained by individuals as free grants and no payment whatsoever was made; some lands were taken for public purposes and no payment whatsoever was made; and some lands were obtained on the payment of only a patent fee or administration fee.

The Crown has not shown that all the purported sums paid on the lands in the Purported Surrender No. 30 were credited to the Six Nations Trust Fund Accounts.

28. Compensation for Lands Patented to Nathan Gage on February 25, 1840, Brantford Town Plot

On February 19, 1823, Seventeen (17) principle Chiefs of Six Nations entered into a lease with Marshal Lewis for the express purpose to build and operate a Grist Mill.

On November 1, 1828, Marshal Lewis then sold his interest in those lands to Julius Morgan for £750 ($3,000.00).

Subsequently, on March 9, 1830, Julius Morgan sold his interest in the lands excepting the Grist Mill and Lot containing ½ an acre to Nathan Gage for $1,250.00.

At a Six Nations Council meeting on April 19, 1830, the Superintendent for Six Nations explained the letter of the Lieutenant Governor of Upper Canada regarding Six Nations ceding to the Crown 807 acres for a Town Plot at Brantford. The land was to be divided into lots and sold for Six Nations' benefit. Three trustees were to take charge of Six Nations' money. Consequently, on this date, twenty-nine (29) Sachems and Chiefs of Six Nations surrendered (Purported Surrender No. 30) to the King for sale an estimated 807 acres for a Town Plot at Brantford.

On June 29, 1837, John Macaulay, Surveyor General, subdivided the Town Plot of Brantford so each lot might be sold.

On September 15, 1838, Six Nations reported that Sir John Colborne had advised them to surrender to the Government the lands around the Brantford Bridge and he would then compel the squatters to leave their lands. A purported surrender was taken for that purpose, but the squatters still remained on Six Nations lands.

On February 25, 1840, a Letters Patent was issued to Nathan Gage for Park Lots 1, 2, 3, 4, 5, 6, 7 and the westerly 4/5 of number 25, and numbers 26, 27, 28, 29 in the Town of Brantford. Also on this date, a Letters Patent was issued to Nathan Gage for Park Lots 30, 31, 32, 33, 34, 35 and 36 in the said Town of Brantford.

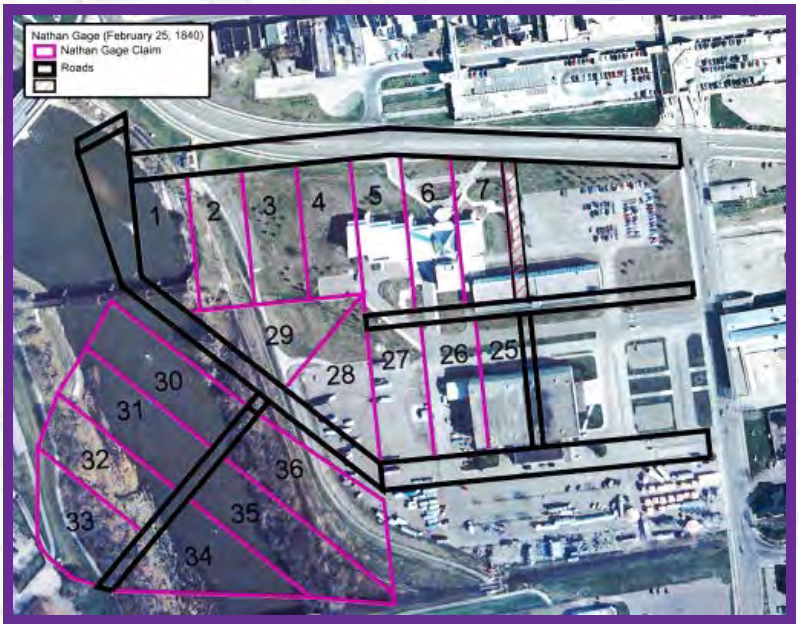
On February 24, 1846, William Walker, Deputy Provincial Surveyor, received instructions from the Surveyor General for the Indian Department, to survey the remaining Town Lots of the Town of Brantford.

Allegations

No descriptive plans were signed, witnessed and attached to the Purported Surrender No. 30 in accordance with the Governor's Instructions of 1812 for the alienation of Indian lands.

In the alternative, Six Nations did not receive full and fair compensation for the lands contained in the Purported Surrender No. 30 as some lands were sold under their appraised value; some lands were not appraised; some lands were obtained by individuals as free grants and no payment whatsoever was made; some lands were taken for public purposes and no payment whatsoever was made; and some lands were obtained on the payment of only a patent fee or administration fee.

Six Nations has never received complete and just compensation for the combined area of 20.3375 acres which consists of 19 lots included in Letters Patent to Nathan Gage.



Lands Patented to Nathan Gage, Brantford, Ontario

29. Compensation for Lands Included in Letters Patent No. 910 on July 12, 1852, Brantford Town Plot

At a Six Nations Council meeting on April 19, 1830, the Superintendent for Six Nations explained the letter of the Lieutenant Governor of Upper Canada regarding Six Nations ceding to the Crown 807 acres for a Town Plot at Brantford. The land was to be divided into lots and sold for Six Nations' benefit. Three trustees were to take charge of Six Nations' money. Consequently, on this date, twenty-nine (29) Sachems and Chiefs of Six Nations surrendered (Purported Surrender No. 30) to the King for sale an estimated 807 acres for a Town Plot at Brantford.

On June 29, 1837, John Macaulay, Surveyor General, subdivided the Town Plot of Brantford so each lot might be sold.

On September 15, 1838, Six Nations reported that Sir John Colborne had advised them to surrender to the Government the lands around the Brantford Bridge and he would then compel the squatters to leave their lands. A purported surrender was taken for that purpose, but the squatters still remained on Six Nations lands.

On February 24, 1846, William Walker, Deputy Provincial Surveyor, received instructions from the Surveyor General for the Indian Department, to survey the remaining Town Lots of the Town of Brantford.

On April 15, 1852, the Provisional Municipal Council of the County of Brant passed a Resolution requesting information as to what lands, if any, are set apart for County purposes and that a Patent may be issued in their favor.

On April 20, 1852, David Thorburn, Special Commissioner, submits a letter to the Honourable R. Bruce, Superintendent General of Indian Affairs, stating that a block of land in the Town Plot of Brantford was reserved for the purpose of a County Court House.

On May 4, 1852, the Governor General, directed that a Patent be issued to County Authorities for a "County Court House" upon payment of the Patent fee.

Subsequently, on July 12, 1852, the Crown issued Letters Patent Number 910 to the Council of the County of Brant of the Town of Brantford for 1 6/10 of an acre. These lands were in the original Town Plot of Brantford and consisted of 8 lots for the County Court House. The £2 ($8.00) referred to in Patent No. 910 was the fee for issuing the patent.

Brant County Court House, Fronting Market Street, Brantford, Ontario, Part of Letters Patent No. 910

Allegations

No descriptive plans were signed, witnessed and attached to the Purported Surrender No. 30 in accordance with the Governor's Instructions of 1812 for the alienation of Indian lands.

In the alternative, Six Nations did not receive full and fair compensation for the lands contained in the Purported Surrender No. 30 as some lands were sold under their appraised value; some lands were not appraised; some lands were obtained by individuals as free grants and no payment whatsoever was made; some lands were taken for public purposes and no payment whatsoever was made; and some lands were obtained on the payment of only a patent fee or administration fee.

Six Nations has never received complete and just compensation for the 8 lots included in Letters Patent No. 910.

F. Classifying Crown's Injustices

The Crown's Trusteeship repeatedly breached its fiduciary and treaty obligations by:

(a) making or permitting dispositions of the Six Nations Lands to Third Parties without the consent of the Six Nations and without first obtaining from the Six Nations a lawful and valid surrender to the Crown;

(b) permitting Third Parties to possess, occupy, and trespass on the Six Nations Lands without obtaining lawful surrenders from the Six Nations to the Crown;

(c) making or permitting transactions relating to the Six Nations Lands without obtaining full and fair compensation and without ensuring that Six Nations' interest in such transactions were at all times fully protected and that Six Nations received or their accounts credited with all the proper proceeds from such dispositions;

(d) failing to honour the terms or conditions of valid surrenders, sales and leases;

(e) taking or permitting for use without consent, parts of the Six Nations Lands for roads or streets, canals or other public waterways, railways, mines (gypsum) or minerals (gas extraction), cemeteries, public squares or parks, or for military or other public purposes without obtaining lawful surrenders or providing full and fair compensation to Six Nations;

(f) managing the Six Nations Trust Accounts or permitting it to be managed, in a manner inconsistent with the standards of conduct required by the Crown's fiduciary obligations;

(g) failing to account to the Six Nations, and; failing to provide all land promised in the Haldimand Treaty and failing to uphold their own laws administered by the Crown when dealing with Indian lands.

Therefore, examples of claims and potential claims in the following areas:

i) **Misappropriation** (Development, Lands or Monies)

Innisfil and East Hawkesbury Townships; Misappropriation of Funds by Samuel P. Jarvis; Coutts and Company; Grand River Navigation Company Lands and Investments; Ordnance Reserve, etc.

ii) **Royalties** (Income & Loss of Use of the Land)

Oil and Gas, Gypsum, Flooding, Road and Street Allowances; Timber, Railways, Dams & Locks, etc.

iii) **Purported Challenges** (Surrenders/Leases/Deeds/Grants/Squatters)

Source of the Grand River; Blocks Numbered 1 to 6; Townplot and/or Townships in Brantford, Onondaga, Seneca, Oneida, Cayuga, Dunn, and Sherbrooke; Brant Leases; Life Leases/Mohawk Deeds; Clergy Lands, Militia Lands, Crown Trusteeship etc.

G. Resolution to Injustices

The following examples are creative solutions in which Six Nations is compensated/negotiated for the injustices by the Governments of Canada and Ontario, by other means rather than litigation or land claim submissions:

i) **Land Return**

The Municipality of the City of Brantford, the Grand River Conservation Authority (GRCA), and the Province of Ontario determined the need for flood protection work to be undertaken in the City of Brantford. Part of the proposal was the construction of a protective dyke in the vicinity of the Mohawk Chapel. Negotiations commenced in 1981 between the Grand River Conservation Authority and Six Nations. On March 25, 1983, Six Nations tabled thirteen (13) points that would have to be met for a formal agreement to proceed.

On May 30, 1983, and in order for the issuance of a permit by the Minister of Indian Affairs, Six Nations and the Grand River Conservation Authority signed a Memorandum of Understanding (MOU). The MOU identified that a

protective dyke would cross the Six Nations lands, via Section 28(2) of the Indian Act, the Mohawk Chapel would be protected; major improvements around the Mohawk Chapel grounds (land fill, tree planting, landscaping, paved parking lots) would be done by the GRCA; maintenance of the expanded Chapel grounds and parking areas would be maintained for five years by the GRCA with a maintenance review to follow; and Lots 13 and 14 Eagles Nest Tract would be added to the Six Nations land base. On September 17, 1987, by Order-in-Council P.C. 1987-1951, Lots 13 and 14 Eagles Nest Tract containing 56.5 acres was set aside for the use and benefit of the Six Nations Indians.

ii) **Compensation**

In December, 1984, Six Nations Council reached a tentative agreement with the Federal Government for the unauthorized transfer of the land now being used by the Canadian National Railway, running along the eastern limit of the reserve comprising 80.616 acres. This arose from the Six Nations claim to the Canadian National Railway Right-of-Way in Oneida Township.

Consequently, it became necessary to arrive at a monetary value of the claim. After prolonged negotiations, an amount of $610,000.00 was agreed upon. However, rather than take cash settlement, the Six Nations Band Council took options on three parcels of land. A survey of the lands were undertaken and the Six Nations Band Council therefore called for a surrender vote, under section 39 of the Indian Act, of the Band's interest in the railway lands consisting of 80.616 acres upon the condition of having the 259.171 acres added to the Six Nations Reserve.

Two referendums were held in November and December, 1985. Subsequently, by an Order-in-Council P.C. 1987-687, dated April 2, 1987, the 259.171 acres were added to the Six Nations Indian Reserve No. 40. (See Map: Lands Acquired for Six Nations - inside back cover)

iii) **Interim Use Agreements**

Six Nations has had outstanding financial and land issues filed with the Crown since 1982 with little hope of achieving settlements satisfactory to Six Nations in light of the inadequacies of Canada's Specific Claims Policy and process. Furthermore, any litigation/negotiation Six Nations may be involved in, would take several years to reach a final satisfactory settlement.

In view of these time factors, Six Nations has worked jointly with surrounding Municipalities, Corporations and Governments to allow persons to occupy the lands in a responsible manner and permit development to proceed under certain terms and covenants and without prejudice to our position on claims.

Examples:

- In 1981, an Interim Agreement was reached that allowed the Ontario Ministry of Transportation to build the Caledonia bypass bridge across the Grand River. As payment or compensation for this permission, the Ministry of Transportation built Six Nations a much needed "Chiefswood Bridge" across the Grand River within the boundaries of Six Nations.
- On March 18, 1993, the Corporation of the Town of Dunnville entered into an Interim Agreement with Six Nations to cross approximately 876 ft. for a sewer right-of-way across land that is subject to a specific claim remaining unresolved. Continued use of these 876 feet would then be subject to a new lease arrangement between Six Nations and the Town of Dunnville.
- On October 4, 1993, an Interim Agreement between Six Nations and the Grand River Conservation Authority was created to allow emergency repairs to proceed on water level control weirs in the Grand River. Although no money was involved, a proper fish way and lamprey barrier has been built, as well as modifications to an existing fish way to enhance fish stock fronting Six Nations. As a prerequisite, up to 100,000 specialized Carolinian seedlings will be provided to the Six Nations Forestry Department yearly; free access to the GRCA Education Centre will be provided to students at Six Nations; opportunities to bid on tree planting contracts; and joint training of Six Nations personnel, to expand the expertise

of our technicians in the Six Nations Ecology Centre. This is a new arrangement developed, whereby compensation is not a factor, but creative ideas to enhance the Six Nations environmental issues.

- On May 24, 1995 and July 6, 1995 Union Gas Limited entered into Interim Use Agreements to cross the Grand River and outer lands subject to Six Nations land claims. These Agreements are without prejudice to the Six Nations land claims and must be protective of the environment with cautions on any archaeological resources if discovered.

  In addition, Union Gas will direct its contractors to use unionized Six Nations personnel, whenever possible, in the construction of its lines. Also, Union Gas must provide the following:

  - 30,000 Carolinian saplings to Six Nations over the next five years;
  - a custom, at no cost, Six Nations Gas Distribution Network design and make changes or alterations based on the needs for three years;
  - such data to be electronically duplicated for Six Nations' use at no charge;
  - train a Six Nations person to manage such electronic data;
  - three training spaces in 1996, 1997 and 1998 for employees of Six Nations Natural Gas Company in Union's Customer Service Basic Training Program and Plant Service Basic Training Program, and;
  - five years of engineering advice to Six Nations Natural Gas, on an, as needed basis for Six Nations Natural Gas Projects, e.g., designing the crossing of the Chiefswood Bridge.

- On October 1, 2001, the Six Nations Council and The Corporation of Haldimand County entered into an Interim Agreement to allow Haldimand County to replace an existing waterline crossing the Grand River at Caledonia.

All is without prejudice to Six Nations land claims and court case "Six Nations vs. Canada and Ontario".

iv) **Land Purchases**

Where lands have been unlawfully alienated to third parties, the option of having lands returned as part of the compensation must be available. To assist the process, Six Nations has and should continue to purchase lands to add to Six Nations land base. When settlements are negotiated for these purchased areas, Six Nations will be reimbursed for these land acquisition costs as our conditions to future settlements by a Trust Agreement, these lands are held in trust by three Six Nations lawyers for the use and benefit of the Six Nations.

Example: On April 17, 1991, Six Nations and the Ministry of Transportation entered into an Interim Agreement to allow repairs to a provincial road but on land wherein a specific claim remains unresolved. Ontario paid to use the 15.4694 acres at issue until the claim is resolved. A new agreement would be required for continued use of these 15.4694 acres if the claim is decided in favour of Six Nations. The monies from this agreement were used to purchase two separate parcels of land adjacent to the Reserve, one parcel in Oneida Township and another in Onondaga Township, to be added to Six Nations Indian Reserve No. 40.

v) **Additions to Reserve Process (ATR)**

An addition to reserve is a parcel of land that is added to the existing land base of a First Nation or is used to create a new reserve. The legal title to the land is set apart for the use and benefit of the First Nation making the application. Land can be added to reserve in rural or urban settings. The Additions to the Reserve Process was created by the Federal Government in 1972 and is currently under review for revisions by AANDC. The ATR policy sets out the conditions and issues to be addressed before land can become reserve and attempts to balance the interests of all levels of government (First Nation, federal, provincial/territorial and local government). The policy was created to fill a legislative gap, as ATRs are not addressed in the Indian Act or other federal legislation.

The existing criteria provide that each ATR proposal must be assessed to ensure certain basic criteria are met, including that:

- There are no significant environmental concerns;
- Reasonable attempts have been made to address the concerns of local or provincial/territorial governments;
- The proposal is cost-effective and the necessary funding has been identified within operational budgets;
- Third party legal interests (i.e., leases, permits and rights of way) have been addressed; and
- Issues of public access and the provision of public utilities have been addressed.

For more information on ATR process and view the Policy, please go to www.aadnc-aandc.gc.ca

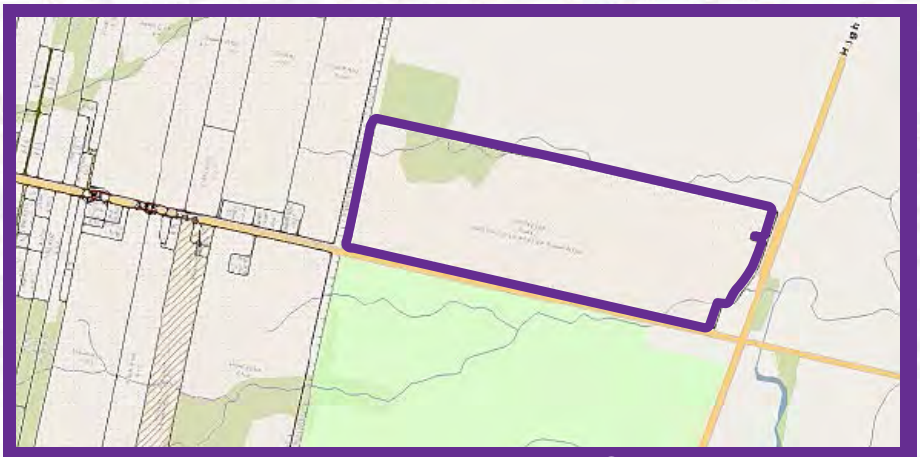
Six Nations purchased lands adjacent to the Reserve in the 1990's and these properties have been in the ATR process since that time. These lands are held in trust by local solicitors until the process is complete.

The following lands have been purchased and are currently in the ATR Process:

	Approximate Acreage
Exempt from municipal taxation and control:	
Part Lot 7, Concession 3 - Onondaga Township (aka. Zolaturiuk)	70.0
Broken Front Lots 15, 16, 17, 18, 19, 20 & 21, Concession 3 - Onondaga Township (aka. Dyjach)	170.9
Part Lot 6, West of Plank Road – Oneida Township (aka. Zwick)	135.258
Part Lot 5, West of Plank Road – Oneida Township (aka. Robinson)	113.0
Part Lots 3 & 4, West of Plank Road – Oneida Township (aka. Hewer)	95.0
Not exempt from municipal taxation:	
Part Lot 10, West of Plank Road – Oneida Township (aka. Paul/Bungalow)	.35
The following lands are Reserve Status:	
Old Highway #54	1.59
CNR Settlement	259.171
Eagles Nest (Lots 13 & 14)	56.5
Part Lot 10, West of Plank Road – Oneida Township (aka. Fagan)	122.448

Total Lands Acquired for Six Nations ..... 1,024.217 acres

(See Map: Six Nations of the Grand River Map – Inside Back Cover)



Part Lot 10, West of Plank Road, Oneida Township, Received Six Nations Reserve status on April 22, 2004

2. SIX NATIONS WILDLIFE MANAGEMENT OFFICE/ LAND USE UNIT

Since 1993, the Wildlife Management Office has been very effective in opening the lines of communications with various outside agencies both private and public. Appropriate Provincial Ministries and Federal Departments have all been contacted and the office also, has an open and ongoing working relationship with several Colleges and Universities in the surrounding area and has formed partnerships with several others on long term projects. These working relationships are useful for acquiring accurate and up-to-date information regarding projects, proposals, environmental issues, hunting and fishing rights both on and off Six Nations reserve.

By 2004, the Wildlife Management Office was reviewing over 700 notices a year. In order to assist in reviewing the applications, the Land Use Unit was developed as a branch of the Six Nations Lands and Resources Department. This unit supports the Wildlife Management Office in monitoring the development of lands and the use of resources within specific land claims arising from the Six Nations Haldimand Treaty lands. Additionally, Six Nations treaty rights and interests in our 1701 Treaty territory are asserted and protected.

