



Canadian Ecumenical
Justice Initiatives /
Initiatives œcuméniques
canadiennes pour
la justice

Members

Anglican Church of Canada
Canadian Catholic Organization for
Development and Peace
Canadian Conference of
Catholic Bishops
Canadian Religious Conference
Christian Reformed Church in
North America (Canada Corporation)
Evangelical Lutheran Church
in Canada
Mennonite Central Committee
of Canada
The Presbyterian Church in Canada
The Primate's World Relief and
Development Fund (PWRDF)
Religious Society of Friends (Quakers)
United Church of Canada

Membres

L'Assemblée annuelle canadienne
de la Société religieuse des amis
La Conférence des évêques
catholiques du Canada
Le Comité Mennonite Central
La Conférence religieuse canadienne
Développement et paix
L'Église anglicane du Canada
L'Église évangélique luthérienne
du Canada
L'Église presbytérienne au Canada
L'Église réformée chrétienne en
Amérique du Nord
(Société canadienne)
L'Église unie du Canada
Le fonds du primat pour le secours
et le développement mondial

129 St. Clair Ave. W.
Toronto Ontario
Canada M4V 1N5
tel: 416.463.5312
toll-free: 1.877.403.8933
fax: 416.463.5569
www.kairoscanada.org



6 August 2009

The Honourable Chuck Strahl
Minister of Indian Affairs and Northern Development &
Federal Interlocutor for Métis and Non-Status Indians
House of Commons
Ottawa, Ontario K1A 0A6

Re: Kanienkehá:ka of Kanehsatà:ke

Dear Minister Strahl:

We are writing on behalf of KAIROS: Canadian Ecumenical Justice Initiatives, which unites eleven national churches and church organizations in faithful work for social justice and human rights. KAIROS member churches represent millions of Canadians in thousands of communities.

KAIROS members who watched the “Oka Crisis” in the summer of 1990 continue to support a just and equitable resolution of land rights relating to the traditional or historical territory of the Kanienkehá:ka people.

KAIROS is concerned that almost 20 years later the land rights issues have not been resolved. These ongoing issues have had profound and lasting negative impacts not only on the Kanienkehá:ka people, but also on their neighbours in Oka and its surroundings. This situation has created divisions between people, both within and beyond the community, and has eroded trust.

Dialogue, leading to resolution, requires strong leadership and an inclusive, holistic process.

We urge your government to work with all the Kanienkehá:ka people. Meaningful talks towards the resolution of these land issues that recognize existing groups and involve everyone will help to restore trust in the process and avoid exacerbating existing divisions. The content of these talks must address all outstanding land issues, including those that precipitated the confrontation in 1990.

We have received copies of correspondence between Ellen Gabriel, Turtle Clan Kanienkehá:ka of Kanehsatà:ke, and government officials over the past year that illustrate an exclusive and selective approach to land issues. This correspondence relates to the *Agreement with Respect to Kanesatake Governance of the Interim Land Base*, subsequent legislation Bill S-24, and ongoing land development in the traditional territory of the Kanienkehá:ka people.

For example, in the letters we learn that only a minority of community members participated in the ratification vote for the Land Governance Agreement, which in the end passed by only 2 votes. This raises serious democratic concerns, as well as issues pertaining to the community's right to self-determination. In addition, it highlights the importance of an inclusive process when addressing land issues. Since members of the Longhouse refuse to participate in band council elections or referendums (because they see them as manifestations of an imposed political system without authority or legitimacy), the referendum's results do not reflect the positions of the entire community.

The Indian Affairs Regional Director's 9 July 2009 letter to Ellen Gabriel illustrates the importance of acknowledging the wide range of land issues facing the community. The regional director's decision to refer only to the process of the Land Governance Agreement ignores the larger issue of ongoing violations of the Aboriginal and treaty rights of the Kanienkehá:ka people.

Kanehsatà:ke has, on more than one occasion, filed a land claim with the federal government. For more than 300 years the land rights dispute has continued. Government documentation on the history of Specific Claims in Canada notes: "Events of the summer of 1990 prompted both renewed calls for review of claims processes, and a measure of government responsiveness." KAIROS strongly believes that the federal government's obligations extend to the much larger scope of this land rights dispute.

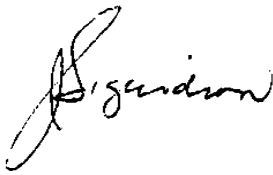
There is no doubt that the citizens of Kanehsatà:ke are concerned about development on their traditional territory. The Crown has a constitutional duty to consult with Aboriginal peoples and accommodate their concerns. This duty has been repeatedly upheld by the Supreme Court of Canada. This duty to consult and accommodate is part of a process of fair dealing and reconciliation. Reconciliation is "a process flowing from rights guaranteed by s. 35(1) of the *Constitution Act, 1982*."

We strongly encourage government representatives at all levels to greatly increase their efforts to engage in good faith dialogue with all the Kanienkehá:ka of Kanehsatà:ke to address outstanding concerns.

The multi-layered complexity of this territory's history demands that the concerns of its Mohawk citizens be addressed promptly, genuinely, with respect, and in a way that recognizes the rights of the Mohawk people. Responsible government engagement with the people of Kanehsatà:ke will help to ensure their rights are respected and upheld.

We look forward to your reply.

Sincerely,



Janet Sigurdson, Co-Chair
KAIROS Indigenous Rights Committee



Harold Roscher, Co-Chair
KAIROS Indigenous Rights Committee

cc:

Michael Ignatieff, Liberal Party of Canada
Gilles Duceppe, Bloc Québécois
Hon. Jack Layton, New Democratic Party
Todd Russell, Aboriginal Affairs Critic, Liberal Party of Canada
Marc Lemay, Aboriginal Affairs Critic, Bloc Québécois
Jean Crowder, Aboriginal Affairs Critic, New Democratic Party
Camil Simard, Regional Director, Quebec Regional Office, Indian and Northern Affairs
Premier Jean Charest, Gouvernement du Québec
Pierre Corbeil, Secrétariat aux Affaires Autochtones – Gouvernement du Québec
Governor General Michaëlle Jean
Yvan Patry, Maire Municipalité d'Oka
James Anaya, United Nations Special Rapporteur on the Human Rights of
Indigenous Peoples
Paul Nicholas, MCK