

Ka-nyen-geh-ha-ka (Mohawks) of Grand River – Submission of UNDRIP Violations

UNDRIP Article	Issues / Evidence of Contravention or Violation	Redress Sought
<p>1. Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.</p> <p>NOTE: Due to the rule of continuity, a state does not disappear and reappear; it remains the same actor and is bound by past obligations.¹</p> <p>Just as Germany is responsible for the acts done by Nazis; South Africa is responsible for apartheid government crimes; so too is Canada responsible for apartheid government crimes. The binding force of obligations is normative – by way of relations with other states.²</p>	<p>The Indian Act – Section 20 – Possession of lands in a reserve</p> <p>20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.</p> <p>20. (4) Where possession of land in a reserve has been allotted to an Indian by the council of the band, the Minister may, in his discretion, withhold his approval and may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment.</p> <p>There are numerous other <i>prima facie</i> examples of government apartheid and other violations of recognized human rights including Canada's policy of imprisonment by race as evidenced by <i>inter alia</i>, former Supreme Court Justice Frank Iacobucci's "alarming" February 26, 2013 report recognizing that our people face "systemic racism" within the Ontario provincial justice system. Great Britain and Canada's depraved residential school genocide including Canada's current policy to conceal evidence and neglect to prosecute plain and obvious crimes against humanity constitutes perhaps the most egregious example of deviousness and repugnancy demonstrated by a state in our peoples' history.</p>	<p>1. Acknowledgment of the title I carry for my people, and the Ka-nyen-geh-ha-ka of Grand River's inherent right to full autonomy including sovereign self-governance (true democracy according to our tradition and beliefs, pursuant to the Law of Great Peace) within our Grand River allodial territorial homeland as pledged, without interference, of any kind on the part of the state of Canada including derived entities and corporations.</p> <p>2. Full recognition of Canada's obligations in respect of succession of Great Britain's covenants and treaty obligations; in particular the Royal Proclamation of 1763, Haldiamnd's Pledge of 1779, Haldimand's Proclamation of 1784, and the 1713 Treaty of Utrecht.</p> <p>3. Full compensation for all damages including apartheid, genocide and lands usurped and corrupted without color of right.</p>
<p>2. Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.</p> <p>NOTE: "Indian" according to the Indian Act, means: "A person who pursuant to this Act is registered as an Indian or is</p>	<p>Widely-published facts including statistics indicate that racist / sexist stereotypes deny the dignity and worth of Indigenous people–women in particular–which conditions increasing numbers of predators to engage in violent / hateful acts against them. This is increasingly aggravated by inflammatory / racist media commentary, and is clearly and abundantly evidenced in hateful commentary / rhetoric published in on-line comment sections operated and controlled by SunMedia and certain other corporate media entities. In addition, decades of racist state policies have impoverished and broken apart Indigenous families / communities, leaving many Indigenous people extremely vulnerable to exploitation / violence, incarcerated, or otherwise wards</p>	<p>4. The enactment of meaningful legislation which includes efficient and effective mechanisms to seek redress, preventing Canada including derived entities and corporations from interfering with our peoples' right to full enjoyment of life, liberty and freedom of the person.</p> <p>5. Acknowledgement and reorganization of the Gayanerekowa, the foundation and constitution of our system of order and</p>