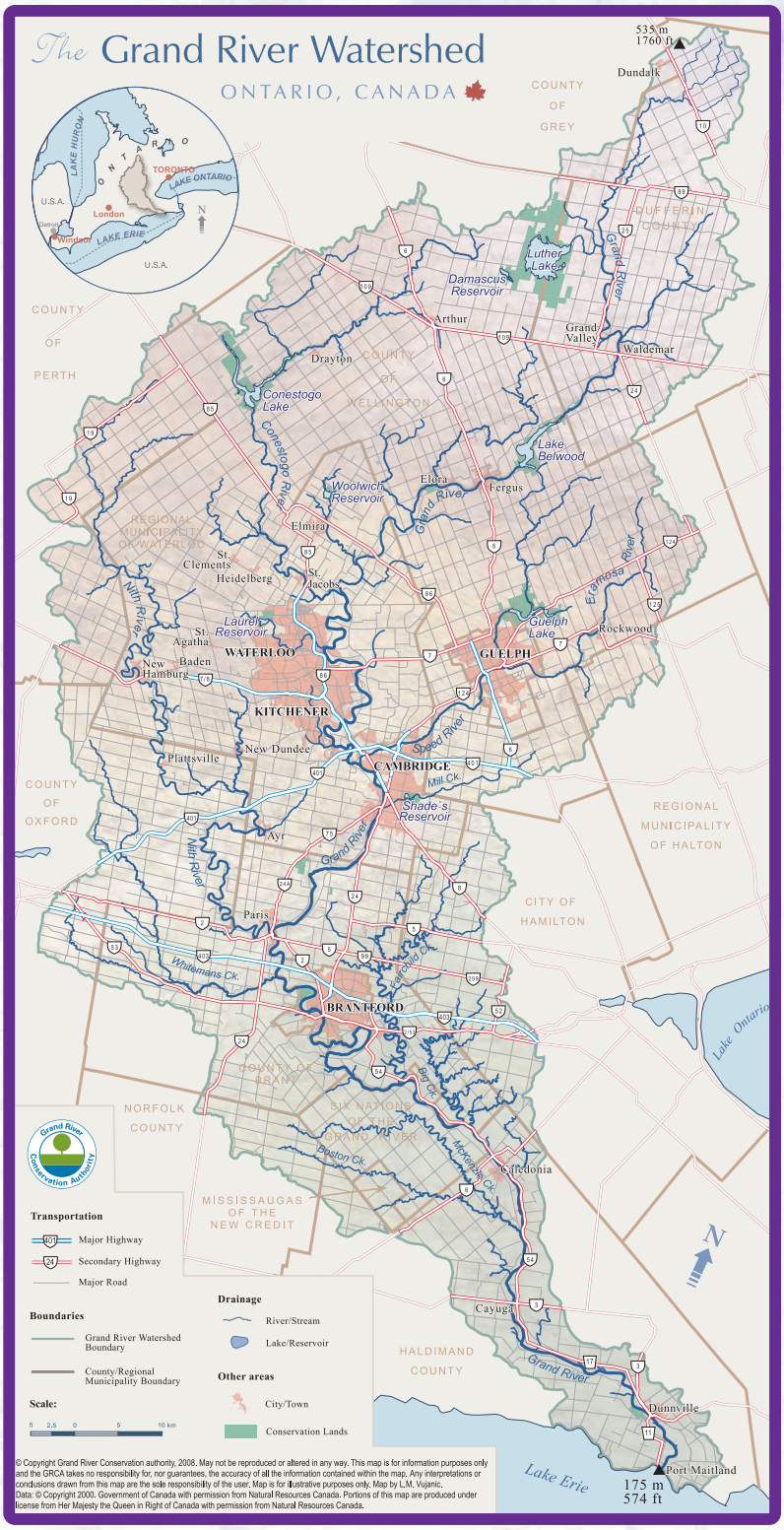
The goals of the Six Nations Wildlife Management Office/Land Use Unit are:

- Provide effective communication within the Grand River Watershed and beyond, thereby creating an atmosphere of understanding and tolerance of both the Aboriginal and non-Aboriginal cultures now inhabiting the watershed;
- To facilitate effective educational opportunities and experiences for our Schools and encourage our neighbours within the watershed to learn about our community;
- Monitor and respond to approximately 1,400 notices a year and review various environmental assessments, impact statements, technical reports, official plans, archaeological reports and the federal and provincial environmental registries;
- Oversee various activities affecting the Grand River Watershed and projects dealing directly with the community such as wetland studies, wildlife trail mapping, traditional knowledge studies and encouraging the protection of endangered species;
- Provide input to consultation and accommodation protocols/policies and in preparing and negotiating impact benefit agreements and land use agreements that address meaningful consultation, accommodation and compensation requirements;
- Provide the non-Aboriginal population with information and education on the many aspects of Aboriginal concepts of the land, environment, forests, fish and wildlife and to encourage our community to better understand the differences of the non-Aboriginal attitude towards these same issues, in the hopes of finding a common ground where all can exist in harmony; and
- To actively participate in and encourage co-operative management regimes within the Grand River Watershed for the benefit of all and to ensure respect for the river is paramount.

One of the most productive methods of information gathering and sharing has been for the Six Nations Wildlife Management Office/Land Use Unit to actively participate in various committees which have been formed to deal with the long term management of the Grand River Watershed. It has been most beneficial to be able to contribute to or express concerns at the planning stage of a proposal rather than attempt to make changes at the implementation stage of a project.

The uncertainty as to jurisdiction and ownership on lands where Six Nations' interests remain unattended and addressed by the Crown have resulted in various confrontations and blockades against Municipal developments. As an interim measure, the Indian Commission of Ontario mediated the signing of the Grand River Notification Agreement (GRNA) on October 3, 1996. It was the first of its kind in Canada where eight Municipalities, two First Nations, a Conservation Authority, and the Governments of Canada and Ontario agreed to information sharing, consultation on economic development, land use planning and environmental issues without prejudicing Six Nations Land Claims. The GRNA was renewed on October 3, 1998, October 3, 2003 and was recently renewed in 2014.

The Six Nations Wildlife Management Office/ Land Use Unit will continue to be involved with the GRNA to promote and encourage the remainder of the Grand River Watershed to participate in the Agreement. This was and is an important initiative within the watershed and is often used to encourage improved communications of various organizations within the agreement area. It has been determined that the purpose and intent of the Agreement works well. However, the real issues of the unresolved Six Nations Specific Claims and the effects of uncertainty and impediments to economic development in Municipal communities continue to be a contentious issue.



The Land Use Unit and other departments of Six Nations Elected Council have been working together with Proponents and Developers in order to address development issues in Six Nations' Territory. The Supreme Court of Canada's key court case Haida Nation, Taku River Tlingit First Nations, Mikisew Cree, Tsilhoqot'in and Keewatin decisions confirm the legal obligation to consult and accommodate with First Nations; even where the claim had not been proven. A Consultation and Accommodation Policy has been created and can be viewed on Six Nations Elected Council's website at http://www.sixnations.ca.

3. LITIGATION

The Six Nations Lands and Resources Department investigates and reports to the Six Nations Council regarding breaches of the Crown's fiduciary obligation to manage Six Nations' lands and resources in the best interest of the Six Nations.

i) Inadequacy of Crown Canada's Claims Policy and Process

The Specific Claims Policy is based on the false assumption that First Nations' titles to their lands were extinguished by treaties. When dealing with "land claims", the burden of proof of legal title or interest in First Nations lands should rest with Canada. Canada and First Nations must work together to agree on a standard for legal certainty.

The following points are criticisms by First Nations of the existing Federal Specific Claims Policy and its Process:

- creates an arbitrary distinction between comprehensive claims and specific claims;
- does not provide a forum for First Nations to negotiate on a government to government basis, as full and equal parties to deal with the full range of First Nations treaty and aboriginal rights;
- developed unilaterally and without substantive consultation or consent of the First Nations;
- not based on standards of fairness and equity;
- conflict of interest is created when the Department of Indian Affairs, who makes the funding decisions, also decides the validity and settlement value of any claim,

  i.e. First Nations have limited financial resources to develop their land claims and it is currently provided by the federal government in the form of a loan once the claims are accepted for negotiation;
- Crown does not act in the best interests of the First Nations;
- First Nations are to present the legal basis for a claim even though there is no such reciprocal duty on the part of the Crown to report back on the claim;
- not uniformly applied across Canada;
- validity of the claim rests with in the Department of Justices decisions;
- the entire process is unreasonably slow and can take several years just to validate a claim;
- further delays when negotiating for compensation;
- resources are not protected in the process;
- First Nations have had only the specific claims process to address their rights and grievances, and;
- Administrative resolution could not be achieved and negotiations are most often found unacceptable with a "take it or leave it" scenario, therefore lack of results, leads to litigation or reclamation.

ii) Six Nations of the Grand River v. Canada and Ontario

Negotiations to resolve the Block No. 5, Moulton Township Claim, (30,800 Acres) and the Flooding of Six Nations Lands by the Welland Canal Feeder Dam, (2,415.60 Acres), could not be achieved under the Federal Claims Resolution Process. Arbitrary discount factors as required by Canada's Specific Claims Policy were not acceptable to the Six Nations Elected Council. The most offensive term of the negotiations was the pre-requisite for extinguishments of our children's rights to the lands at issue.

It was at this point that the Six Nations Elected Council directed the law firm of Blake, Cassels & Graydon, LLP to proceed with a Statement of Claim against the Crown in Right of Canada and the Crown in Right of Ontario.

The Six Nations of the Grand River gave formal notice to the Federal and Provincial Governments on December 23, 1994 and filed a Statement of Claim on March 7, 1995 on the legal proceedings regarding the Crowns handling of the Six Nations' property both before and after Confederation. Six Nations seek from the Crown a comprehensive general accounting for all money, real property or other assets belonging to the Six Nations of the Grand River which was or ought to have been received or held by the Crown for the benefit of the Six Nations, and of the manner in which the Crown managed or disposed of such assets.

Since April 1995, Canada has ceased all research dollars normally allocated to the Six Nations Lands and Resources Department. This is despite Six Nations assurances that any research dollars normally allocated would not be used in any form to support litigation proceedings.

Six Nations have included the best examples of Government mismanagement by Canada and Ontario in the Statement of Claim.

These examples include:

The Haldimand Treaty dated October 25, 1784 was issued by Sir Frederick Haldimand, Governor of Canada, authorizing Six Nations to take possession of and settle upon the banks of the Grand River running into Lake Erie, allocating to them the lands extending for six miles from each side of the river beginning at Lake Erie to the head of the Grand River. The lands consisted of approximately 950,000 acres, which the members of the Six Nations were to enjoy forever.

The Simcoe Patent dated January 14, 1793 purporting to grant the lands reserved to the Six Nations by the Haldimand Treaty failed to include 275,000 acres of land located north of the Township of Nichol extending six miles on either side of the Grand River to where the headwaters of the river are found in the Township of Melancthon.

The Province of Upper Canada (now Ontario) granted Thomas Douglas, the Earl of Selkirk, lands known as Block No. 5 (the entire Township of Moulton) on November 18, 1807, without obtaining the consent of the Six Nations. Selkirk mortgaged the lands back to the Province, but the Crown failed to collect any payments owing under the mortgage since at least February, 1853.

On February 5, 1798, one Benjamin Canby was granted the title to lands known as Block No. 6 (the Township of Canborough) by the Province of Upper Canada without making any payment for the lands or pledging any security. Six Nations did not give their consent to the Province's gift of security nor did they give their consent to the Province's gift of Six Nations land to Mr. Canby. The Province acknowledged on a number of occasions that this transaction was improper, but nothing was done by the Crown to rectify this breach of trust.

The Deputy Superintendent General and Inspector General of Indian Affairs for the Province of Upper Canada, Colonel William Claus, took money from the Six Nations Trust in the early 1800's. When the Province discovered the theft, it decided to obtain land in Innisfil and East Hawkesbury Townships from Mr. Claus' Estate as compensation. The Crown failed to obtain a proper conveyance of the lands from Mr. Claus' Estate. The Crown then began transferring the lands to settlers in 1840 without the consent of Six Nations and subsequently found itself embroiled in litigation over defective title to the property. The Crown lost the case, paid legal costs out of the Six Nations Trust, and paid monies to the Claus Estate to settle the litigation without the consent of the Six Nations.

Between 1829 and 1835, Six Nations' land was expropriated for the construction of the Welland Canal. Compensation for the land taken was not made to the Six Nations, even though compensation was paid to other land owners affected by the construction of canal. The canal lands were assumed by the Government of Canada in 1867. The Government of Canada undertook a number of valuations of the lands taken but compensation was never paid.

Starting in 1834, and continuing for many years, the Province of Upper Canada invested Six Nations money to

support the speculative adventures of the Grand River Navigation Company (GRNC), and granted to the GRNC lands of the Six Nations without consent or payment. These investments were for the benefit of private promoters of the GRNC. The GRNC was formed for the stated purpose of constructing dams and carrying out other works in order to make the Grand River more navigable and therefore provide a better public transportation link between the Welland Canal and the City of Brantford. The irony is, Six Nations were opposed to this project and yet, the Government used Six Nations trust funds without Six Nations knowledge or consent, to finance and support the project. The GRNC failed and Six Nations monies and lands were lost. The Crown has failed to rectify this breach of trust.

The Crown took over other lands belonging to Six Nations for public or governmental uses without paying for the property taken, such as Surrender No. 30 for the Brantford Town Plot dated April 19, 1830, and Surrender No. 40 dated April 2, 1835, for 48,000 acres in the Township of Brantford.

The Crown sold land from the Six Nations Tract to third parties, after Six Nations had only agreed to allow the Crown to lease those lands for Six Nations benefit, such as Surrender No. 31 for lands on the North Part of the Township of Cayuga and Surrender No. 38 dated February 8, 1834, for lands in the Township of Dunn and parts of the Townships of Moulton, Canborough and Cayuga.

The Crown granted letters patent for lands known as the Hamilton-Port Dover Plank Road even though Six Nations only wanted to lease these lands and were deprived of continual earnings from these lands.

The Crown frequently disposed of lands from the Six Nations Tract at less than fair market value according to the Crown's own valuations, such as Lots 25 and 26, Con. 4, in the Township of Dunn, known as Port Maitland.

The Crown decided that the Johnson Settlement lands and other small tracts would be leased on short term leases for the benefit of Six Nations. The Crown then granted letters patents instead of leases for these lands, depriving Six Nations of continual rental revenues. There has been no surrender by Six Nations to the Crown for any of the above-mentioned lands.

The Government of Canada failed to protect the interests of Six Nations in the extraction of a natural gas resource lying under Six Nations reserve between 1945 and 1970. The Government allowed an oil and gas company to drill and extract gas without proper authority and without paying appropriate compensation to the Six Nations Trust.

After nearly 5 years in the courts, Six Nations had taken the step to begin discussions with Canada and Ontario. In 2000, the then Minister, Robert Nault, invited Six Nations to discuss a "Political Protocol" with Canada's appointed Special Representative Gerry Kerr. These talks broke down when Six Nations realized Mr. Kerr did not have a mandate to pursue settlement options. Canada was never forthcoming with this mandate and at no time did Canada consider putting the litigation "on hold" in a way that protects our rights to pursue our court case in the future while talks were taking place with Mr. Kerr.

iii) Exploration

To better manage the risk and seek a win/win solution, Six Nations, Canada and Ontario developed the idea of an out of court "Exploration Initiative" to determine if it would be possible to break the impasse that has held back claims resolution for years. This initiative would be exploratory talks only, not formal negotiations. All parties agreed to an abeyance of the litigation and the talks would proceed on a without prejudice basis which would protect Six Nations' rights and legal options. Any of the parties had the option of going back to court if they didn't feel the process was working for them.

The Exploration started in August 2004 and the Exploration Team was led by Six Nations' member and lawyer, Kathleen Lickers. After a series of discussions and proposals it was agreed that the Exploration Team would examine two of Six Nations claims in which minimal additional historical research was required. The Exploration Team chose to examine the Ordnance Reseve at Port Maitland and the Misappropriation of Six Nations Funds by

Samuel P. Jarvis claims with a view to first agreeing to a factual narrative of each claim. The Exploration Team reached an agreement on the narratives in December 2005 and the Six Nations Elected Council approved to proceed with the resolution discussions.

It was the hope of the Exploration Team that these first steps would result in a process that could deal with and ultimately resolve the litigation to the satisfaction of all parties.

Due to the events at the Douglas Creek Estate lands in Caledonia in April, 2006, Six Nations Elected Council did not continue/renew the exploratory talks and decided to participate at the Negotiation Table with Haudenosaunee Six Nations, Canada and Ontario.

iv) Negotiations

An education campaign began in February, 2006 along Highway 6 near Caledonia, Ontario, by a group of Six Nations people. This education campaign later evolved into the reclamation of a 130 acre proposed housing development site in Caledonia called the Douglas Creek Estates (DCE). After a police raid on April 20th, the reclamation evolved still further into blockades of Highway 6, the Highway 6 By-Pass and the Railway Line.

In order to ease tensions and come to some resolution on the disputed DCE lands, the Six Nations Elected Council made a decision to step back from the issue and voted on April 16, 2006 to support the Haudenosaunee Six Nations (HSN) in taking the lead of the DCE negotiations. The Six Nations Elected Council, however, would still be involved in the negotiations.

The HSN, Six Nations Elected Council, Canada and Ontario started negotiations in May, 2006, and met on a bi-monthly basis. The Lands and Resources Department worked in conjunction with the HSN Land Rights Department during the negotiations by providing and assisting with additional research required on Six Nations claims discussed at the negotiation table.

On May 31, 2007, a representative from Canada made an offer to resolve the historical grievances of Six Nations for the following claims, Burtch Tract, Block No. 5 (Moulton Township), Welland Canal (Feeder Dam), and the Grand River Navigation Company Investments for complete extinguishment for the amount of $125 million.

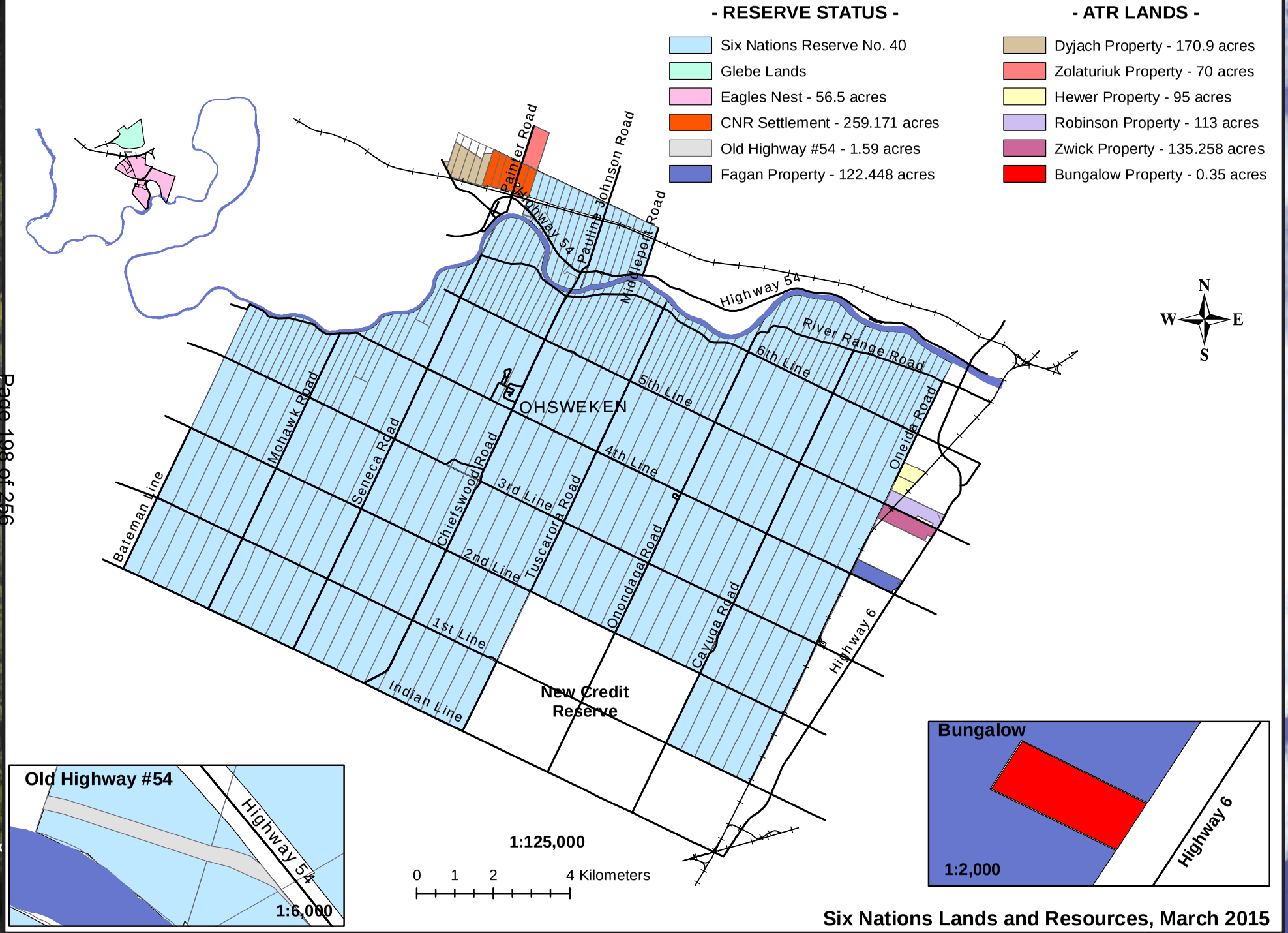
This $125 million dollar offer was not accepted or rejected by HSN and meetings continued with Canada and Ontario to discuss the claims that Canada included in their offer. All sides agreed to focus on one claim to come to a resolution/settlement and began an in-depth research on Six Nations lands flooded by the Welland Canal.

On December 12, 2007, a representative from Canada made an offer to resolve grievances in respect to the Welland Canal flooding of Six Nations lands in the amount of $26 million.

In 2008, the HSN replied with a counter proposal to the $26 million offer based on calculation obtained from an expert economist and received an amount in the range of $500 million to $1 billion. HSN proposed to proceed with the negotiations focusing on the return of land and the perpetual care and maintenance in the amount of $500 million for the historic loss of use of lands flooded by the Welland Canal. This was not accepted by Canada and Ontario, but agreed to continue with negotiations. These negotiations eventually discontinued as agreements between all parties could not reached.

The Six Nations Elected Council formerly took the original 1995 Litigation against the Crown's Canada and Ontario out of abeyance effective August 4, 2009 and is in active litigation once more.

SIX NATIONS OF THE GRAND RIVER



Six Nations Lands and Resources, March 2015

SIX NATIONS COUNCIL

LANDS AND RESOURCES DEPARTMENT

Main Office
#2498 Chiefswood Road
PHONE: 519-753-0665

Wildlife Management Office
#1721 Chiefswood Road
PHONE: 519-445-0330

Certificate of Participation

This is to certify that

Kanekwehntarà:ken Thatinatón:ni

PARTICIPANT NAME

attended

2.9 Emergency Operations Centre Training

TRAINING NAME

on February 23, 2021

DATE

Certified by:

Emma Hull

Emma Hull

Director Program Delivery, NIFSC Project

Directeur de la prestation de programmes, projet du CNASI

Emergency Operations Centre (EOC) Training

Managing Incident or events with Incident Command System (ICS) and Incident Management System (IMS)

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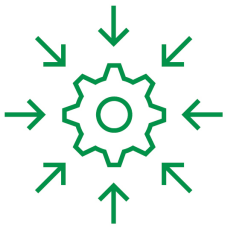
1

Class Objectives

- Participants will be able to identify the components of ICS/IMS.
- Participants will identify the types of incidents where ICS/IMS can be applied
- Participants will apply ICS/IMS to a discussion-based scenario.



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2

Why use ICS/IMS?

- Learning best practices for incident management
- Allows you to work with others who use ICS/IMS
- Increases efficiency – even in the most stressful time
- You don't have to make the same mistakes others have
- Communication and respect
- Allows you to focus on identifying problems, prioritizing, and efficiently finding solutions

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3

Basic Business Management Principles

Basic ICS/IMS Principles

- Planning
- Organizing
- Communicating
- Evaluating
- Directing
- Coordinating
- Delegating

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4

ICS/IMS - Response System for:

- Wildfire
- Pandemic
- Hazardous Materials Release
- Flooding
- Earthquake
- Organized events

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5

Typical Emergency Response Challenges

- Breakdown in the decision-making process
- Failure to delegate
- Inadequate coordination - internally and w/other agencies
- Unanticipated media engagements
- Poor use of resources

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6

What ICS/IMS?

- Systems for coordination of emergency activities.
- Used at the site level and site support level.
- Provides responding agencies/jurisdictions a coordination model to achieve community goals.

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7

Emergency Incident Goals

- Provide for the safety and health of all responders
- Save lives
- Reduce suffering
- Protect public health
- Protect government infrastructure
- Protect property
- Protect the environment
- Reduce economic and social loses

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8

Actions during emergencies require:

- Life safety considerations
- One person in charge
- People who are helping should:
  - Handle one task at a time
  - Report to only one person
- Span of control

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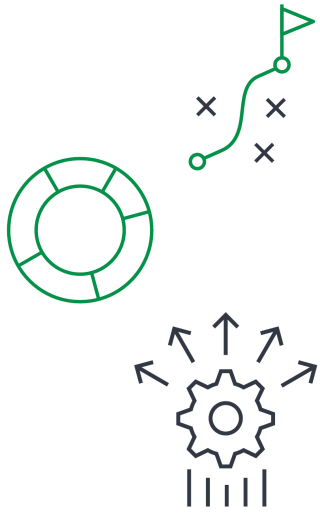
9

Concepts of ICS/IMS

- Modular/expandable organization
- Easy to use structure
- Comprehensive resource management
- Strategic action plans
- Manageable span of control
- Common terminology/language



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10

Common Terminology for:

- **Organizational Elements** - response teams
- **Position Titles** - command, general staff, function leaders
- **Facilities** - command post or EOC, staging area, first aid treatment area
- **Resources** - communications equipment, personnel, community equipment
- **Communications** - common language in radio transmissions

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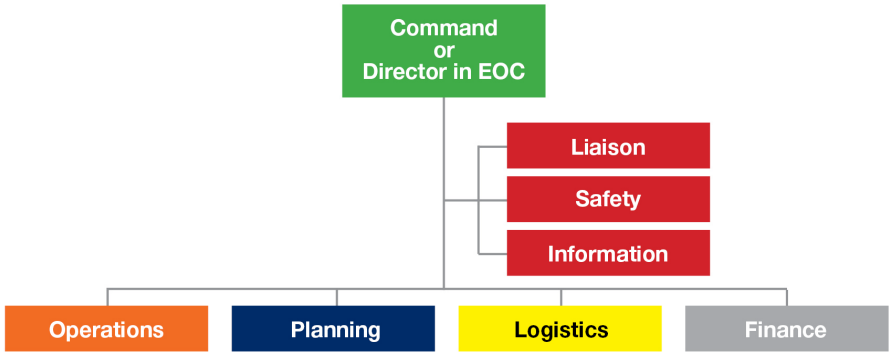
11

Basic ICS/IMS Organization



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12

Command

Responsible for all aspects of an emergency response including;

- quickly developing incident objectives.
- managing all incident operations.
- application of resources.
- responsibility for the safety of all people involved.
- sets priorities.
- approves incident action plan.

The role of command **may** be assumed by others as incident progresses

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Operations

- Directs/oversees operations
- Develops the tactical objectives and organization
- Directs all resources

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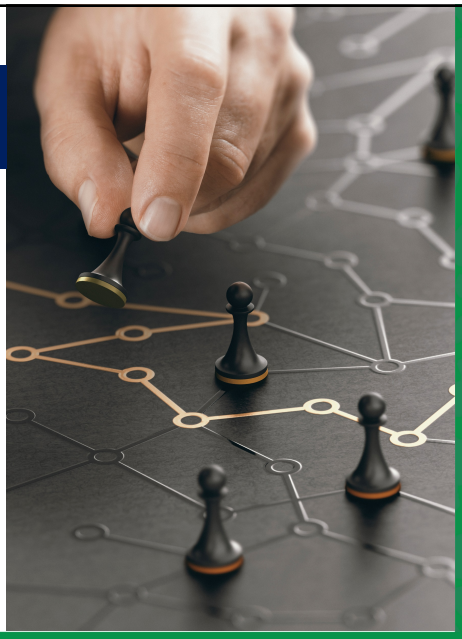
Planning

- Collects, evaluates, and displays incident information
- Prepares Incident Action Plan (IAP)
- Maintains status of resources
- Prepares other incident-related documentation



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15

Logistics

- Provides services and support to meet the incident or event needs
- Provides resources
- Provides other services

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Finance / Administration

- Keeps track of incident-related expenses
  - Personnel
  - equipment records
  - procurement contracts
  - other financial related expenses of the incident
- Monitors costs

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ICS/IMS Management Functions

FUNCTION	DEPARTMENT
Who is in charge?	**Command**
What needs to be done and how will it be done?	**Planning**
What resources are being used and what response activities are being carried out?	**Operations**
What resources are required to support the incident (e.g. meals, shelter, equipment)?	**Logistics**
What expenses need to be tracked and monitored?	**Finance**

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Major Management Activities

Command (In Charge)

- Overall responsibility
- Set and adjust objectives and priorities

Operations (Doers)

- Response Activities
- Directs resources

Logistics (Getters)

- Provide facilities, equipment and supplies

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19

Major Management Activities

Planning (thinkers)

- Tracks everything and looks ahead for future issues
- Collects, posts and evaluates information
- Develops and maintains the incident action plan

Administration / Finance (Payers)

- Documents purchasing of supplies, equipment, etc.
- Monitors and documents hours worked and related costs for employees and volunteers

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20

Brainstorming

ICS/IMS

- Use with any type of event?
- Who is command and when to transfer?
- Follow the all the rules or not?
- Let us develop a scenario and walk slowly through it.

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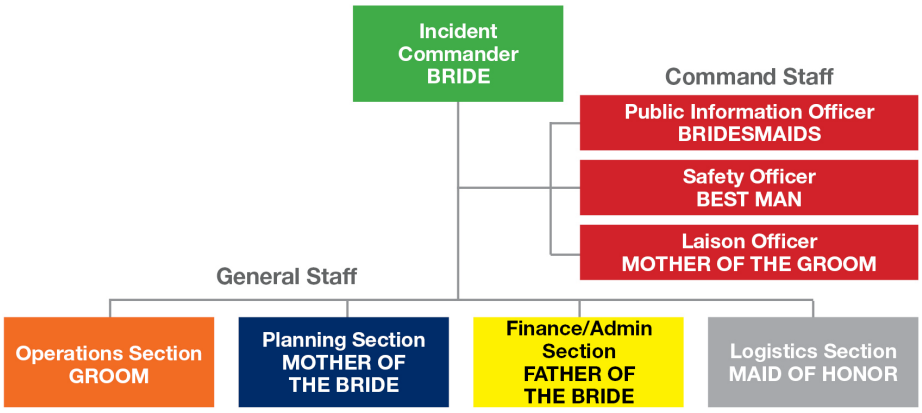
ICS/IMS for a non-emergency event



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22

Scenario: Community Gathering

Your administration manager/director wants you to plan for and hold a new community gathering

- Assume you are Command
- Select others to be your command staff and general staff
- Explain who will fill the ICS/IMS functions and why
  - Liaison, PIO, Safety
  - Operations
  - Planning
  - Logistics
  - Finance

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23

Unified Command

- Role of Command is shared by two or more individuals
- May be needed for incidents involving multiple agencies
- Allows agencies with different authorities and responsibilities to work together
- Develop a single, coordinated **Incident Action Plan**
- Will supervise a single organization and speak with one voice

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Incident Action Plan (IAP)

IAP is a **verbal or written** plan containing objectives for managing the incident

The IAP may include:

- identification of resources and personnel assignments,
- attachments that provide additional direction,
- measurable strategic goals to be achieved within a certain timeframe,
- means of communicating the overall incident objectives.

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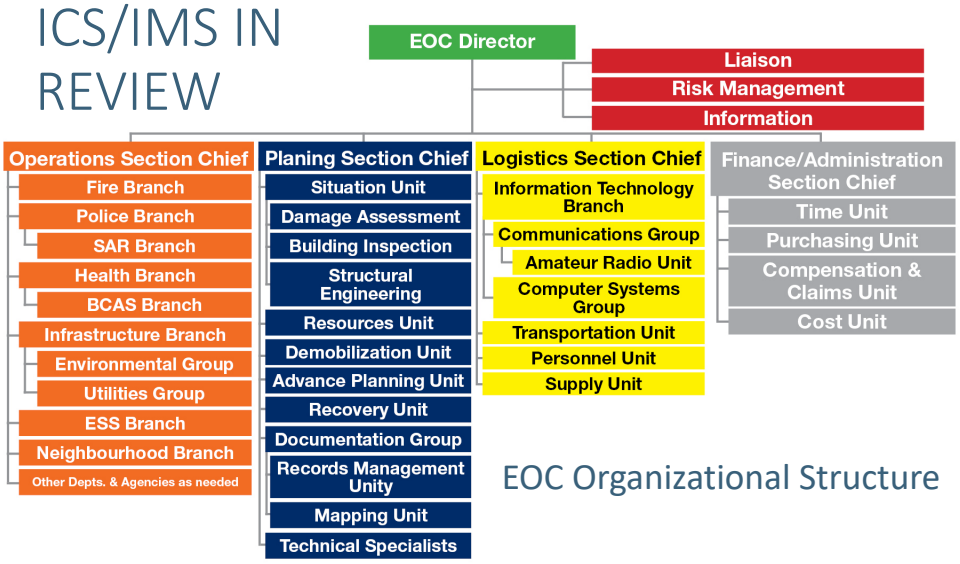
ICS/IMS IN REVIEW



EOC Organizational Structure

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ICS/IMS management functions can be understood by answering the following questions:

FUNCTION	DEPARTMENT
Who is in charge?	COMMAND/DIRECTOR
What needs to be done and how will it be done?	PLANNING SECTION
What resources are being used and what response activities are being carried out?	OPERATIONS SECTION
What resources are required to support the incident (e.g. meals, shelter, equipment)?	LOGISTICS SECTION
What expenses need to be tracked and monitored?	FINANCE/ADMIN SEC

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REMEMBER

- Only one position (Command/EOC Director) needs to be filled.
- Command fulfills all functional responsibilities unless delegates to others.
- Think functions (Command, Operations, Planning, Logistics, and Finance/Admin), not people.
- ICS/IMS Organization can expand or contract to fit needs of the incident.
- ICS/IMS can be used for any incident or organized event.

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28

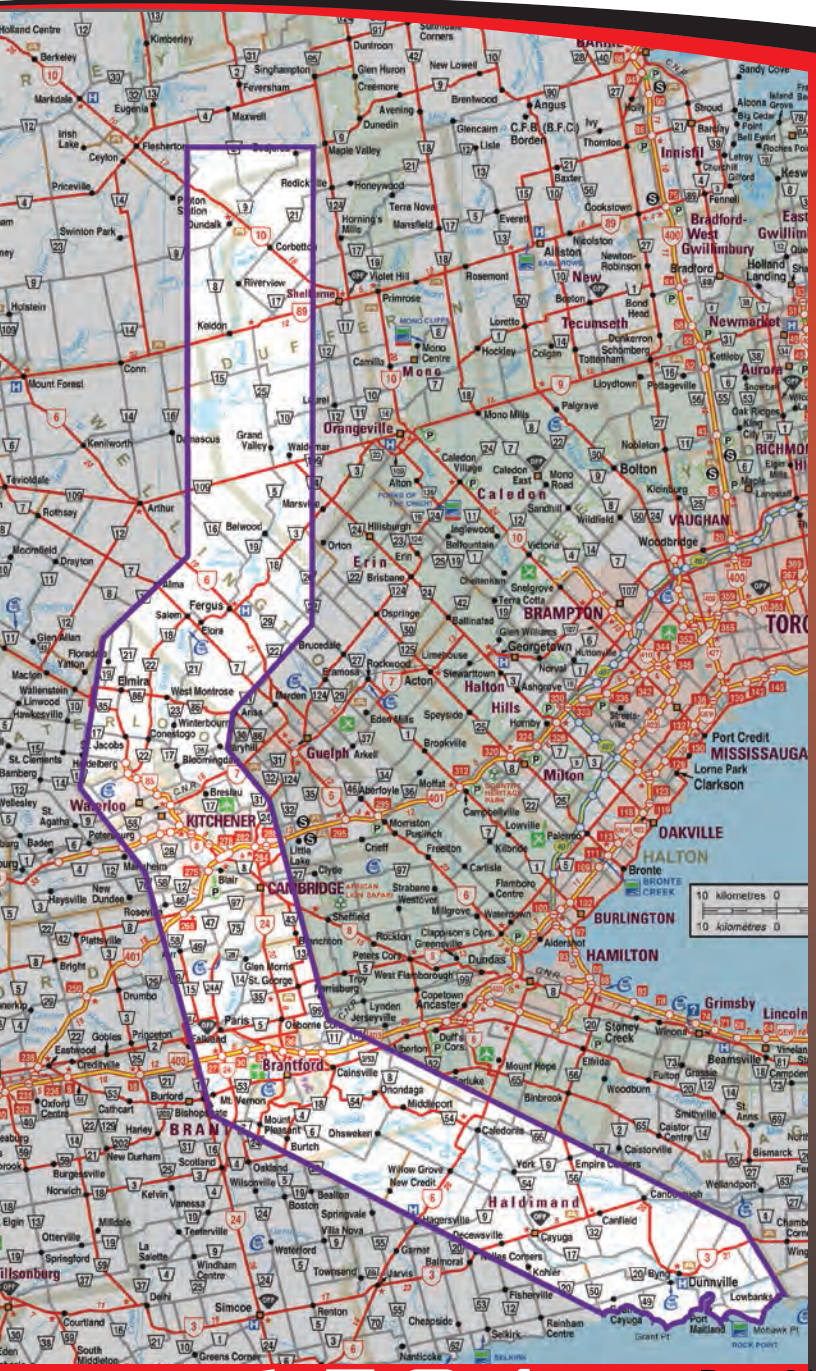
LAND RIGHTS

A GLOBAL SOLUTION

FOR THE SIX NATIONS OF THE GRAND RIVER

..."Six Miles deep from each side of the River beginning at Lake Erie and extending in the proportion to the Head of said River, which Them and Their Posterity are to enjoy forever.".

Haldimand Treaty, October 25, 1784



1784

2015

SUMMARY - SIX NATIONS LAND RIGHTS ISSUES - FEBRUARY 2015

- Six Nations of the Grand River is the largest First Nation community in Canada with some 24,000 citizens living on approximately 46,000 acres in Southern Ontario. Less than 5% is all that remains from our original 950,000 acre land grant from our 1784 Haldimand Treaty.
- We returned to Canada and settled along the Grand River as a result of our 1784 Haldimand Treaty with the British Crown in recognition of our role as allies during the American Revolution. We were again called upon to defend Upper Canada when Americans invaded during the War of 1812.
- Our title to this land is an area 6 miles wide on each side of the Grand River for a distance of 186 miles (2,232 square miles), which we call Six Nations of the Grand River Territory. The unresolved land rights throughout our Territory impedes the governance of 38 municipalities and 900,000 persons within the Grand River watershed.
- Our 1701 Fort Albany (Nanfan) Treaty with the Crown also recognized our rights to the natural resources and trading rights throughout a large area of land in southern and central Ontario. Other International treaties affirms Six Nations these rights.
- Six Nations of the Grand River is seeking Justice. We have pre-confederation treaties with the Crown that have not been lived up to. Six Nations land rights are based on those treaties, which are recognized and protected by Canada's Constitution.
- Under the 1784 Haldimand Treaty… the Six Nations and their posterity to enjoy forever… and in the modern context the Spirit and Intent of this Treaty is our "perpetual care and maintenance" of the Six Nations people now and to the seventh generation. We can not, and will not negotiate away our constitutionally recognized treaty rights.
- Within the original land grant along the Grand River, Six Nations entered into long term leases to provide income for our perpetual care and maintenance. There were very few outright legal sales of our land. 90% of the leased land has never been paid for or paid to Six Nations.
- Six Nations was engaged in land rights negotiations for the return of substantial parts of our original grant. This process has broken down and no progress has been made for the past eight years the resolution of Six Nations land rights in the 1784 Haldimand Treaty Lands.
- 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.
- 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. We reiterate that we can not and will not sign away our children's future.
- We know and understand that Canada does not have enough money (Billions) to bring these historic land issues to resolution under the existing land claims policies. However, a continual yearly flow of financial transfers to the Six Nations, based on the spirit and intent of the 1784 Haldimand Treaty will allow the community to enjoy these benefits i.e. health, education, social well being, housing etc.
- A new perpetual care and maintenance mechanism needs to be established that allows us to share the economic privileges of our lands and resources with our neighbours and which allows for certainty on all sides. There is no need for the prerequisite of extinguishment to achieve certainty.
- Joint venturing and partnering with developers, municipalities, Ontario and Canada will allow us to share in the benefits of the 1784 Haldimand Treaty lands. We have an alternative "global approach" to a settlement of our land rights issues, which we need the federal government to sign on to.
- Six Nations is seeking fair and just settlement including return of lands and compensation for loss of use of our lands and resources including resource revenue sharing for lands within the original treaty lands – Treaty Land Entitlement.
- 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 and the reasons for the failure of current federal approach to large claims.
- Six Nations has and will continue to petition and present to the United Nations (UN) the need for the UN to intervene in their Land Rights issues with Canada.

LAND RIGHTS
A GLOBAL SOLUTION
FOR THE SIX NATIONS OF THE GRAND RIVER

PURPOSE

Six Nations of the Grand River understands that Canada does not have enough money to bring historic land issues to resolution under the existing land claims policies.

This booklet is an explanation of Six Nations' land and financial grievances against the Crowns of Canada and Ontario and the need for the establishment of a new perpetual care and maintenance mechanism.A mechanism that would benefit the Six Nations Peoples and their posterity to enjoy forever, while continuing to share the Haldimand Tract lands and resources with our neighbours.

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"Perpetual Care and Maintenance" • February 2015

THE BIG PICTURE

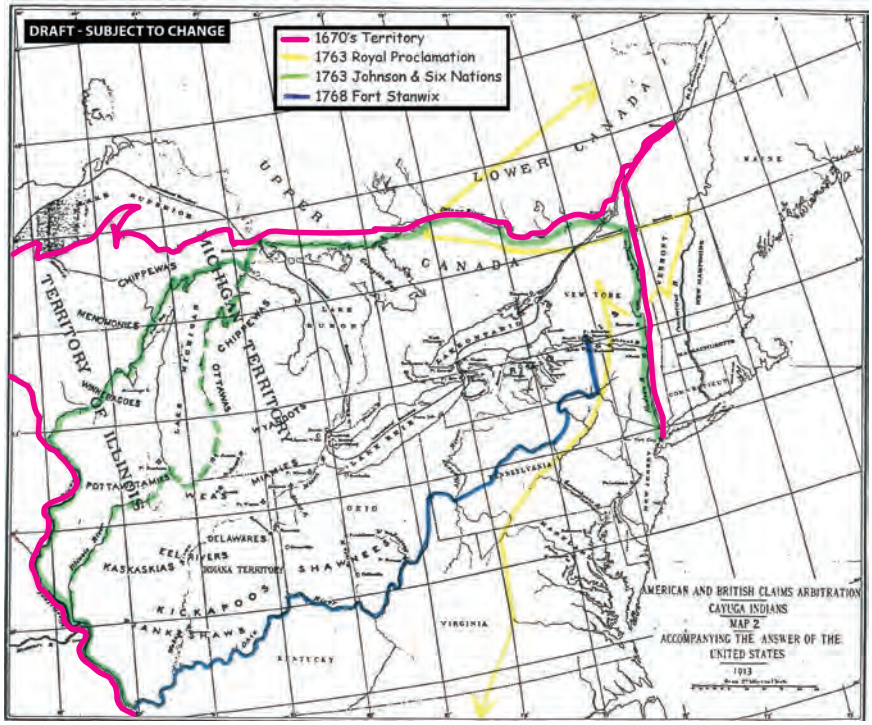
In 1983, the Six Nations Elected Council appeared before the Parliamentary Task Force on Indian Self-Government. We then stated self-determination, Indian Government, and special relationships are empty words unless there are the resources to make them real. The resources of which we speak are those to which we are legally entitled. Revenue sharing and resolving our land rights issues are major components for us to perpetually resource our government.

In 1996, a Royal Commission on Aboriginal Peoples reported to the Federal Government and proposed solutions for a new and better relationship between Aboriginal peoples and the Canadian Government including the recognition of the right to Self-Government. The Royal Commission recognized the inherent right to Self-Government as an *"existing"* Aboriginal and treaty right as recognized and affirmed by *Section 35(1) of Canada's Constitution Act, 1982*.

The Federal Government has since recognized the right of self-government as an existing inherent Aboriginal and treaty right within *35(1)of Canada's Constitution Act, 1982.*

THE 1701 FORT ALBANY (NANFAN) TREATY AND TRADITIONAL LANDS

In 1701, the Imperial Crown entered into treaty with Five Nations (later became the Six Nations) in which the Crown undertook to protect from disturbance or interference a large portion of lands the Six Nations had obtained from the Huron by conquest. This Treaty would ensure Six Nations' right to exercise freely the right to pursue their economic livelihood utilizing the natural resources contained in the said Treaty Lands throughout central and southwestern Ontario.



Six Nations interpretation of their Traditional Territory of North America

These rights to unmolested trade and commerce thoughout the region was again affirmed the Five Nations in the Treaty of Utrecht.

Our Treaty Rights as affirmed by the 1701 Fort Albany Treaty are protected under *Section 35(1) of Canada's Constitution Act, 1982* and as such are subject to the Crowns' (Canada and Ontario) duty to consult and accommodate our broad range of interests. In addition to our undisturbed right to hunting and fishing, that consultation and accommodation includes Six Nations participation in environmental monitoring and revenue sharing by others intending to develop on and exploit any resources from within our 1701 Fort Albany Treaty lands.

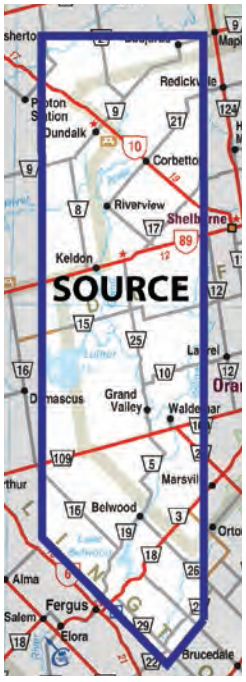
THE SIX NATIONS 1784 HALDIMAND TREATY

(l) Lands granted by Haldimand Treaty and (r) Copy of Haldimand Treaty of October 25, 1784

The Haldimand Treaty of October 25, 1784, promised a tract consisting of approximately 950,000 acres within their Beaver Hunting Grounds along the Grand River to the *"Mohawk Nation and such others of the Six Nations Indians as wish to settle in that Quarter"* in appreciation of their allegiance to the King and for the loss of their settlements in the American States. They were *"to take possession of and settle upon the Banks of the River, commonly called Ouse or Grand River, running into Lake Erie, allotting to them for that purpose Six Miles deep from each side of the River beginning at Lake Erie and extending in that proportion to the Head of said River, which Them and Their Posterity are to enjoy forever".*

From 1784 to the present date, 275,000 acres of lands up to the source of the Grand River remains an outstanding treaty land entitlement to the Six Nations people. In addition, compensation for the 230-year loss of use and enjoyment of these lands require redress.

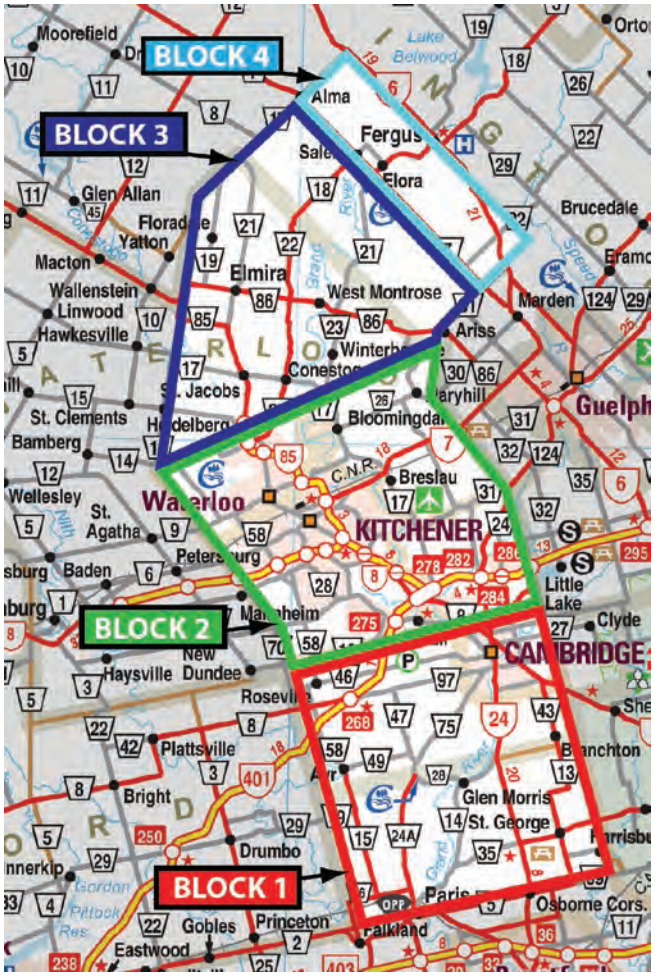
The 1784 Haldimand Treaty unequivocally promised that a tract of land six miles deep on each side of the Grand River from the rivers mouth to its source was to be laid out for Six Nations and their posterity to enjoy forever. However, the Six Nations Tract as laid out is only 960 chains (12 miles) in total width with the area of the Grand River meandering between its outer limits. The area equal to the area of the Grand River remains an outstanding treaty land entitlement to the Six Nations people.



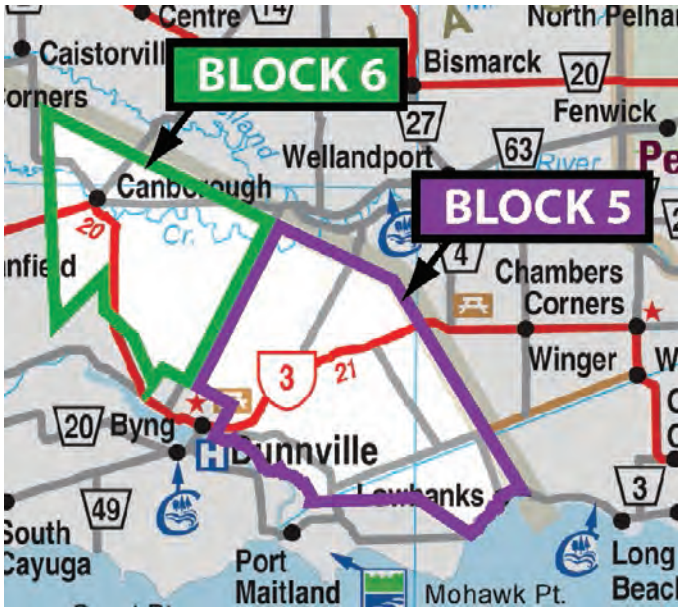
275,000 acres outstanding treaty entitlement

On February 26, 1787 the Six Nations agreed to allow farms to be used by certain individuals in parts of Seneca and Cayuga Townships and never to be transferred to any other whomsoever. Between 1835 and 1852, twenty-one Crown Letters Patent were issued to third parties without the lands being duly surrendered or any compensation being paid.

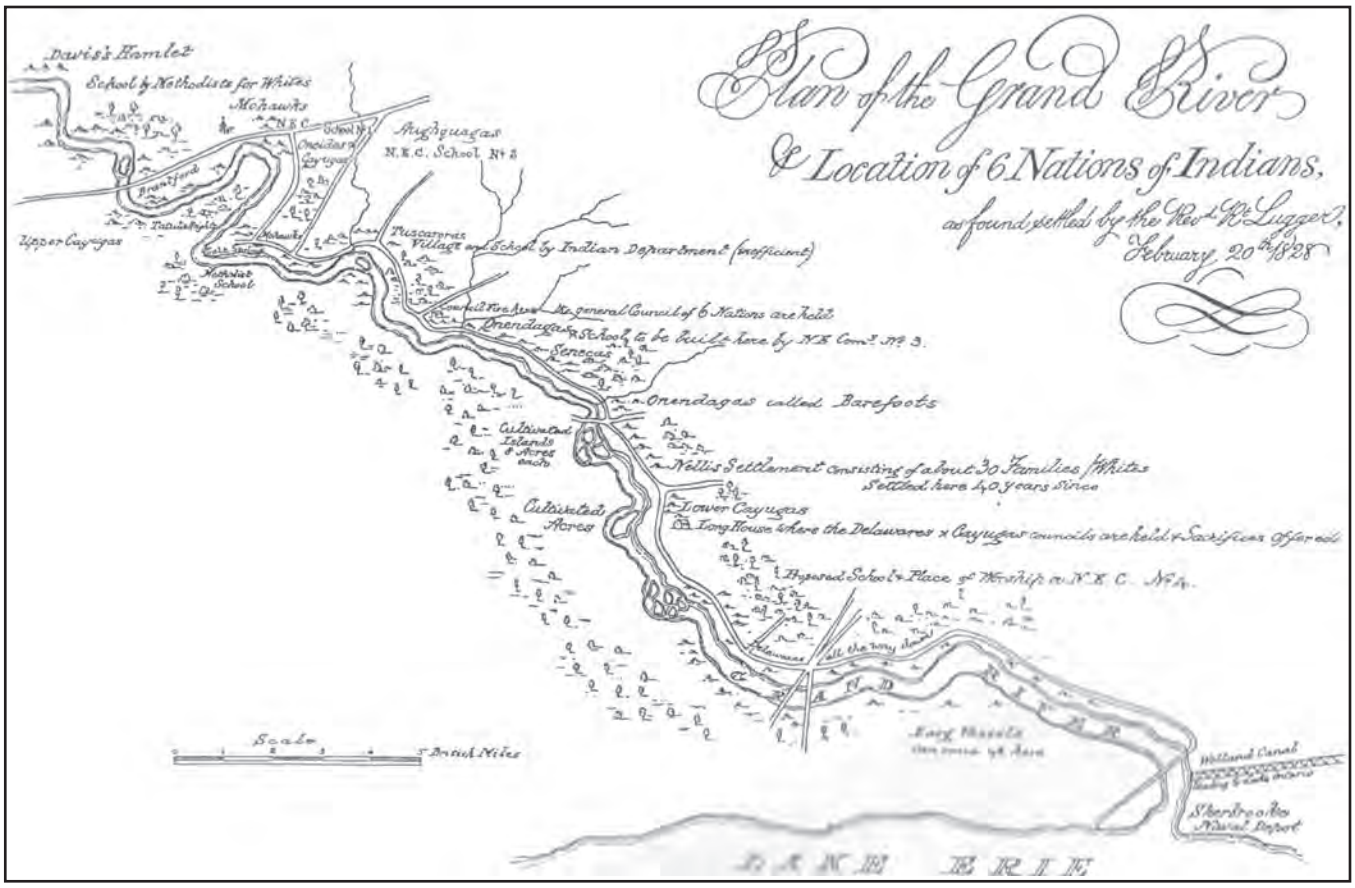
In 1796, Six Nations agreed to share 302,907 acres (Blocks 1, 2, 3 and 4) with settlers on condition that a continual revenue stream be derived from these lands for 999 years to be dedicated for Six Nations "perpetual care and maintenance". Records show the Crown used those revenues to finance operations in developing Canada with little or no return to Six Nations. For those agreements to be honoured, Canada must restore with interest the monies it used for purposes other than Six Nations perpetual use and benefit for the past 218 years. We must also define the terms by which Six Nations will continue to allow persons to share these lands for the next 781 years.



Two other tracts of land, Block 5 (30,800 acres) and Block 6 (19,000 acres) must either be returned to Six Nations and compensation commensurate to our loss of use or perpetual care and maintenance agreements need to be honoured similar to satisfactory arrangements for Blocks 1-4. In June 2007, Canada concludes lands in Etobicoke were used to secure the block 5 mortgage.



Etobicoke sites (l) area of Jane Street and Finch Avenue intersection, (r) Islington Avenue and Albion Road intersection



Locations of Six Nations Settlements along Grand River, 1828

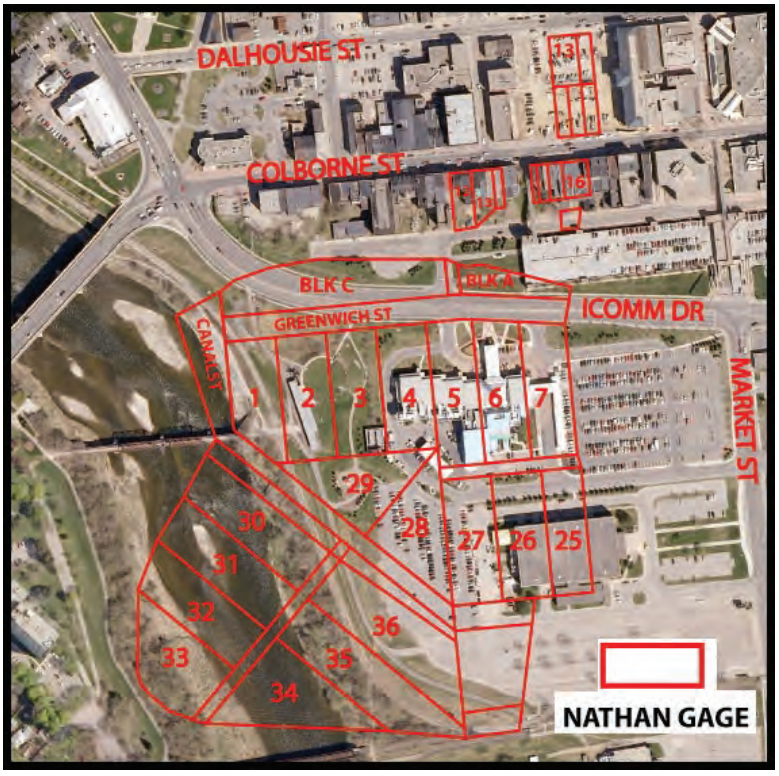
By Statute of January 19, 1824, the Welland Canal Company was incorporated to construct the Welland Canal. The Statute provided that Six Nations was to be compensated if any part of the Welland Canal passed through Six Nations lands or damaged the property or possessions of Six Nations. It was determined that 2,500 acres of Six Nations lands were flooded between 1829 and 1830 with no compensation being paid for the flooded lands to date. Government records also reveal that Six Nations funds were used to finance operations of the Welland Canal Company. Canada has acknowledged all this as fact.

William Claus was Deputy Superintendent for Six Nations at Fort George from October 1796 to September 30, 1800. He then was appointed Deputy Superintendent General for Indian Affairs for Upper Canada a post that he held until his death on November 11, 1826. His son John Claus was then appointed a Trustee for Six Nations by the Lieutenant Governor. On May 14, 1830, the Executive Council of Upper Canada determined a debt of about £5,000 was owed Six Nations from the Claus Estate. In 1831, 900 acres in Innisfil Township and 4,000 acres in East Hawkesbury Township were set aside for the use and benefit of Six Nations to satisfy the debt of the Claus estate. The heirs of William Claus fought against this settlement by the Crown. The Crown used Six Nations funds to pay for its endeavours to obtain a settlement with the Claus heirs; legal fees, court costs, land taxes and a cash settlement. In addition, Six Nations unfettered use of these lands has been outstanding since 1831.

The purported land alienations of the Town Plot of Brantford (April 19, 1830) and part of the Township of Brantford (April 2, 1835) to resolve the problem of squatters on Six Nations lands are deemed by Six Nations as void as their purpose was never fulfilled. Failure to have the alienations deemed as invalid will result in a lot-by-lot analysis having to be done to determine if full and fair compensation was paid for each transaction and held in trust for the

continued use and benefit of the Six Nations Indians. On February 25, 2009, Canada agreed with Six Nations that the 20 acres of the Nathan Gage Lands within the Town Plot of Brantford, were intended for leasing purposes and have never been paid for.

	6 % Compound
Approx.	$121,467,975.57
current	8 % Compound
value	$3,140,325,690.52
w/interest	10 % Compound
	$76,483,623,490.95



Nathan Gage Lands (20 acres) within Townplot of Brantford.

By agreement on September 28, 1831, Six Nations would consent to a land transaction to allow for the construction of the Talbot Road from Canborough Township to Rainham Township (North Cayuga Township) upon condition an Indian Reservation would be made for Six Nations of two miles back on each side of the Grand River where the Talbot Road would cross the Grand River. The terms of this condition was not honoured in the purported surrender for the area.

By Statute of January 28, 1832, the Grand River Navigation Company was incorporated to make the Grand River more navigable from the works of the Welland Canal to Brantford. Between March 10, 1834 and 1847 recorded transfers show more than £44,292 ($177,168.00) was taken from Six Nations Trust Funds by Crown Agents and invested in the Grand River Navigation Company through stock purchases; contrary to protests of Six Nations. An additional amount yet to be determined was collected from the Government controlled sale of Six Nations lands and used to pay the day-to-day operating and maintenance expenses of the Grand River Navigation Company without being deposited into the Six Nations Trust. In addition, free Crown Grants were issued to the Grand River Navigation Company for 368 7/10 acres in 1837 as well as for lands elsewhere and at various periods of time.

Against the wishes of Six Nations, the Crown constructed the Hamilton/Port Dover Plank Road through the Townships of Seneca and Oneida. A leasing arrangement for one half mile on each side of the road was sanctioned by the Chiefs in 1835. Lease rentals remain in arrears since 1835 for the leasing of 7,680 acres crossing these townships. In addition, payment for the Hamilton/Port Dover Plank Road remain in arrears since March 1834.

To further augment a continual source of revenue for Six Nations, agreements were confirmed and ratified by the Crown in 1843 that 11,500 acres in four separate locations in and around the City of Brantford would be let at short term leases renewable every 21 years. Six Nations does not receive rental monies from these lands nor have we enjoyed the unfettered use of these lands.

Samuel P. Jarvis, the Chief Superintendent of Indian Affairs, again attempted to address the issue of squatters throughout our lands and the failure by the Crown to legally protect our interests by land relocation. All lands on the south side of the Grand River (Burtch Tract, Tuscarora Township, Oneida Township, and parts of North and South Cayuga Townships) from Brantford Township to Dunn Township were assured to Six Nations for their future residence. Six Nations unfettered use of all these lands remains outstanding. The said lands need to be restored

to us in addition to our present day land holdings in Onondaga, Tuscarora and Oneida Townships. Failing that, the entire Townships of Onondaga and Seneca need to be restored to Six Nations as the conditions of the promises made for the relocation of our people was not adhered with.

Thousands of acres of Six Nations land leases have expired with no compensation being collected. Financial compensation and/or the return of these lands to Six Nations must be acted on.

Thousands of acres of Six Nations lands legislated away, expropriated, flooded and used by the Crown require to be returned, replacement lands provided, or satisfactory compensation made to Six Nations.

Lands that have been excluded from purported surrenders, lands that have no payments being made and lands that have "free" Crown Letters Patents issued need to be returned to Six Nations or alternative forms of just compensation made.

Compensation for all natural resources on lands throughout the Six Nations 1784 Haldimand Treaty and the 1701 Fort Albany lands must be addressed to Six Nations satisfaction.

PURPORTED LAND ALIENATIONS

A complete determination on the validity of all purported surrenders must be made:

- Did all 50 Chiefs of the day understand the written and spoken English language;
- Did all 50 Chiefs willingly consent and actually sign the purported surrender documents at a public council;
- Were the required descriptive plans attached to the purported surrender document;
- Were all the terms and conditions fulfilled (including inducing promises) of surrenders determined valid;
- Was full, fair, and complete compensation properly obtained and used for the sole use and benefit of the Six Nations Indians;
- Was complete and just compensation received for all the natural resources upon and under the lands at issue; and
- Were protests made against such arbitrary actions of the Crown properly resolved to Six Nations understanding and satisfaction.

More than 10,000 land transactions on a lot-by-lot basis will have to be analyzed to determine whether complete and just compensation was received for lawfully surrendered lands and all natural resources and whether all the proceeds were properly credited and used for Six Nations continual care and benefit.

SIX NATIONS MONIES

Our research has revealed that the Crown's management of the Six Nations Trust or permitting it to be managed was inconsistent with the standards of conduct required by the Crown's fiduciary obligations to the Six Nations.

Six Nations funds intended for Six Nations perpetual care and maintenance were invested in financial institutions in London, England and Scotland without an accounting. Banks here in York, Gore and elsewhere held Six Nations monies without an accounting to Six Nations. Crown appointed Indian Agents were dismissed for negligence and theft of Six Nations funds without the trust being made whole. Government inquiries reveal that funds intended to be paid remain outstanding and/or are missing from the Six Nations Trust.

A complete analysis and audit of all Six Nations Trust funds is required to determine if all funds from proper land sales were for full and fair compensation and were properly used for the continual care and benefit of the Six Nations Indians.

EXAMPLES OF THE CROWNS MISUSE OF SIX NATIONS TRUST MONIES

In 1820, £187.10.0 ($750.00) of Six Nations monies was invested in Upper Canada Bank Stock. This was increased in 1859 to £200 ($800.00).

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$9,480.00	$60,869,414.56	$2,287,019,290.82	$80,397,433,306.19

In 1834, £1,000 ($4,000.00) of Six Nations monies was used to offset the Governments debt with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$47,200.00	$143,587,204.06	$4,152,751,836.64	$112,912,837,096.05

In 1835, £300 ($1,200.00) of Six Nations monies was loaned to the Brantford Episcopal Church with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$14,088.00	$40,637,887.94	$1,153,542,176.84	$30,794,410,117.10

In 1836, £600 ($2,400.00) of Six Nations monies was used by the Cayuga Bridge Company with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$28,032.00	$76,675,260.27	$2,136,189,216.38	$55,989,836,576.55

In 1845, £3,679.7.9 ($14,717.58) of Six Nations monies was used to cover the Governments debt with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$163,953.87	$278,309,246.13	$6,553,164.689.41	$145,613,015,884.46

Between, 1845-1847, £4,200 ($16,800.00) of Six Nations monies was used to cover the Country's war loss debt with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$185,136.00	$282,740,994.31	$6,413,224,574.44	$137,368,673,071.29

In 1846, £200 ($800.00) of Six Nations monies was used by the Desjardin Canal Company with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$8,864.00	$14,271,688.28	$329,822,978.11	$7,195,501,922.78

In 1846, £2,000 ($8,000.00) of Six Nations monies was used by the Erie & Ontario Railroad Company with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$88,640.00	$142,716,882.84	$3,298,229,781.14	$71,955,019,227.82

In 1846, £200 ($800.00) of Six Nations monies was transferred to the Simcoe District with no record of repayment.

	6 % Simple	6 % Compound	8 % Compound	10 % Compound
Approx. current value w/interest	$800.00	$14,271,688.28	$329,822,978.11	$7,195,501,922.78

In 1846, £4,412.10.0 ($17,650.00) of Six Nations monies was transferred to the City of Toronto with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$195,562.00	$314,869,122.77	$7,276,719,464.64	$158,750,761,171.38

In 1846 and 1847, £2,900 ($13,100.00) of Six Nations monies was used to build roads in York with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$144,362.00	$220,470,656.28	$5,000,788,209.83	$107,114,858,168.68

In 1847, £2,250 ($9,000.00) of Six Nations monies was used by the Welland Canal Company with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$99,180.00	$151,468,389,81	$3,435,656,022.02	$73,590,360,573.91

In 1847, £250 ($1,000.00) of Six Nations monies was transferred to the Law Society of Upper Canada with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$11,020.00	$16,829,821.09	$381,739,558.00	$8,176,706,730.43

In 1847, £2,000 ($8,000.00) of Six Nations monies was transferred to McGill College with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$88,160.00	$134,638,568.72	$3,053,916,464.02	$65,413,653,843.47

In 1849, £3,900 ($15,600.00) of Six Nations monies was transferred for the debts of Public Works again in 1858; £11,000 ($44,000.00) was transferred to Public Works with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
$15,600 (1849)	$170,040.00	$233,664,301.36	$5,105,570,220.20	$105,418,698,342.79
$44,000 (1858)	$479,600.00	$659,053,157.67	$14,400,326,262.09	$297,334,790,197.60

Between 1849-1851, £15,600 ($62,400.00) of Six Nations monies was transferred to address the Public Debt with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$672,672.00	$831,841,585.46	$17,508,814,198.21	$348,491,564,769.54

In 1851, £2,000 ($8,000.00) of Six Nations monies was used by the Municipal Council of Haldimand with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$86,240.00	$106,646,357.11	$2,244,719,769.00	$44,678,405,739.68

In 1852, £7,000 ($28,800.00) of Six Nations monies was invested in the Upper Canada Building Fund with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$308,736.00	$362,195,175.09	$7,482,399,230.00	$145,220,236,966.24

Between 1853 and 1857, £77,531.13.4 ($310,124.68) of Six Nations monies was used to operate Upper Canada. This debt was assumed by the Province in 1861 with no record of repayment to Six Nations.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$3,231,499.17	$2,914,453,803.11	$54,836,021,824,93	$977,660,117,470.53

In 1854, £28,400 ($113,600.00) of Six Nations monies was invested in Montreal Turnpike Trust Bonds with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$1,204,160.00	$1,271,501,198.11	$25,303,419,130.57	$476,659,174,683.33

In 1861, £1,782 ($7,128.00) of Six Nations monies was used by the District of Niagara with no record of repayment.

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$72,563.04	$53,059,734.99	$926,407,965.40	$15,347,884,428.17

TOTAL OF THE ABOVE EXAMPLES OF THE 'CROWNS MISUSE OF SIX NATIONS TRUST MONIES'

Present Day - 2015

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$7,318,052.05	$8,324,772,138.25	$173,610,265,830.82	$3,474,279,442,210.76

Recalculated as of 1994 (filing of Notice of Action against Crown in right of Canada and the Crown in the Right of Ontario seeking a full accounting of Six Nations lands and monies.)

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$6,492,607.73	$2,595,703,302.96	$37,247,771,320.95	$516,429,501,059.91

Recalculated as of 2020

Approx. current value w/interest	6 % Simple	6 % Compound	8 % Compound	10 % Compound
	$7,565,685.34	$11,808,848,383.29	$275,497,673,046.42	$6,154,897,962,922.35

With these examples of Six Nations funds being misappropriated are legal debts against the treasury of Canada until resolved and the compounding cost of further delaying settlements makes Canada's one time payment policy unattainable. So why does Canada continue to mask negotiations using a redundant settlement and extinguishment policy knowing that it will not work?

LITIGATION DRIVEN BY DESPERATION

It was evident that through twenty years of research, Six Nations was merely stockpiling validated "Land Claims" under Canada's Specific Claims Policy. Canada's arbitrary and undefined discount factors were unacceptable not only to the Six Nations Elected Council (SNEC) but to many First Nations across Canada. The most offensive term was the prerequisite for extinguishment of our children's rights to the lands at issue.

Enough was enough. The Six Nations of the Grand River as represented by the SNEC filed a Statement of Claim on March 7, 1995 against Canada and Ontario (Court File 406/95) regarding the Crowns' handling of Six Nations' property before and after Confederation. Six Nations is seeking from the Crown a comprehensive general accounting for all money, all property under the 1784 Haldimand Treaty and for other assets belonging to the Six Nations and the manner in which the Crown managed or disposed of such assets. Six Nations is further seeking an order that

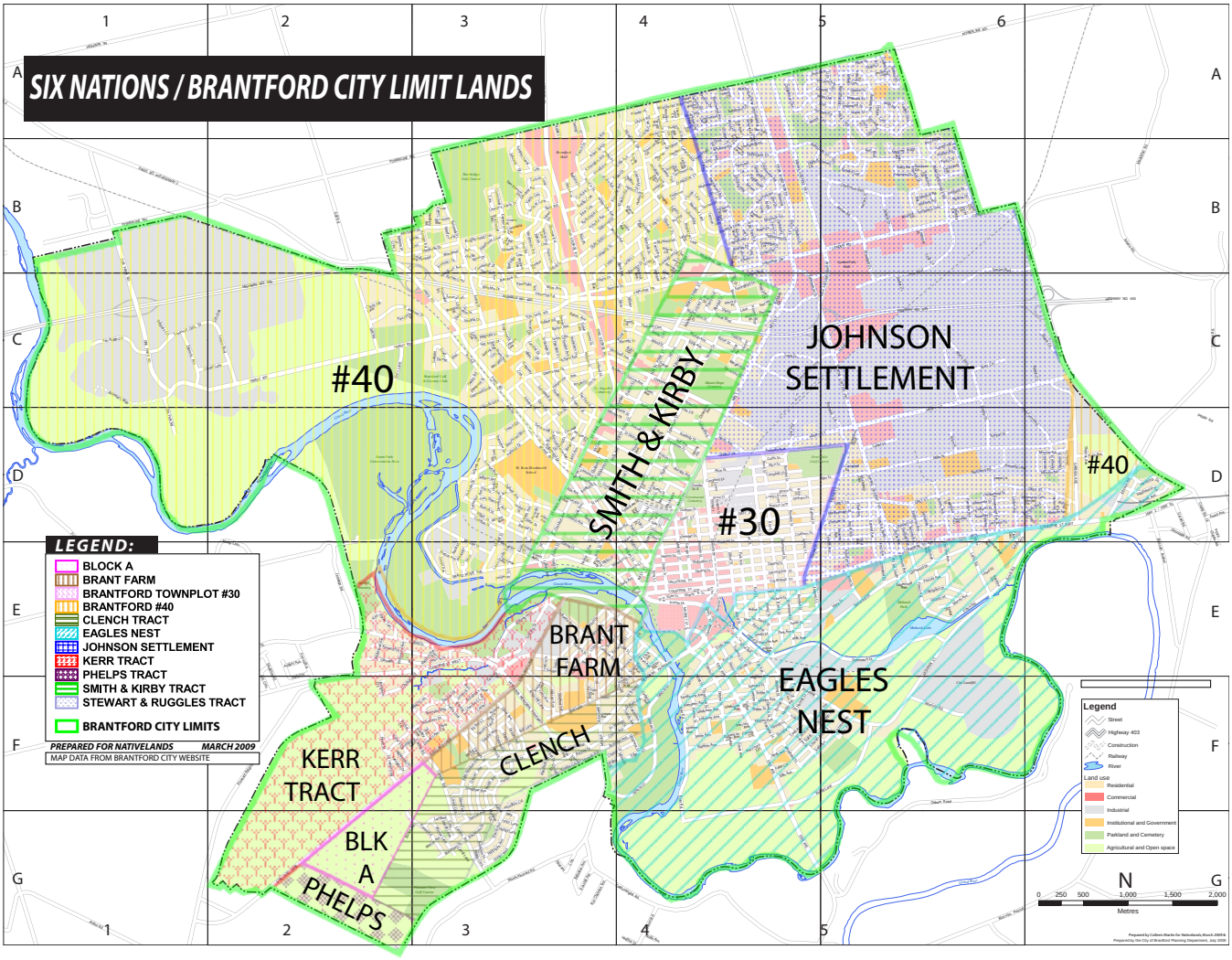
the Crown must replace all assets or value thereof, which ought to have been received or held by the Crown, plus compound interest on all sums, which the Crown should have received but failed to receive or hold for the benefit of the Six Nations.

In 2004, the SNEC of the day placed this litigation in abeyance with hopes that exploratory discussions with Canada would prove successful. Those discussions have gone nowhere. Consequently, on April 27, 2009, the SNEC gave notice to Canada and Ontario that the 1995 litigation would be taken out of abeyance as of August 4, 2009.

THE LEGAL DUTY TO CONSULT AND ACCOMMODATE SIX NATIONS

The legal duty for the Crown to consult with First Nations arises from the protection of Aboriginal and treaty rights set out in *Section 35(1) of the Constitution Act, 1982.* The purpose of such protection has been interpreted by the Supreme Court of Canada as "the reconciliation of the pre-existence of Aboriginal societies with the sovereignty of the Crown". Accordingly, the duty to consult is an aspect of the reconciliation process, which flows from the historical relationship between the Crown and Aboriginal people and is "grounded in the honour of the Crown".

The duty *"arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it"*. The Crown's duty to consult is proportionate to the strength of the Aboriginal claim that has been asserted; it is not a duty to agree, nor does it give First Nations



Nature of Six Nations Rights within the City of Brantford

a right to veto, but rather requires *"good faith on both sides"* and requires the Crown to make a *bona fide* commitment to the principle of reconciliation over litigation.

The Supreme Court of Canada recently ruled on the duty to consult in two important decisions. In the case of Tsihquot'in Nations v. British Columbia released in June, 2014, the Court held that the Tsilhqot'in people had proven their aboriginal title claim to a large territory in the Cariaboo Chilcotin region in the interior of British Columbia. As a result, the Tsilhqot'in Nation had the exclusive right to determine how the land is used and the right to benefit from those uses. This means that governments and others seeking to use the land, must obtain the consent of the aboriginal title holders, in this case the Tsilhqot'in people. If the group does not consent, the government must establish that the proposed incursion is justified under *Section 35(1) of the Constitution Act, 1982.* The justification will prove difficult for the government to meet.

The other important decision from the Supreme Court of Canada is the Grassy Narrows First Nation v. Ontario (also known as the Keewatin case) which was released in July, 2014. This case involved the duty to consult when there is an existing treaty. In this situation, the right to an accommodation was limited to the terms of the treaty.

Both cases reinforce and confirm the principles of consultation and accommodation, which principles Six Nations maintains applies to the Haldimand Treaty lands**"which Them and Their Posterity are to Enjoy Forever"** and the Nanfan Treaty area, the scope of which will be determined in upcoming years.

The Crowns are fully aware of Six Nations interests throughout the Six Nations treaty lands and as a result the SNEC has established a Consultation and Accommodation policy for obtaining free, prior, and informed consent from Six Nations. SNEC requires that the Crown, all proponents, and municipalities consult with SNEC in good faith in order to obtain its free and informed consent on behalf of the Six Nations of the Grand River prior to SNEC approval of any project potentially affecting Six Nations' rights and interest. SNEC expects that effective mechanisms shall be provided by the Crown and/or proponents for just and fair redress for any significant development activities.SNEC supports development that benefits the people of Six Nations and is conducted in a manner that is cognizant and respectful of the water, air, land rights, and interests of the people of Six Nations. SNEC fully expects all proponents, municipalities, and the Crown to respect this policy.

On August 27, 2008, SNEC commenced legal proceedings (Court File No. CV-08-361454) seeking a declaration against the Corporation of the City of Brantford and the Crown in Right of Ontario. As a result of the Province's delegated statutory authority, it has a constitutional duty to engage in meaningful good faith consultation with the Six Nations of the Grand River. Including, where appropriate, to negotiate satisfactory interim accommodation before considering or undertaking any material exercise or purported exercise of any statutory powers of decision by Brantford, the Province, or any of their delegates, which potentially affect the *bona fide* interests of the Six Nations of the Grand River. This matter continues to be before the courts.

In the meantime, risk-taking development continues on lands where Six Nations rights and interests are unresolved with little or no meaningful consultation and accommodation taking place. Land Protectors from Six Nations continue to stop development throughout the Haldimand Tract pressing for justice and continue to be arrested for their actions.

GLOBAL SOLUTIONS CONSULTATION

The Six Nations Elected Council (SNEC), as the official governing body of the territory, on behalf of the peoples of the Six Nations of the Grand River (SNGR), has a duty to protect land, air, water and our Aboriginal economic base within the Haldimand Tract and the wider area specified by the 1701 Fort Albany/Nanfan Treaty. The Crown has failed in their fiduciary duty to SNGR which has resulted in land disputes that harms businesses, resources and hinders economic opportunities.This has caused frustration for developers, municipalities, communities, as well as the people of the SNGR.

Six Nations of the Grand River Consultation & Accomodation Procedure

To Obtain Free, Prior and Informed Consent from Six Nations

As of February 1, 2015.

The SNEC, in accordance with Canadian and International laws, requires that The Crown, proponents and municipalities consult in good faith with SNEC, acting in a fiduciary capacity on behalf of SNGR, in order to obtain the free, prior and informed consent of SNGR prior to commencing any project that may potentially affect SNGR's rights or interests. These potential projects/developments are taken through the following matrix to obtain the "Free, Prior and Informed" consent of the SNGR Peoples:

THE UNITED NATIONS DUTY TO CONSULT AND ACCOMMODATE

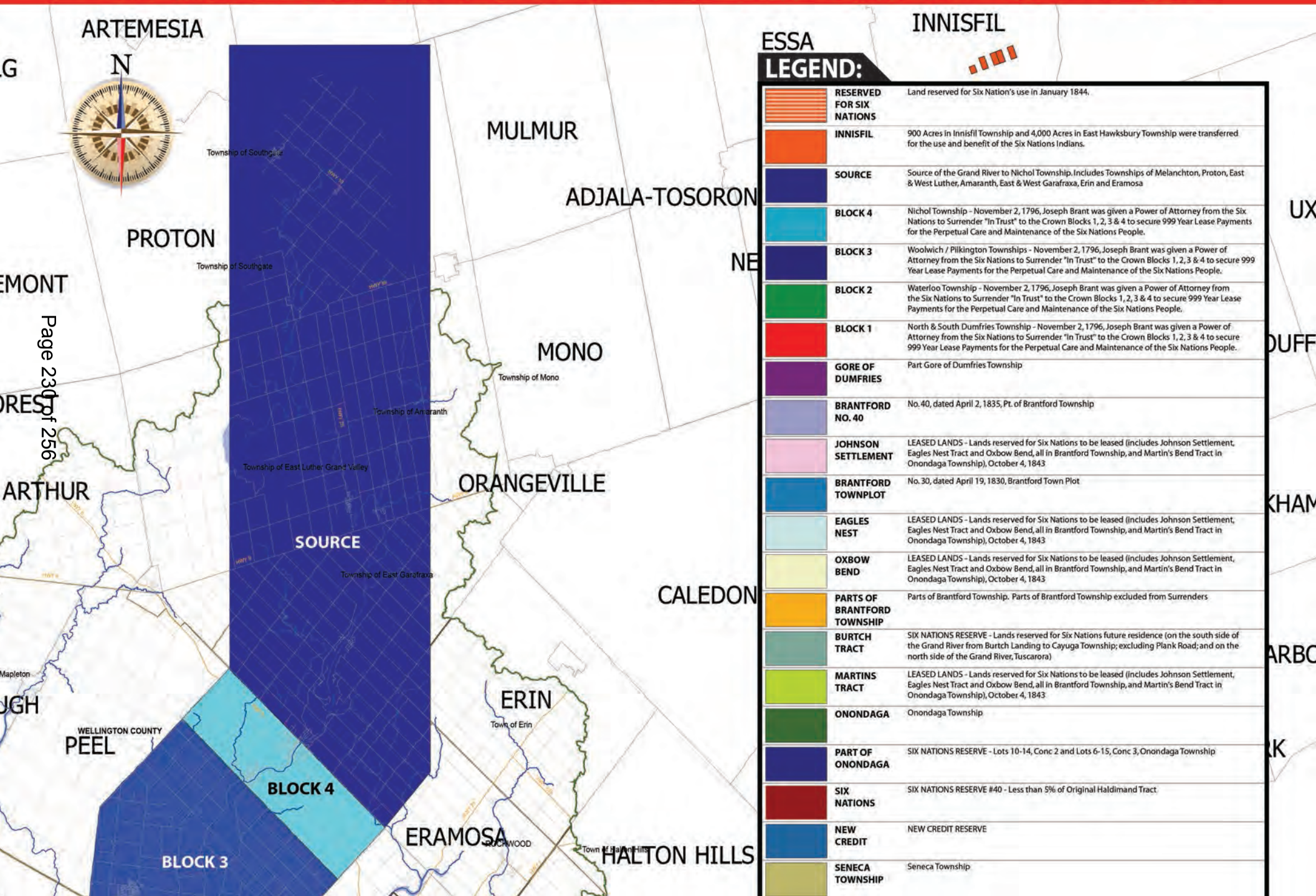
On September 13, 2007, the United Nations General Assembly adopted the *United Nations Declaration on the Rights of Indigenous Peoples*. This followed more than twenty years of discussions with Indigenous representatives and Countries within the UN system.

The relevant articles of Convention 169 on the duty to consult with Indigenous Peoples are:

Article 26

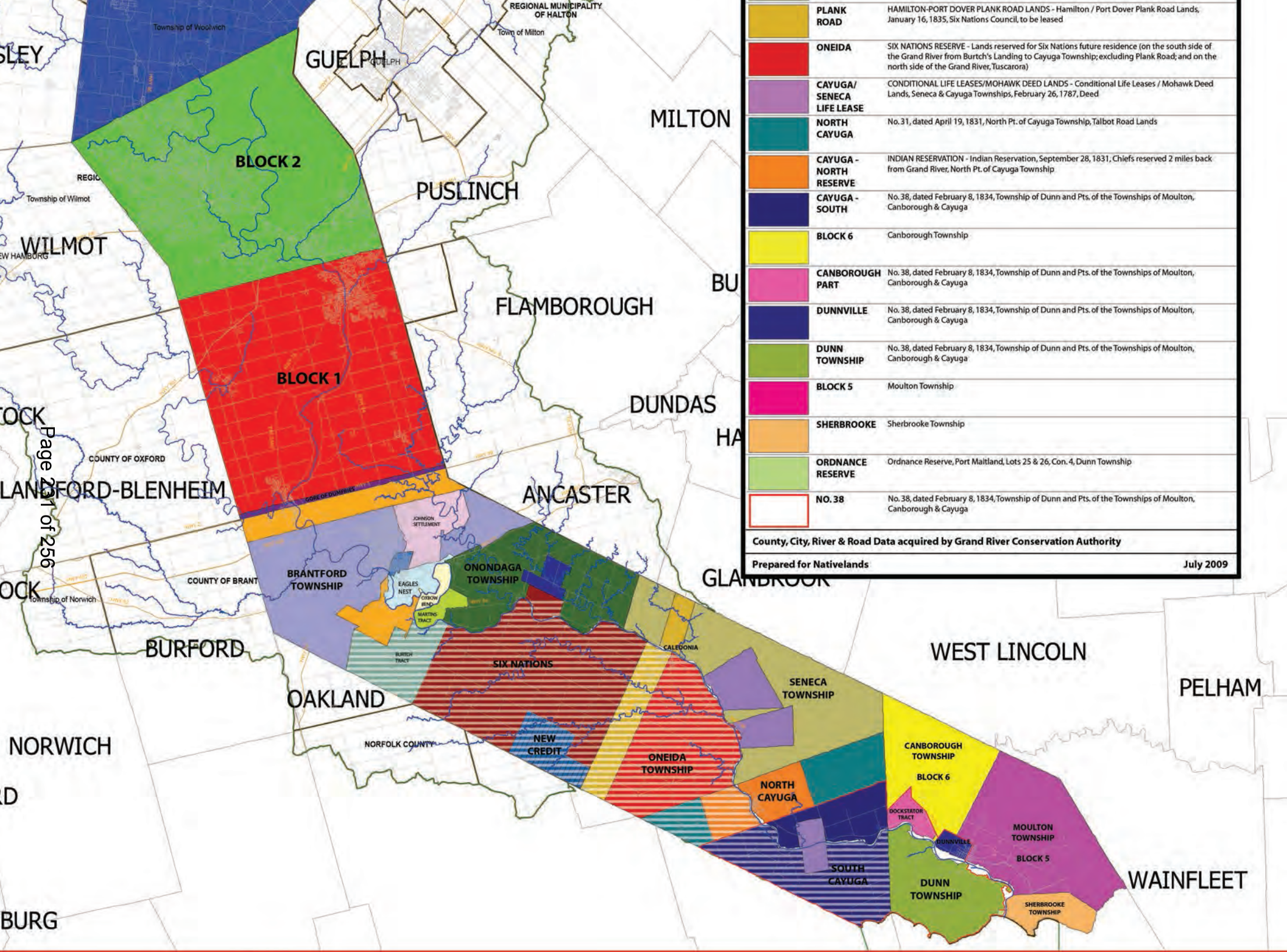
1. Indigenous peoples have the right to the lands, territories, and resource which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

SIX NATIONS HALDIMAND TRACT



LEGEND:

RESERVED FOR SIX NATIONS	Land reserved for Six Nation's use in January 1844.
INNISFIL	900 Acres in Innisfil Township and 4,000 Acres in East Hawksbury Township were transferred for the use and benefit of the Six Nations Indians.
SOURCE	Source of the Grand River to Nichol Township. Includes Townships of Melanchton, Proton, East & West Luther, Amaranth, East & West Garafraxa, Erin and Eramosa
BLOCK 4	Nichol Township - November 2, 1796, Joseph Brant was given a Power of Attorney from the Six Nations to Surrender "In Trust" to the Crown Blocks 1, 2, 3 & 4 to secure 999 Year Lease Payments for the Perpetual Care and Maintenance of the Six Nations People.
BLOCK 3	Woolwich / Pilkington Townships - November 2, 1796, Joseph Brant was given a Power of Attorney from the Six Nations to Surrender "In Trust" to the Crown Blocks 1, 2, 3 & 4 to secure 999 Year Lease Payments for the Perpetual Care and Maintenance of the Six Nations People.
BLOCK 2	Waterloo Township - November 2, 1796, Joseph Brant was given a Power of Attorney from the Six Nations to Surrender "In Trust" to the Crown Blocks 1, 2, 3 & 4 to secure 999 Year Lease Payments for the Perpetual Care and Maintenance of the Six Nations People.
BLOCK 1	North & South Dumfries Township - November 2, 1796, Joseph Brant was given a Power of Attorney from the Six Nations to Surrender "In Trust" to the Crown Blocks 1, 2, 3 & 4 to secure 999 Year Lease Payments for the Perpetual Care and Maintenance of the Six Nations People.
GORE OF DUMFRIES	Part Gore of Dumfries Township
BRANTFORD NO. 40	No. 40, dated April 2, 1835, Pt. of Brantford Township
JOHNSON SETTLEMENT	LEASED LANDS - Lands reserved for Six Nations to be leased (includes Johnson Settlement, Eagles Nest Tract and Oxbow Bend, all in Brantford Township, and Martin's Bend Tract in Onondaga Township), October 4, 1843
BRANTFORD TOWNPLOT	No. 30, dated April 19, 1830, Brantford Town Plot
EAGLES NEST	LEASED LANDS - Lands reserved for Six Nations to be leased (includes Johnson Settlement, Eagles Nest Tract and Oxbow Bend, all in Brantford Township, and Martin's Bend Tract in Onondaga Township), October 4, 1843
OXBOW BEND	LEASED LANDS - Lands reserved for Six Nations to be leased (includes Johnson Settlement, Eagles Nest Tract and Oxbow Bend, all in Brantford Township, and Martin's Bend Tract in Onondaga Township), October 4, 1843
PARTS OF BRANTFORD TOWNSHIP	Parts of Brantford Township. Parts of Brantford Township excluded from Surrenders
BURTCH TRACT	SIX NATIONS RESERVE - Lands reserved for Six Nations future residence (on the south side of the Grand River from Burtch Landing to Cayuga Township; excluding Plank Road; and on the north side of the Grand River, Tuscarora)
MARTINS TRACT	LEASED LANDS - Lands reserved for Six Nations to be leased (includes Johnson Settlement, Eagles Nest Tract and Oxbow Bend, all in Brantford Township, and Martin's Bend Tract in Onondaga Township), October 4, 1843
ONONDAGA	Onondaga Township
PART OF ONONDAGA	SIX NATIONS RESERVE - Lots 10-14, Conc 2 and Lots 6-15, Conc 3, Onondaga Township
SIX NATIONS	SIX NATIONS RESERVE #40 - Less than 5% of Original Haldimand Tract
NEW CREDIT	NEW CREDIT RESERVE
SENECA TOWNSHIP	Seneca Township



	PLANK ROAD	HAMILTON-PORT DOVER PLANK ROAD LANDS - Hamilton / Port Dover Plank Road Lands, January 16, 1835, Six Nations Council, to be leased
	ONEIDA	SIX NATIONS RESERVE - Lands reserved for Six Nations future residence (on the south side of the Grand River from Burtch's Landing to Cayuga Township; excluding Plank Road; and on the north side of the Grand River, Tuscarora)
	CAYUGA/ SENECA LIFE LEASE	CONDITIONAL LIFE LEASES/MOHAWK DEED LANDS - Conditional Life Leases / Mohawk Deed Lands, Seneca & Cayuga Townships, February 26, 1787, Deed
	NORTH CAYUGA	No. 31, dated April 19, 1831, North Pt. of Cayuga Township, Talbot Road Lands
	CAYUGA - NORTH RESERVE	INDIAN RESERVATION - Indian Reservation, September 28, 1831, Chiefs reserved 2 miles back from Grand River, North Pt. of Cayuga Township
	CAYUGA - SOUTH	No. 38, dated February 8, 1834, Township of Dunn and Pts. of the Townships of Moulton, Canborough & Cayuga
	BLOCK 6	Canborough Township
	CANBOROUGH PART	No. 38, dated February 8, 1834, Township of Dunn and Pts. of the Townships of Moulton, Canborough & Cayuga
	DUNNVILLE	No. 38, dated February 8, 1834, Township of Dunn and Pts. of the Townships of Moulton, Canborough & Cayuga
	DUNN TOWNSHIP	No. 38, dated February 8, 1834, Township of Dunn and Pts. of the Townships of Moulton, Canborough & Cayuga
	BLOCK 5	Moulton Township
	SHERBROOKE	Sherbrooke Township
	ORDNANCE RESERVE	Ordnance Reserve, Port Maitland, Lots 25 & 26, Con. 4, Dunn Township
	NO. 38	No. 38, dated February 8, 1834, Township of Dunn and Pts. of the Townships of Moulton, Canborough & Cayuga

County, City, River & Road Data acquired by Grand River Conservation Authority

Prepared for Nativelands — July 2009

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous people's laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

SIX NATIONS AND THE UNITED NATIONS

During the last five years,the Six Nations Elected Council (SNEC) has been actively educating people associated at the United Nations (UN) through the Permanent Forum on the Rights of Indigenous Peoples to the policies and practices of Canada subverting just resolution for Six Nations' Land Rights. SNEC representatives have hosted three side events at the UN explaining their Land Rights issues with recommendations for resolution and seeking UN intervention. SNEC representatives participated and presented in numerous North American Indigenous Peoples' Caucus sessions and the Indigenous Voices at the UN again telling their Land Rights story. In January, 2012, SNEC presented a Shadow Report Committee on the Elimination of all Forms of Racial Discrimination(CERD) responding to Canada's 19th and 20th Reports to the CERD of the UN with correcting information. In Ottawa on October 14, 2013, as a part of the IROQUOIS CAUCUS, Chief Ava Hill presented Six Nations' Land Rights and other concerns to UNITED NATIONS SPECIAL RAPPORTEUR JAMES ANAYA.

In May 2014, Chief Ava Hill formally presented to the Thirteenth Session of the Permanent Forum on Indigenous Issues highlighting the following recommendations:

In upholding the United Nations Declaration on the Rights of Indigenous Peoples, Six Nations of The Grand River once again calls upon the United Nations to:

A. Call upon Canada to support land, resource and revenue sharing agreements with the Six Nations of The Grand River throughout their Treaty Lands to establish a self-sustaining, adequate, stable economy with the necessary land base sufficient to achieve and practice our Inherent Right to Self-Government as promised in Canada's Constitution.

B. Call upon Canada to immediately abandon existing policies such as its Comprehensive and Specific Claims policies which extinguish or have the effect of extinguishing their children's rights to lands, territories and resources. Canada must enter into and honour long term Treaty Relationships with the Six Nations of the Grand River in addressing their Land Rights issues.
C. Call upon Canada to require Six Nations of the Grand River's Free Prior and Informed Consent prior to passing any legislation affecting the lives and well being of the Six Nations Peoples and require their Free Prior and Informed Consent prior to any developments taking place within their Treaty Territories.
D. Call upon Canada in conjunction with Six Nations of the Grand River to create truly neutral dispute resolution tribunals to resolve legal disagreements relating to thier Land Rights. Such a tribunal would have the authority to make binding decisions on the validity of issues, compensation criteria and innovative means for resolving issues. Progress on negotiations shall report to the United Nations and to the Parliament of Canada through a special joint Six Nations/Parliamentary Committee.

ONTARIO'S ROLE

in February 1991, Elected Chief William K. Montour appeared before the Standing Committee on Aboriginal Affairs in hearings on the Oka Crisis and stated our position concerning Ontario's participation:

> *"With the Provincial Government's tax and land base, and populace having benefited most from these transactions, Provinces must be more active in claims resolutions. The "Ontario Supports Native Land Claims Settlements in Ontario as long as the Federal Government pays" attitude contributes nothing to the process."*

The Province of Ontario adamantly states its position of standing behind their land registry system to protect the land interests of the Ontario Populace. We understand that position albeit in many cases we know that title has evolved from the "proceeds of crime".

And all the while Six Nations Land Rights remain unresolved the Crown in Right of Ontario and municipalities profit at not having justice served to the Six Nations Peoples via the following examples:

Monies collected by Municipalities Entirely within the Haldimand Tract

2006 population of municipalities:
659,076 (2006 Statistics Canada)

Property taxes (including grants in lieu) of municipalities entirely within Tract:
$526,045,536.00

Estimates of Provincial Revenues within Haldimand Tract

1. Land Transfer Tax .....$ 68,000,000.00
2. Gasoline Tax $118,000,000.00
3. Fuel Tax .....$ 36,000,000.00
4. Retail Sales tax $848,000,000.00
5. Tobacco Tax .....$ 56,000,000.00

Estimated Total.....$1,126,000.000.00

The estimates for provincial personal and corporate income taxes are $1.225 billion, and $848 million respectively.

The total estimated annual return to municipalities and provincial coffers is $3,725,045,536.00 from the Haldimand Tract lands where Six Nations interests remain outstanding.

Six Nations must also remind Ontario that our interest in these outstanding lands and resources do not transfer free and clear to Ontario.

Section 109 of the BNA Act, 1867

> *"All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada ..... at the Union.... shall belong to the several Provinces.... subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same".*

Therefore, prior to any permits being issued or authorization for any natural resource developments to occur, Ontario must first obtain Six Nations' free, prior and informed consent with a Just and Fair mechanism for fair accommodation and just redress as sanctioned by Canada in Section 32(3) of the United Nations Declaration on the Rights of Indigenous Peoples..

INDIAN COMMISSION OF ONTARIO

In 1978, the Indian Commission of Ontario was created by the Governments of Canada and Ontario and the First Nations Chiefs within Ontario. It was an independent neutral authority to assist all parties to negotiate solutions to issues of concern. One of the key elements of this commission was successfully addressing and settling land claims issues where Canada, Ontario and one or more First Nations shared an interest.

Due to petty and political differences between Canada and Ontario, the Order's in Council required to continue the Indian Commission of Ontario after March 31, 2000 were not renewed and the Indian Commission of Ontario was dissolved.

1986 LANDS AGREEMENT

The 1986 Indian Lands Agreement Legislation was created through the facilitation of the Indian Claims Commission of Ontario. The 1986 Indian Lands Agreement was and is still a valuable piece of legislation that can be used today to put in place agreements required to achieve a *"global settlement"* with Six Nations.

THE BLOCK 5 EXPERIENCE

In October, 1984, the Six Nations Elected Council (SNEC) had prepared and submitted their Land Rights issue as to the 999 year mortgage on 30,800 acres referenced as Block 5, being the majority of Moulton Township in Haldimand County. Canada concurred with Six Nations' findings that the mortgage payments had been in arrears since February, 1853 and validated this outstanding liability against the Crown on November 19, 1993. On January 17, 1994, Canada made a "take it or leave it" offer to the SNEC to settle a 141 year debt for $113.64 per acre, disallowing any ongoing payments that would honour the remaining mortgage and require that we extinguish our Six Nations children's future rights to the lands. SNEC concluded that Canada's Specific Claims Policy is a failure and no justice for Six Nations can be achieved by adhering to that policy. The decision to commence litigation against Canada and Ontario the following year (1995) was determined.

THE WELLAND CANAL EXPERIENCE

- If Six Nations had agreed to allow their lands to be flooded by the works of the Welland Canal;
- If Six Nations had received full and fair compensation for the 2,500 acres;
- If the full and fair compensation was deposited to the Six Nations Trust Account for the sole use and benefit of the Six Nations of the Grand River;
- If the Crown managed the financial assets from the Welland Canal flooding in a manner consistent with standards of conduct required by the Crown's fiduciary obligations to Six Nations and to the satisfaction of Six Nations;
- If the Crown can account to Six Nations where the assets from this investment are today; and
- If all of these things happened (which the Crown failed to do), the flooding of 2,500 acres of Six Nations lands by the Welland Canal Company would not be an issue today.

The "what ifs" aside, the Welland Canal flooding of 2,500 acres of Six Nations lands is a legal liability against the Crown. Bringing this issue forward 182 years later for Six Nations to receive true justice without arbitrary discount factors, etc., independent experts verified an amount of $1.2 billion; a sum we all know Canada and Ontario cannot afford. Being restricted by a one time extinguishment cash out settlement offer make this less appealing for us and insurmountable for Crown negotiators. So why continue down this path when we all know the Welland Canal flooding was deemed by Canada as one of their easier breaches to redress? For the above reasons we cannot.

THE GLOBAL APPROACH

Over the past eight years, basic issues remain unsolved and frustration is growing in the Six Nations community and our neighbouring municipalities.

While government communications state that respectful negotiations and just solutions are roads to settlements, the Crowns only apparent mandate is to keep the situation calm and keep hope alive.

With no foreseeable breakthrough in the future and with more claims being validated, the Six Nations of the Grand River will take initiatives to put some strong new proposals before Canada and Ontario.

SNEC proposes that:

- Until claims are resolved between Six Nations and Canada, partnerships and resource sharing agreements with corporations, interest groups and Ontario must be utilized as an interim measure;
- Increased Six Nations Land Base;
- Entitlements promised in the 1784 Haldimand Treaty be honoured;
- Conditions by which Six Nations agreed to share the use of our land be honoured;
- Inclusion of Six Nations in the sharing of resources and economic partnering within our traditional lands;
- Agreements securing Six Nations perpetual care and maintenance to our standard commensurate with Six Nations ongoing needs must be protected by Section 35 of Canada's Constitution; and
- With 950,000 acres at issue and tens of thousands of land and financial transactions requiring redress, a much more efficient resolution process is required. A process that will require a global approach if justice is going to be properly served.

The premise for this to work would require:

- The removal of Canada's underlying conflict of interest through a truly independent mechanism, which would report directly to Parliament;
- Mediators to ensure good faith negotiations by providing appropriate mechanisms for dispute resolution; and

- Establishment of a neutral tribunal to resolve legal disputes if negotiations have reached an impasse. The neutral tribunal will have the authority to make binding decisions on the validity of grievances, compensation criteria and innovative means of resolving outstanding grievances.

GLOBAL SOLUTION AVOCADING (LOBBYING)

It is apparent from Six Nations' experiences with Canada's "Specific and Comprehensive Land Claims Policies" that true justice for the First Nations Peoples in addressing their Land Rights is a myth merely exploiting First Nations poverty, limiting amounts in settlements and extinguishment of Treaty Rights.

In 2009, the Six Nations Elected Council (SNEC) petitioned the Prime Minister's Office and all opposition party members, seeking a forum for truly just solutions to avoid confrontations as witnessed in the Caledonia reclamation. These efforts included educating the Members of Parliament as to Six Nations' Global Solutions Principles as presented to their community. On October 4, 2010, Member of Parliament Todd Russell tabled a motion before the Standing Committee on Aboriginal and Northern Development for a study as to the Specific Claims Tribunal Act and its restricting settlements to under $150 million. In particular, how are the Six Nations of the Grand River Claims going to be fairly dealt with?

SNEC was prepared and confirmed to appear before the Standing Committee on Aboriginal Affairs and Northern Development on April 7, 2011 to explain their dilemma with Canada's Claims Policies. Unfortunately on March 25, 2011, the Harper Government faced a non confidence vote and Parliament was dissolved. SNEC efforts to seek a just resolution for the community's Land Rights issues have continued but without success while facing the arrogance of the majority Harper Government.

In a precedent setting effort, SNEC once again lobbied Members of Parliament from all parties on December 11, 2012 to seek support for justice in resolving their Land Rights issues. This time we were accompanied by members of the Brant County and the City of Brantford Councils who gave testimony as to the urgent need for resolution to Six Nations Land Rights issues. It took more than 13 months for Canada (Indian Affairs) to respond to these efforts by rejecting Six Nations' proposed "Global Solution" and until the SNEC has a clear mandate from their community.

Six Nations Elected Council will continue to seek justice for the Six Nations Community.

OTHER FISCAL ARRANGEMENTS

In 1983, Six Nations proposed for the financial stability of our Government new fiscal arrangements needed to be established, such as:

- Income tax now paid by our citizens should be earmarked for our Haudenosaunee Six Nations Government. The same would hold true for Native owned businesses in our territory presently paying taxes to Canada and/or Ontario. These funds need to be earmarked for our Government;
- A return to us of all Provincial GST/PST (HST) paid by our membership or better guaranteeing our exemption;
- A percentage of the General Resource Development;
- A percentage of the Gross National Product; and
- A percentage of funds currently supporting Indian and Northern Affairs Canada.

Six Nations is further proposing that a sustainable guaranteed share of the resources within the Haldimand Tract and 1701 Lands also be a part of our Governments' economic stability with Section 35 (1) of Canada's Constitution guarantee and protection.

It is proposed that an analysis be undertaken to determine and identify:

- All licenses, permits, fees, fines, leases, and other government's revenue;

- Municipal Property Tax Revenues and Municipal Grants in Lieu of Taxes;
- All Development Charges (Residential and non-Residential);
- Taxes - Personal Income, Federal and Provincial Retail Sales, Corporations, Employer Health, Gasoline, Land Transfer, Tobacco, Fuel and other taxes;
- Ontario Health Premiums;
- Electricity Payments;
- Stumpage Fees;
- Border Crossing Rights;
- Mining and gravel royalty fees; and
- Federal and Provincial Transfer Payments and Grants.

Other Government infrastructures in the Haldimand Tract requiring analysis:

- All provincial and municipal roads and highways;
- Railway rights of way, Oil and gas line rights of way, Telephone and cable line rights of way;
- Hydro and distribution line rights of way and hydro stations;
- Water pipelines and water management works;
- Sewage pipelines and sewage management works;
- Land fill sites;
- Parks and recreation works; and
- Armories, post offices, and other federal properties.

NEGOTIATION OR CONFRONTATION: IT'S CANADA'S CHOICE

Oka, Ipperwash, Caledonia. Blockades, masked warriors, police snipers. Why?

Canada's failure to address and resolve the legitimate claims of First Nations.

Imagine your new neighbour comes into your backyard and fences off half of it. Then he sells it to someone down the street. This new neighbour tells you he got a good deal but he won't say how much he got. Then, he says that he'll take care of the cash – on your behalf, of course.

Maybe he even spends a little on himself. You complain. He denies he did anything wrong.

What would you do? Go to the proper authorities? Turns out that the authorities and their agencies work for him.

Sue him? He tells you that none of the lawyers can work for you – he's got every one in town working for him. When he finally lets a lawyer work for you – it turns out that he can afford five of them for every one you can afford.

Finally he says: Okay, I'm willing to discuss it. But first you have to prove I did something wrong. Oh, and I get to be the judge of whether you've proved it. And, if you do prove it, I get to set the rules about how we'll negotiate. I'll decide when we've reached a deal and I'll even get to determine how I'll pay the settlement out to you. Oh, and I hope you're in no rush because this is going to take about twenty or thirty years to settle.

Sounds crazy?

Welcome to the world of Indian Specific Claims. Specific Claims arose when Canada and its agents failed to live up to Canada's responsibilities in connection with First Nations' lands, monies and assets. In some cases Canada didn't give them the land they were promised in the treaties. In some cases, they got the land only to have it taken away again – in a way that violated Canada's own rules. In other cases, federal employees actually stole Indian land, money or other assets.

Until the 1950s, First Nations were prohibited by law from hiring lawyers to pursue these claims – many of which date back 70, 100 or 200 years. Since then impoverished Indian communities have had to fight the federal

government in court or else persuade it to acknowledge the claim and negotiate a settlement. Currently, everything is done on Canada's terms and the government is both defendant and judge.

With few resources allocated to find solutions, it can often take twenty or more years from the time a First Nation comes forward with a claim to finally reaching a settlement.

Despite the amazing hurdles, almost 300 claims have been settled. In every case where they have been settled, it has meant an immediate improvement in the lives of First Nations people. It has also strengthened relations between Canada and those First Nations and between those First Nations and the communities that surround them. Settling outstanding claims is not only the just thing to do, it is the smart thing.

Close to 900 claims sit in the backlog. Things are getting worse rather than better. First Nations have been patient – incredibly patient – but their patience is wearing thin.

The choice is clear. Justice, respect, honour. Oka, Ipperwash, Caledonia.

Canada is a great nation in the world but Canada will only achieve true greatness when it has fulfilled its legal obligations to First Nations.

Gerry St. Germain, P.C. *(Chair)* Nick G. Sibbeston *(Deputy Chair)*

(Excerpt from *Final Report of the Standing Senate Committee on Aboriginal Peoples - Special Study on the Federal Specific Claims Process - December 2006)*

SENATE SÉNAT

NEGOTIATION OR CONFRONTATION:
IT'S CANADA'S CHOICE

Final Report of the Standing Senate Committee on Aboriginal Peoples
Special Study on the Federal Specific Claims Process

The Honourable Gerry St. Germain, P.C.
Chair
The Honourable Nick Sibbeston
Deputy Chair

December 2006

IMPLEMENTING THE GLOBAL SOLUTION PRINCIPLES

Decommissioning the Nanticoke coal generating electrical plant had a positive environmental impact for the Six Nations Community. As a replacement alternative, Six Nations sought to be involved in the "green energy" initiatives introduced by the Province of Ontario. The legal duty to consult and accommodate Six Nations for such developments to proceed in our Treaty Lands brought forward opportunities to implement our Global Solution Principles of sharing in revenues from these developments, producing the following partnerships and fiscal arrangements:

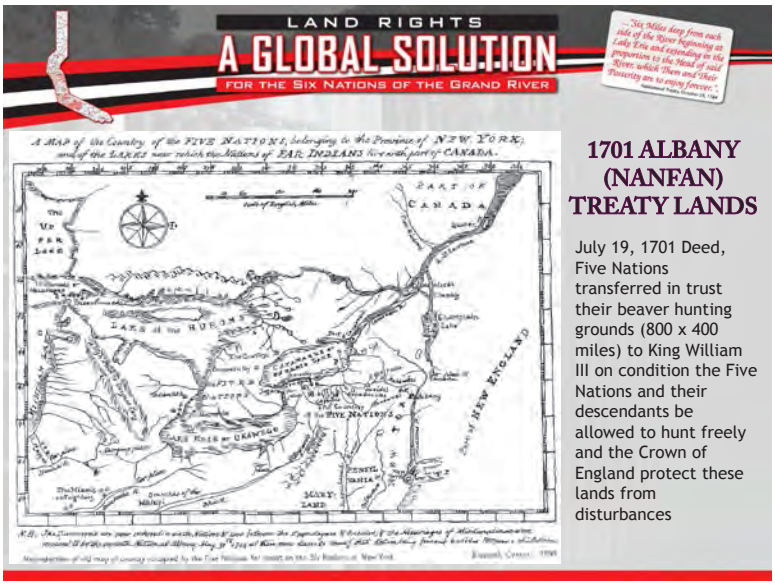
EXTERNAL PARTNERSHIPS SUMMARY

Project Proponent	*Project Name*	*Type of Project*	*Participation*	*Definitive Agreement Status*	*Total Revenue Generated over 20 years*	*Total Post-Secondary Contributions over 20 years*	*Anticipated Cash Flow Dates*
Samsung & Pattern Energy	GRW	Wind	Equity	Completed	$38,000,000	$400,000	end of year 2015
Samsung & CC&L	GRS	Solar	Equity	Completed	$27,000,000		end of year 2015
Prov. Of Ontario	GREP	Land Lease	Land Use	Completed	$9,000,000		end of year 2015
First Solar	Walpole Project	Solar	Royalty	Completed	$227,000		money received
NextEra Energy	Summerhaven Project	Wind	Royalty	Completed	$8,700,000	$300,000	fall of 2014
Penn Energy	Brantgate Solar Farm	Solar	Royalty	In Progress	$125,000		mid 2015
Boralex	Port Ryerse	Wind	Royalty	In Progress	$150,000		spring of 2015
Prowind	Gunn's Hill	Wind	Equity	In Progress	$3,000,000	$80,000	end of 2015
Brant Renewable Energy	OBP Roof Top Solar	Solar	Equity	In Progress	$3,500,000		mid 2015
Brant Renewable Energy	BGI Solar	Solar	Equity	Completed	$500,000		mid 2015
Capital Power	Port Dover and Nanticoke Wind	Wind	Royalty	In Progress	$6,994,800	$300,000	spring of 2015
Updated September 11, 2014				**TOTALS**	**$97,196,800.00**	**$1,080,000.00**	

In addition to the above, Union Gas has agreed to fund SN Natural Gas for the expansion of the current Gas System.

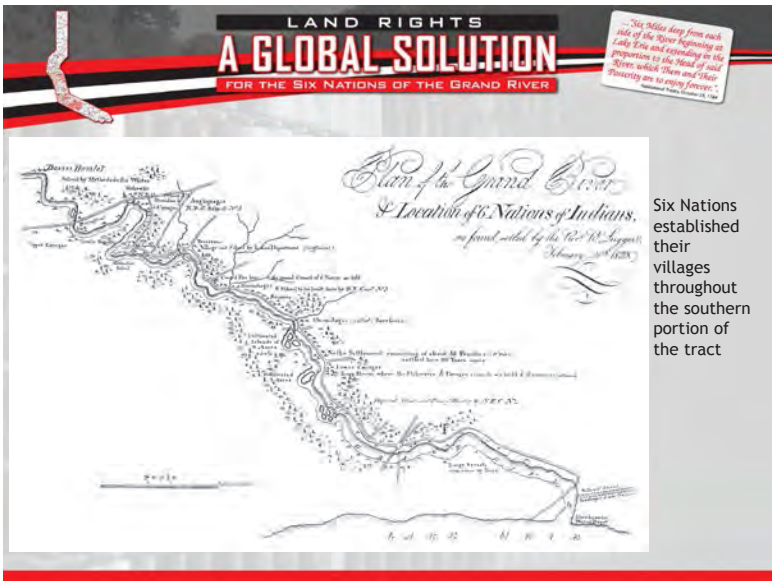
Based on the feedback gathered through the "We Gather Our Voices "project.Six Nations Elected Council has committed to creating a Development Corporation with an Economic Development Trust. The Economic Development Trust will serve as the vehicle for distributing the total revenue generated over 20 years with the above projects. All Post Secondary Education funds will be administered directly through Grand River Post Secondary Education Office or as described in the Definitive Agreement.

These agreements do not derogate from or abrogate the aboriginal or treaty rights of Six Nations or any of its members. They are also without prejudice to and do not intend to abrogate or derogate from any and all claims that the Six Nations of the Grand River have against Her Majesty the Queen in Right of Canada; Her Majesty the Queen in Right of Ontario; and the Government of Canada or the Government of Ontario. Including without limitation to the litigation commenced in the Ontario Superior Court of Justice between Six Nations of the Grand River Band as plaintiff and the Attorney General of Canada and Her Majesty the Queen in Right of Ontario as defendants; bearing Court File No. 406/95 issued out of Brantford, Ontario.

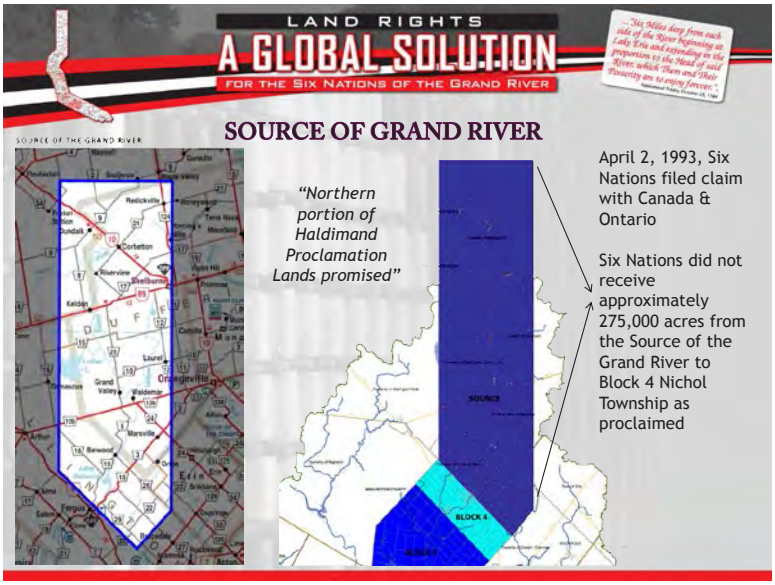


1701 ALBANY (NANFAN) TREATY LANDS

July 19, 1701 Deed, Five Nations transferred in trust their beaver hunting grounds (800 x 400 miles) to King William III on condition the Five Nations and their descendants be allowed to hunt freely and the Crown of England protect these lands from disturbances



Six Nations established their villages throughout the southern portion of the tract

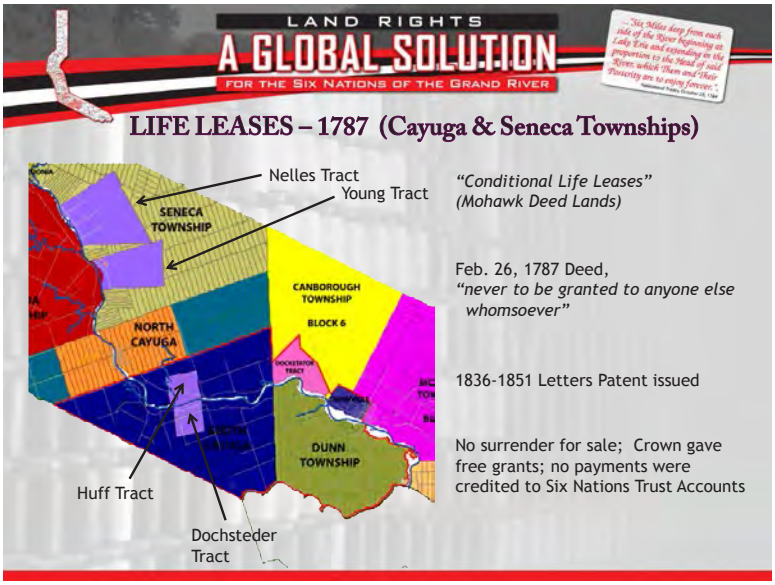


SOURCE OF GRAND RIVER

"Northern portion of Haldimand Proclamation Lands promised"

April 2, 1993, Six Nations filed claim with Canada & Ontario

Six Nations did not receive approximately 275,000 acres from the Source of the Grand River to Block 4 Nichol Township as proclaimed



LIFE LEASES – 1787 (Cayuga & Seneca Townships)

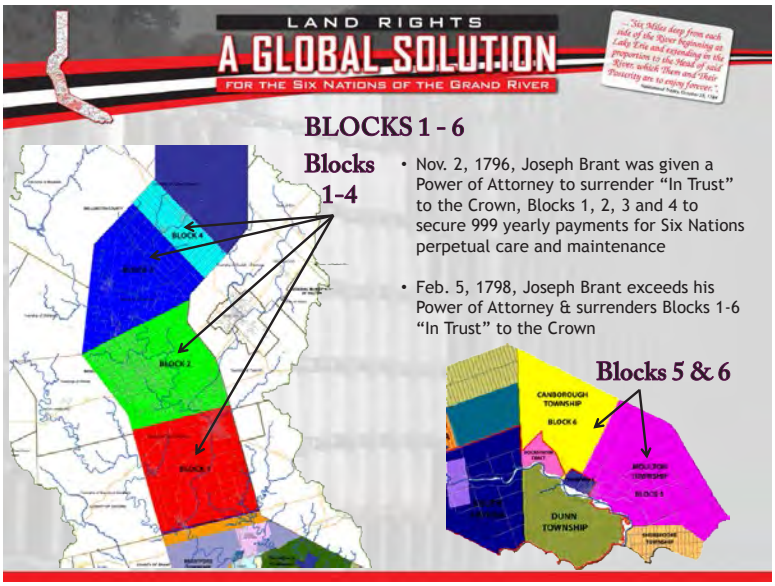
Nelles Tract
Young Tract
Huff Tract
Dochsteder Tract

"Conditional Life Leases" (Mohawk Deed Lands)

Feb. 26, 1787 Deed, *"never to be granted to anyone else whomsoever"*

1836-1851 Letters Patent issued

No surrender for sale; Crown gave free grants; no payments were credited to Six Nations Trust Accounts

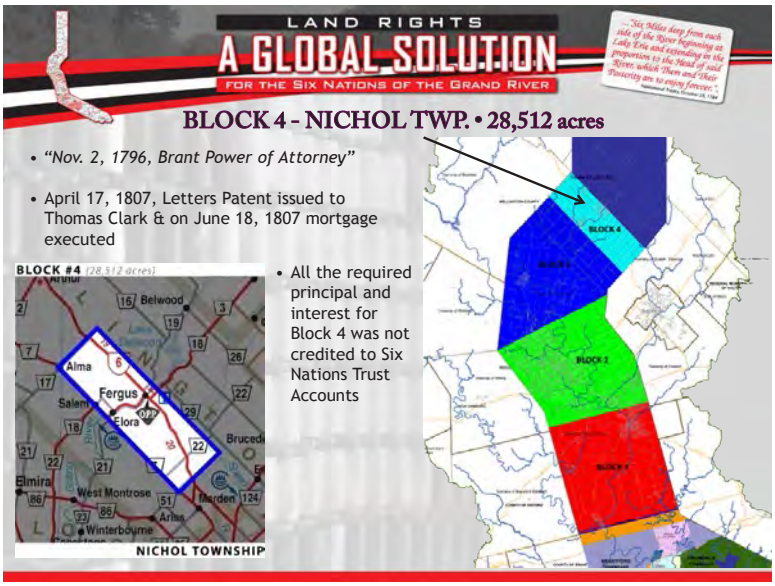


BLOCKS 1 - 6

Blocks 1-4

- Nov. 2, 1796, Joseph Brant was given a Power of Attorney to surrender "In Trust" to the Crown, Blocks 1, 2, 3 and 4 to secure 999 yearly payments for Six Nations perpetual care and maintenance
- Feb. 5, 1798, Joseph Brant exceeds his Power of Attorney & surrenders Blocks 1-6 "In Trust" to the Crown

Blocks 5 & 6



BLOCK 4 - NICHOL TWP. • 28,512 acres

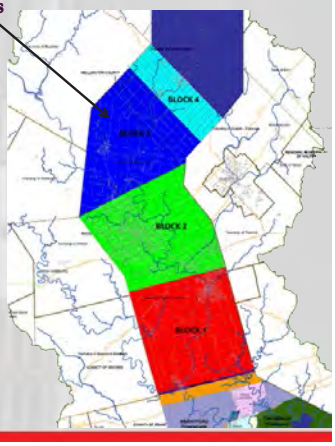
- *"Nov. 2, 1796, Brant Power of Attorney"*
- April 17, 1807, Letters Patent issued to Thomas Clark & on June 18, 1807 mortgage executed
- All the required principal and interest for Block 4 was not credited to Six Nations Trust Accounts

BLOCK 3, WOOLWICH & PILKINGTON TWP.

86,078 acres

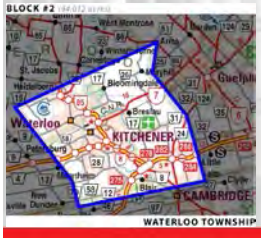
- *"Nov. 2, 1796, Brant Power of Attorney"*
- Feb. 5, 1798, Letters Patent issued to Wm. Wallace & no mortgage executed
- Sept. 23, 1806, Six Nations induced to subdivide Block 3 as Wallace could not pay

- Subdivisions – 7,000 acres not returned to Six Nations as requested; all the principal and interest allegedly paid for 16,000 acres not credited to Six Nations; no record of any payments for 45,185 acres; 3,000 acres and 15,000 acres not fully accounted for

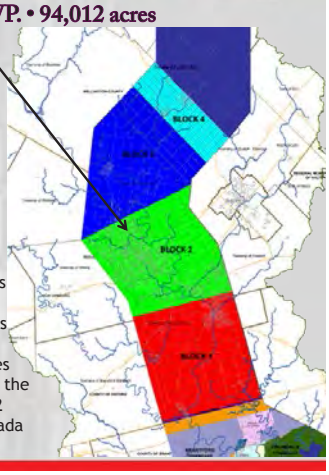


BLOCK 2 WATERLOO TWP. • 94,012 acres

- *"Nov. 2, 1796, Brant Power of Attorney"*
- Feb. 5, 1798, Letters Patent issued to Richard Beasley, James Wilson & St. John B. Rousseau
- May 10, 1798, joint mortgage executed
- Aug. 12, 1802, Six Nations were induced to release Beasley & Assoc. from mortgage & the block was to be subdivided & separate mortgages executed



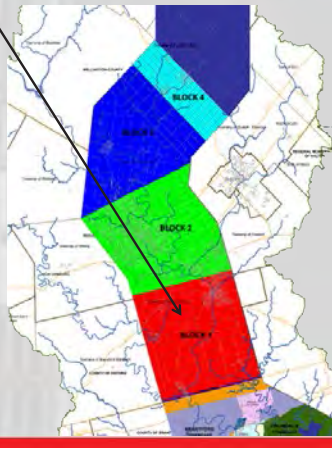
- All the required principal and interest paid by the purchasers of Block 2 was not credited to Six Nations Trust Accounts and no discharge of mortgages can be located. Also, the proceeds from Block 2 were used to run Canada



BLOCK 1 DUMFRIES TWP. • 94,305 acres

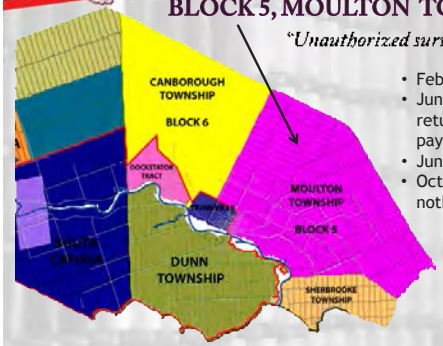
- *"Nov. 2, 1796, Brant Power of Attorney"*
- Feb. 5, 1798, Letters Patent issued to Philip Stedman & he died insolvent shortly after patent issued
- Mar. 1, 1809, Six Nations requested return of Block 1, but it was never returned

- Aug. 31, 1811, land mortgaged to Thomas Clark
- All the principal and interest allegedly paid by the purchaser of Block 1 was not credited to Six Nations Trust Accounts



BLOCK 5, MOULTON TOWNSHIP (PT.) • 30,800 acres

"Unauthorized surrender by Joseph Brant"



- Feb. 5, 1798, block sold to Wm. Jarvis
- June 24, 1803, Crown ordered Block 5 returned to Six Nations as Jarvis could not pay
- June 25, 1807, block sold to Earl of Selkirk
- Oct. 16, 1909, Finance Dept. reported nothing paid on Block 5 since Feb. 1853

- Oct. 18, 1984, Six Nations filed claim with Canada & Ont.
- Nov. 19, 1993, Canada validated claim
- May 30, 2007, Canada included Block 5 in $125 million settlement offer in negotiations with Haudenosaunee Six Nations

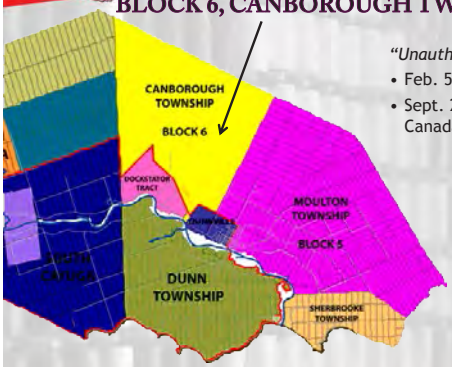
2nd MORTGAGE ON BLOCK 5

90 acres in Etobicoke Twp.

Alexander Card Lot 36, Con. A (2 acres)

Boulton Lot 33, Con. B (88 acres)

BLOCK 6, CANBOROUGH TWP. (PT.) • 19,000 acres



"Unauthorized surrender by Joseph Brant"

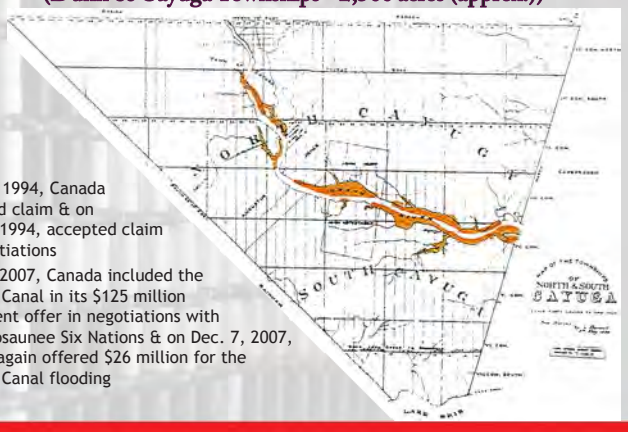
- Feb. 5, 1798, block sold to Benjamin Canby
- Sept. 20, 1988, Six Nations filed claim with Canada & Ontario

- No mortgage was executed for Block 6 and no payments were credited to Six Nations Trust Accounts

WELLAND CANAL FLOODING
(Dunn & Cayuga Townships) 2,500 acres (approx.)

- Jan. 19, 1824 Statute, provided that the Welland Canal Company was to pay for any lands it damaged or passed through
- Jan. 21, 1988, Six Nations filed claims with Canada & Ontario for compensation for Six Nations lands that were flooded & never paid for
- July 14, 1993, A.J. Clarke & Associates in a report commissioned by Canada concluded that 2,478.30 acres of Six Nations lands was flooded

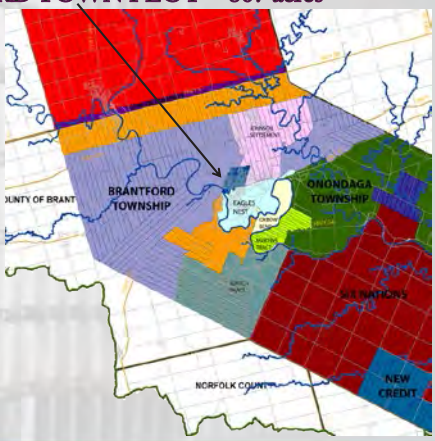
WELLAND CANAL FLOODING
(Dunn & Cayuga Townships - 2,500 acres (approx.))



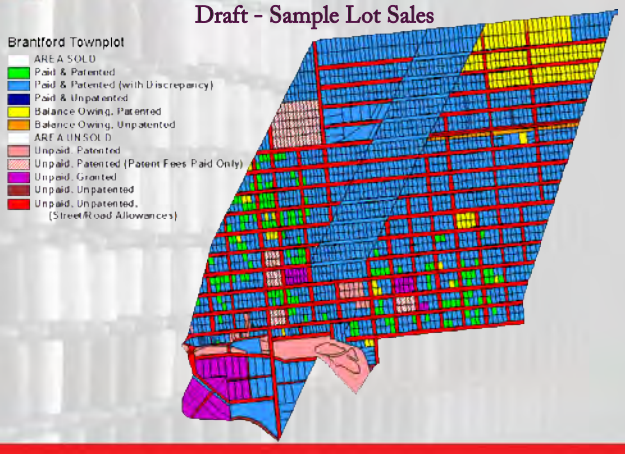
- Jan. 21, 1994, Canada validated claim & on May 13, 1994, accepted claim for negotiations
- May 30, 2007, Canada included the Welland Canal in its $125 million settlement offer in negotiations with Haudenosaunee Six Nations & on Dec. 7, 2007, Canada again offered $26 million for the Welland Canal flooding

BRANTFORD TOWN PLOT - 807 acres

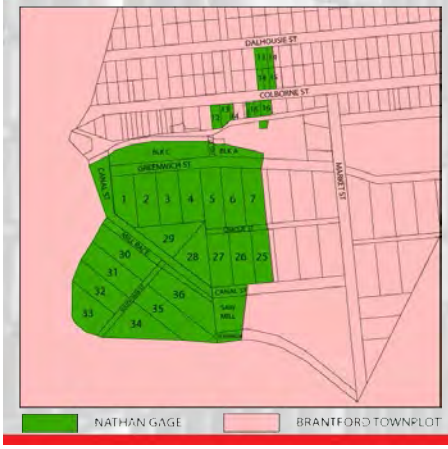
- April 19, 1830 Purported Surrender #30, "in Trust" to the Crown on condition the land would be sold for Six Nations use and benefit and squatters removed from their lands.
- All land alienation requirements were not met; some lots were free grants; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts



BRANTFORD TOWN PLOT
Draft - Sample Lot Sales



NATHAN GAGE LANDS - Brantford Area



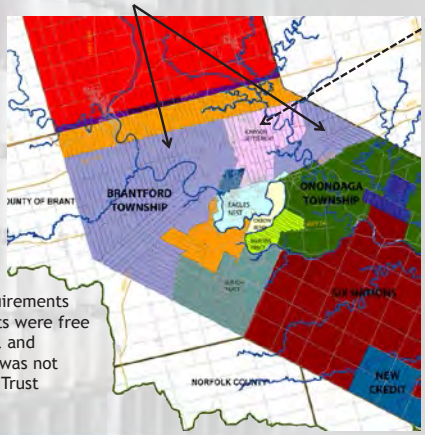
- Feb. 19, 1823, Six Nations granted conditional lease for 20 acres
- Feb. 25, 1840, Letters Patent issued
- Feb. 27, 1995, Six Nations filed claim with Canada & Ontario specifically for Park Lots 1-7, pt. Lot 25 & Lots 26-36
- Feb. 25, 2009, Canada confirmed Six Nations' interests in Gage Lands in Brantford area are valid in negotiations with Haudenosaunee Six Nations

Innisfil Township (900 acres) & E. Hawkesbury Township (4,000 acres)

- In 1831, Deputy Supt. William Claus was found liable for £5,641.1.4 ½ ($22,564.21) which he held *"in trust"* for Six Nations
- June 6, 1831, Claus lands in Innisfil & East Hawkesbury were transferred to Six Nations to satisfy this debt
- Six Nations filed claims with Canada & Ontario for Innisfil on Jan. 21, 1982 & for East Hawkesbury on Oct. 18, 1984
- May 31, 1993, Canada validated both claims for negotiations
- No settlement has been reached to date

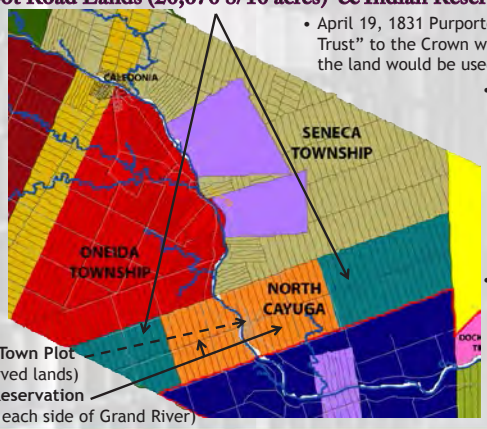
BRANTFORD TWP. (PT.) • 48,000 acres

- April 2, 1835 Purported Surrender #40, "in Trust" to the Crown on condition the land would be sold for Six Nations use and benefit and squatters removed from their lands



- Johnson Settlement *"reserved"* out of Sur. #40 for Six Nations
- All land alienation requirements were not met; some lots were free grants; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts

NORTH CAYUGA TWP.
Talbot Road Lands (20,670 8/10 acres) & Indian Reservation (3,300 acres)

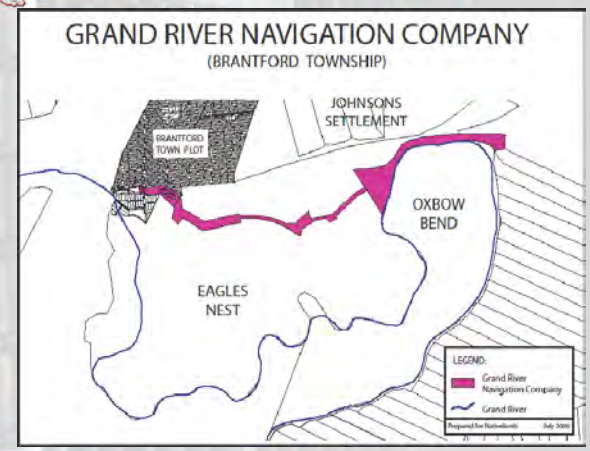


- April 19, 1831 Purported Surrender #31, "in Trust" to the Crown with the understanding the land would be used for a road
- Sept. 28, 1831, Six Nations agreed the Crown could sell 100 acre lots on each side of the Talbot Road, but reserved two miles (approx. 3,300 acres) back from the Grand River along the road
- All land alienation requirements were not met; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts

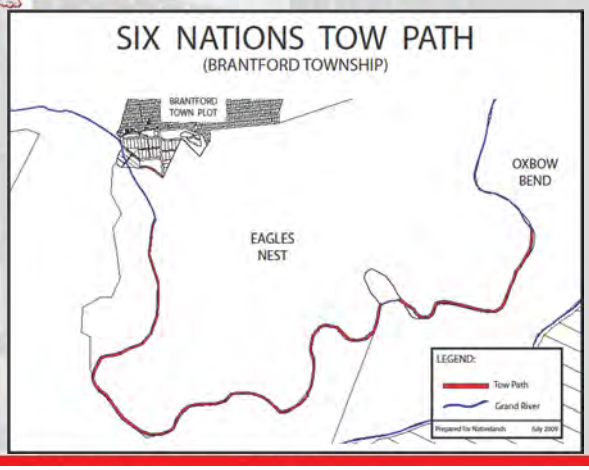
GRAND RIVER NAVIGATION COMPANY
Land & Money

- Jan. 28, 1832 Statute, incorporates the Grand River Navigation Company (GRNC)
- Nov. 18, 1837, free Letters Patent issued for 368 7/10 acres, which included 66' Tow Path
- July 9, 1834 to March 13, 1845, Six Nations funds were used to purchase 6,121 shares of GRNC stock valued at £38,256.5 ($160,000.00)
- Research reveals more Six Nations lands and monies were given to the GRNC
- May 30, 2007, Canada included GRNC Investments in $126 million settlement offer in negotiations with Haudenosaunee Six Nations

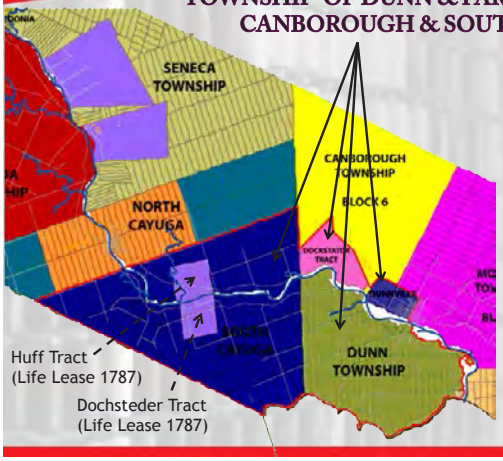
GRAND RIVER NAVIGATION COMPANY
(BRANTFORD TOWNSHIP)



SIX NATIONS TOW PATH
(BRANTFORD TOWNSHIP)

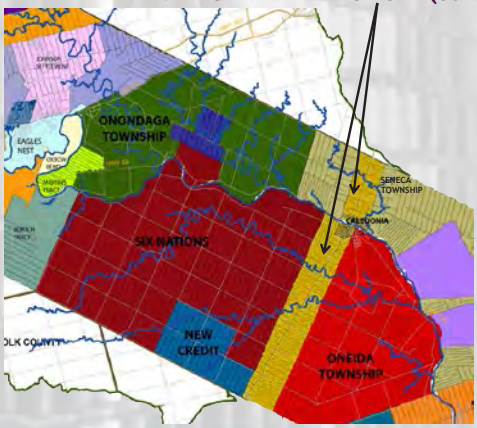


TOWNSHIP OF DUNN & PARTS MOULTON & CANBOROUGH & SOUTH CAYUGA



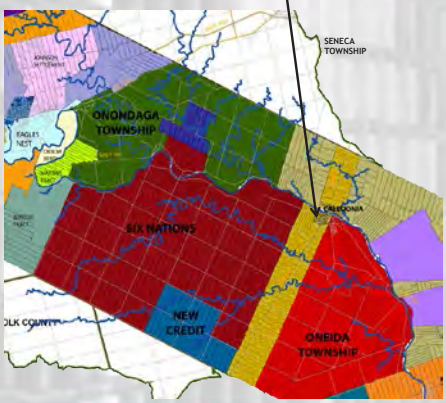
- Feb. 8, 1834, Purported Surrender #38, "in Trust" to the Crown with the understanding the land would be sold for Six Nations use and benefit
- All land alienation requirements were not met; some lots were free grants; all the required principal and interest was not credited to Six Nations Trust Accounts

PLANK ROAD TIER LOTS • (Seneca & Oneida Twps.)



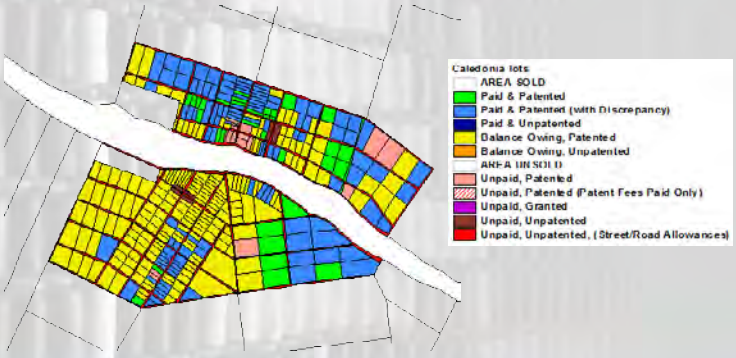
- Jan. 16, 1835, Six Nations refused to surrender land for sale, but permitted leases for half mile on each side of the Plank Road
- 1837-1953, Letters Patent issued
- June 18, 1987, Six Nations filed claim with Canada & Ontario
- No surrender for sale; Crown sold tract depriving Six Nations of continual rental income; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts

CALEDONIA TOWN PLOT
(Seneca & Oneida Twps., along Plank Rd.)

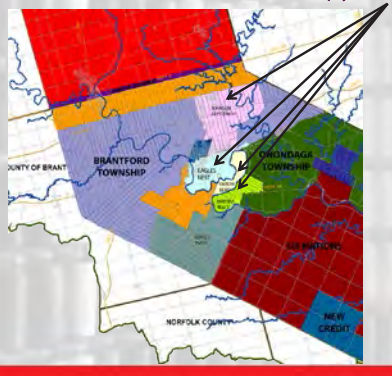


- Oct. 4, 1843, Six Nations protested laying out of town plots. Contrary to Six Nations' wishes the Town Plot of Caledonia was laid out and to be sold
- Feb. 20, 2008, Canada acknowledged Six Nations did not benefit from all the sales of Caledonia Town Plot in negotiations with Haudenosaunee Six Nations
- No surrender; Crown sold land; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts

CALEDONIA TOWN PLOT • DRAFT SAMPLE LOT SALES
(Seneca & Oneida Twps., along Plank Rd.)



JOHNSON SETTLEMENT (7,000 acres), EAGLES NEST (1,800 acres) & OXBOW BEND (1,200 acres) in Brantford Twp. & MARTINS TRACT (1,500 acres) in Onondaga Twp.



- Oct. 4, 1843 Order in Council, the Crown reserved for Six Nations for "leasing purposes" the Johnsons Settlement, Eagles Nest, Oxbow Bend & Martins Tract
- No surrender for sale; Crown sold tracts depriving Six Nations of continual rental income; all the principal and interest allegedly paid was not credited to Six Nations Trust Accounts

67893

PUBLIC NOTICE.

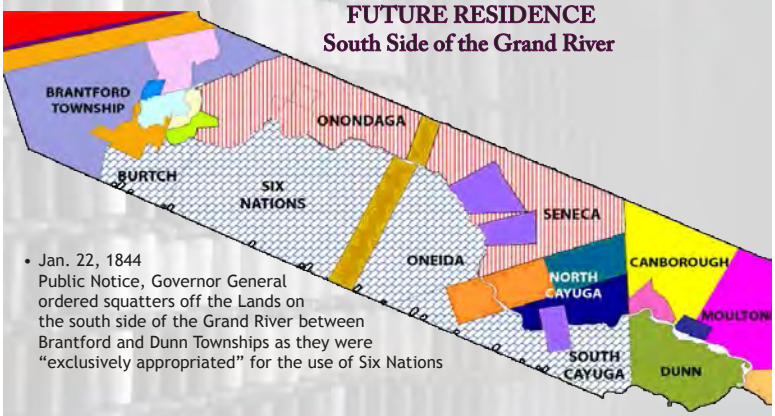
IT having been represented to His Excellency the GOVERNOR-GENERAL, that a number of persons have intruded themselves upon the Lands on the South Side of the Grand River, between the Townships of Brantford and Dunn, exclusively appropriated to the use of the Six Nation Indians, to the serious injury and great inconvenience and annoyance of the said Indians; such persons are hereby required forthwith to remove from the said Tract.

And Public Notice is hereby given, that all persons holding unauthorised possession of any part or parts of the said Reserve, whether on the North or South side of the said River, after the first day of April, now next ensuing, will be prosecuted with the utmost rigour of the Law.

SAMUEL P. JARVIS,
Chief S. I. Affairs.

Indian Office, Kingston,
22nd January, 1844.

LANDS RESERVED FOR SIX NATIONS FUTURE RESIDENCE
South Side of the Grand River

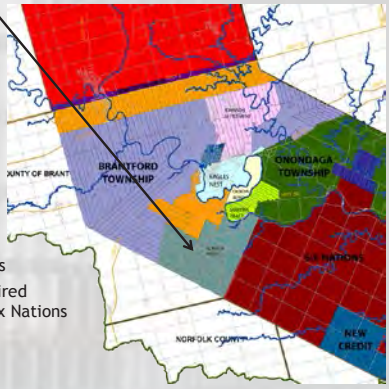


- Jan. 22, 1844 Public Notice, Governor General ordered squatters off the Lands on the south side of the Grand River between Brantford and Dunn Townships as they were "exclusively appropriated" for the use of Six Nations

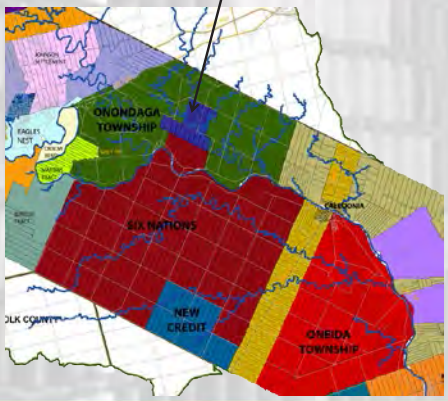
BURTCH TRACT • 5,223 acres (Brantford Twp.)

"Reserved for Six Nations future residence"

- Oct. 4, 1843 Order in Council, Crown reserved tract for Six Nations future residence on south side of Grand River
- 1844-1848, Six Nations repeatedly reserved Burtch Tract for their own use
- April 20, 1989, Six Nations filed claim with Canada & Ontario
- May 30, 2007, Canada included Burtch Tract in $126 million settlement offer in negotiations with Haudenosaunee Six Nations
- No surrender; Crown sold tract; all the required principal and interest was not credited to Six Nations Trust Accounts



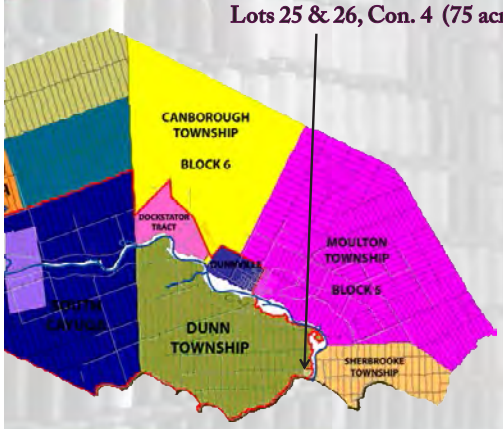
ONONDAGA TWP. Lots 10-14, Con. 2 & 6-15, Con. 3 (2,000 acres)



"Reserved for Six Nations future residence"

- April 2, 1844, Six Nations agree to reduce holdings on N. side of Grand River to 4,000 acres on condition lands on S. side from Brantford to Dunn Twp. be exclusively theirs
- March 15, 1990, Six Nations filed claim with Canada & Ontario
- No surrender; Crown sold tract; all the required principal and interest was not credited to Six Nations Trust Accounts

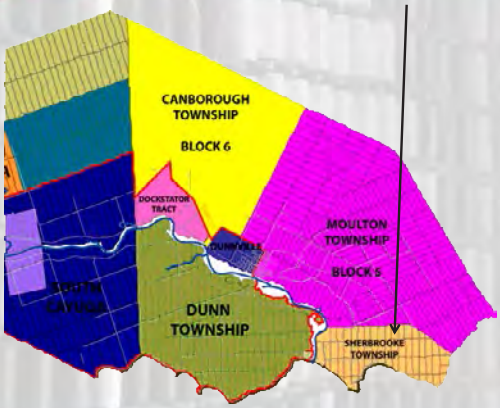
ORDNANCE RESERVE, DUNN TWP. Lots 25 & 26, Con. 4 (75 acres)



"Included in Feb. 8, 1834, Purported Surrender #38"

- 1917-1940, Letters Patent issued
- July 21, 1989, Six Nations filed claim with Canada & Ontario
- Free grants were issued and no payments received for Six Nations use and benefit

SHERBROOKE TWP.



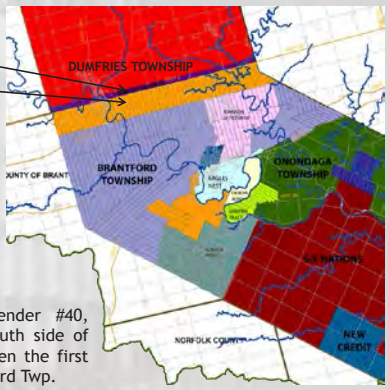
"Included in Feb. 8, 1834, Purported Surrender #38"

- March 13, 1809 Purported Surrender, Six Nations surrendered to the Crown "in trust" 4,000 acres at the mouth of the Grand River to be granted to William Dickson for legal and other professional services

EXCLUDED FROM PURPORTED SURRENDERS

Gore of Dumfries

1st Concession Brantford Twp.



Gore of Dumfries — Jan. 14, 1812, Executive Council informed that Block 1 Dumfries Twp. does not come to within 4-5,000 paces of Dundas Street (Governors Road). By Statute of 1821, the Gore between Dumfries and Dundas Street was attached to Dumfries Twp.

1st Concession Brantford Twp. — April 2, 1835 Purported Surrender #40, describes the bounds on the south side of the allowance for a road between the first and second concession of Brantford Twp.

LAND RIGHTS

A GLOBAL SOLUTION

FOR THE SIX NATIONS OF THE GRAND RIVER

CONTACT INFORMATION

Six Nations Lands & Resources Department
2498 Chiefswood Road, P.O. Box 5000 • Ohsweken, ON N0A 1M0

Ph. : 519-753-0665 • Fax : 519-753-3449 • Web: www.sixnations.ca • Email: info_lands@sixnations.ca

Women's Crisis Services
OF WATERLOO REGION

Women's Crisis Services
OF WATERLOO REGION

MOVING BEYOND VIOLENCE

Aspen Place

Women's Crisis Services
OF WATERLOO REGION

MOVING BEYOND VIOLENCE

Outreach Services
78% increase

- Youth Education
- Engaging Men
- Rural Support
- Family Violence Project
- Family & Children's Services

Women's Crisis Services
OF WATERLOO REGION

MOVING BEYOND VIOLENCE

- 41% of funding from the community
- Relying on community support more than ever before

Women's Crisis Services
OF WATERLOO REGION

MOVING BEYOND VIOLENCE

- Funding to support Aspen Place and expansion
- Funding to support an additional Outreach Worker

Regional Municipality of Waterloo
Written Submissions

Date:	Wednesday, February 8, 2023
Regular Session:	6:30 p.m.
Location:	Council Chambers

Should you require an alternative format please contact the Regional Clerk at Tel.: 519-575-4400, TTY: 519-575-4605, or regionalclerk@regionofwaterloo.ca

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Pages

January 27 2023

Dear Regional Councillors, Regional Chair and Transit Commissioner

The Cambridge Council on Aging is a long-time advocate for free transit rides for children under 12 years old, and complimentary rides for older adults (over 65) on Wednesdays and Sundays. In fact we would prefer that older adults be able to ride the bus for free or for a nominal fee such as $1.00 all weekdays during off peak hours (10 am to 3 pm). As the population increases, the need for climate-friendly forms of transportation grows, both for youth and older adults. Fewer cars would reduce Region's carbon footprint.

The World Health Organization's concept of an age-friendly lens is inclusive of all ages (not only senior friendly) and optimizes opportunities for health, participation and security in order to enhance quality of life as people age. By providing children with free transit use, the transit system would be building a transit culture that would create lifelong transit users. Many Ontario transit systems already provide this incentive for young riders, and our region is lagging behind.

Safe and accessible public transportation remains a top concern of older adults, caregivers, and the communities where they live. By using public transit older adults can increase social engagement, which has been proven to improve mental health. Lack of transportation creates social isolation which has a negative effect on physical and mental health. Many older adults should not be driving in their later years but are not comfortable using public transit so they drive longer than they should and increase risk of safety on our roads.

The UN has declared this the Decade of Healthy Ageing. The WHO's Age Friendly guidelines include Transportation as one of the eight interconnected domains that contribute to the core features of an Age friendly City or Community. 29% of people in the Region are 55 or older. 35% of older woman in Cambridge live in poverty.If public transit were regarded as a social service, with incentives for people to use the system, the long-term economic, social and health costs of climate change would be mitigated. This requires you to rethink public transit as a social service like other community services the Region provides.

We urge you to review and put into practice your own *Region's Seniors' Strategy (2014)*. On page 3 it recommends developing policies and practices using *an age friendly lens*. In your Strategy you claim to be "Valuing Older Adults" and to" Support Active Aging". Have you applied your Age Friendly Lens tool or consulted with your Region of Waterloo Seniors' Advisory Committee? Sound policy requires input to tailor transportation to an ageing population which would contribute to allowing older adults to be active members of the community.

I appreciate and thank you for the opportunity to express my thoughts.

Sharon Livingstone chair

Cambridge Council on Aging

January 25 2023

Dear Regional Councillors, Regional Chair and Transit Commissioner

As a long-time resident of Waterloo I would like to support the proposal for free transit rides for children under 12 years old, and complimentary rides for older adults (over 65) on Wednesdays and Sundays. In fact I would prefer that older adults be able to ride the bus for free or for a nominal fee such as $1.00 all weekdays during off peak hours (10 am to 3 pm). As the population increases, the need for climate-friendly forms of transportation grows, both for youth and older adults. Fewer cars would reduce Region's carbon footprint.

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I appreciate and thank you for the opportunity to express my thoughts.

Briana Zur

Volunteer, Age Friendly Waterloo

I am writing to the council urging the rejection of the proposed police budget increase.

This proposed allocation of regional funds continues an unpleasant trend, one which fails to afford upstream prevention, community needs and wellbeing despite an increased financial cost to all in the region. While not all members of council at present are responsible for the previous acts of council, several are, and all bear the legacy. Recent years have displayed an increasingly visible housing crisis (where Regional funds, it was recently reported, were used in the amount of at least $66,000 in legal fees as of November in an attempt to enforce a bylaw that violated Charter rights rather than seek to provide housing), the closure of several Regionally-operated childcare centres despite substantial community opposition, and the denial of funding for a variety of organizations, either in flatlining funding year over year while inflation and costs accrue, or actively reducing funding. The recently denied request of funding for the Sexual Assault Support Centre of Waterloo Region in 2022 at a time when demand for services is drastically increasing would be yet another example. Council would also declare budget surpluses as a success multiple times during this same span. Council has repeatedly stated the province should be doing more and paying more, however, these requests have only been made visible in media reporting when council comes under scrutiny. To defer to a deeply unpopular provincial government on these issues rather than take greater agency is further adherence to a system that is not functioning in support of the community.

Meanwhile, if this latest increase is approved, the funds allocated to police services will have effectively doubled since 2010 when the police budget was over $113,000,000 to nearly $220,000,000 in 2023 despite limited evidence to suggest that this has contributed to any broad community benefits (indeed, several delegates will likely speak to its opposite effects). It is both notable and not at all a coincidence that during the past thirteen years, a variety of programs and supports, particularly those that provide benefit to the financially poor, have steadily disappeared and we find ourselves scrambling now to provide the bare necessities to people corralled into increasingly desperate situations by a system upheld and supported, at least in part, by regional budgetary decisions.

It is not “officers per capita” we lack, but access to affordable housing, food, healthcare, properly staffed medical facilities, properly funded education, libraries, transit, and public services and infrastructure. If we seek to support those in our community most in need of support first, then the police would be a distant last in allocating a budget. We cannot police our way out of deteriorating community services and social supports. Increasing the police budget only puts us collectively as a community further behind in properly funding services so desperately in need of financial support from the region.

I echo the calls of delegates and community members to reject the police budget increase and to reallocate the budget and refund the community with the services for which it asks.