<p>entitled to be registered as an Indian.” Our people are Onkwehon:we – original people and custodians of our lands by birthright, yet Canada’s apartheid policies render our people landless tenants and virtual state wards robbing us of equality and our identity due to our racial origins.</p>	<p>of the state. In instances within this territory and throughout the lands, police forces and indeed many state and state-enacted entities have failed to institute necessary measures such as training, appropriate investigative protocols and accountability mechanisms, to eliminate bias in how they respond to the needs of Indigenous victims of hatred, violence and discrimination, particularly women and their families. In the Northwest Territories, 95% of children in foster care are indigenous. [2011 National Household Survey]</p>	<p>governance on the part of the state and state-enacted entities.</p>
<p>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.</p>	<p>On October 7, 1924, the RCMP stormed the Six Nations Council House, dissolved the Confederacy, and forcibly imposed an elected Band Council in its place, forcing traditional chiefs who carried titles for our people to assimilate - or face persecution. A “homogenous culture” was promoted, and forced assimilation has increasingly become Canada’s endorsed and implemented acculturation strategy. The elected band council system remains in place to-date notwithstanding persistent unsuccessful attempts to return to our traditional system which remains fractured and suppressed.</p>	<p>6. Assurances that Ka-nyen-geh-ha-kah will no longer be forced and expected to adhere to alien laws without our prior and informed consent in accordance with Queen Anne’s Order in Council dated 10 July 1704 recognizing my people’s original jurisdiction.</p>
<p>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.</p> <p>NOTE: Queen Elizabeth recognized most recently in 2013 that the Ka-nyen-geh-ha-ka (Mohawks) of Grand River as her allies and conveyed her greetings to our people distinctly. She has agreed to act within the capacity of her Governor General on the advice of her Canadian ministers in respect of our territorial appeal in respect of <i>inter alia</i>, our Grand River Homeland, an accounting for the period 1784-1867, etc.</p>	<p>Under the forcibly-imposed Indian Act and elected Band Council regime, our people must struggle in order to exercise any right to meaningful self-determination or traditional self-governance. Aside from our ally, Queen Elizabeth, recognition by Canada and on all state levels remains obsolete. Autonomous traditional functions were dissolved and utterly eliminated and an oppressive and discriminatory practice of Federal funding maintains and fosters nepotism, corruption and discrimination. The elected council and our communities must thereby adhere to all Federal and Provincial policies without the opportunity to participate in decision-making at such levels. The Six Nations Elected Band Council’s municipal-modeled assimilation regiment enacted, controls and currently funds a Ceremonial “Haudenosaunee Confederacy Council” which in turn controls an entity known as “Haudenosaunee Development Institute” or HDI who employs Ontario Lawyer Aaron Detlor. Despite expenditures of millions by both State-funded councils annually in legal costs in respect of Grand River territory dispute negotiations without our people’s consent, to-date neither a scintilla of land, nor a single reparation payment has been achieved.</p>	<p>7. Compensation and redress for damages and suffering caused at the unclean hands of the states of Canada and Great Britain, including the delivery of an accounting, and proportionate return of all “Indian Trust” monies taken or otherwise derived by the state from the part of our people enabling our people to exercise self-determination, autonomy and independence.</p> <p>8. Undertaking on the part of the State of Canada to Queen Elizabeth to act within the the rule of law including customary and obligatory British covenants, treaties and proclamations and introduce / demonstrate measures including a functional mechanism to hold relevant levels and derived entities to these obligations within its federal capacity in respect of our territorial appeal in respect of <i>inter alia</i>, our Grand River territory, an accounting for the period 1784-1867, etc.</p>
<p>5. Indigenous peoples have the right to maintain and strengthen their distinct</p>	<p>Our constitution, the Gayanerekowa pre-dates European law and imposed jurisdiction. The Ka-nyen-geh-ha-ka, who are the founders</p>	<p>8. The implementation of a hybrid system whereby our traditional systems of order can</p>

<p>political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.</p>	<p>and head of the League of Great Peace have been prevented from maintaining this system of order by the state, thereby destroying our entire way of life including peaceful co-existence with other people and our natural environment. We have never consented to assimilate or abandon this codified system of natural harmony, peace and order.</p>	<p>be re-instilled within our Grand River territorial homeland providing options for our people to also participate fully within Canadian state systems outside of the jurisdiction if and as any of our people choose freely to do so.</p>
<p>6. Every indigenous individual has the right to a nationality.</p>	<p>Indian Act policies and practices enable the state to unilaterally and arbitrarily label our people with false "nationalities". From 1867 to present day, Canada refuses to officially recognize Ka-nyen-geh-hakah as a people or nation. Often Ka-nyen-geh-ha-ka are falsely registered within "Band Lists" as Cayuga, Seneca, or other nationalities with no meaningful method of obtaining redress which is tantamount to administrative genocide.</p>	<p>9. Official recognition of the Ka-nyen-geh-ha-ka as a distinct people on the part of all levels of the state within Canada.</p>
<p>7. (i) Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.</p> <p>See: February 26, 2013 Report on First Nations Representation on Ontario Juries; "I have called it a crisis, a serious crisis. And I am not an alarmist. We are talking about the lives and liberties of people. I don't know if you can get more of an important issue subject than that... We can't continue to treat First Nations as objects. We have to be partners. I don't care if it is in the justice system or economic development. It is going to take time." – Former Supreme Court Justice Frank Iacobucci, February 26, 2013.</p> <p>See also: "Close to one-in-four inmates in federal penitentiaries today are of Aboriginal ancestry, yet Aboriginal-specific legislative provisions are chronically under-funded, under-utilized and unevenly applied by the Correctional Service. In failing to fully meet Parliament's intent, my review concludes that the federal correctional</p>	<p>According to the Canadian Institute of Child Health, our indigenous youth commit suicide five to six times more often than their non-indigenous peers. Our males (aged 15-24 years) die from suicide at a rate of 126/100,000 vs the national average males of the same age who are lost at 24/100,000. Our young women (aged 15-24 years) are lost to suicide at 35/100,000 compared with 5/100,000 National. Research reveals relationships between cultural factors, such as self-governance, land claims negotiation, local control over education and health services, and lower rates of youth suicide in Indigenous populations.</p> <p>A March 7, 2013 Special Report on Aboriginal Corrections by Federal Correctional Investigator, Howard Sapers states: "Close to one-in-four inmates in federal penitentiaries today are of Aboriginal ancestry, yet Aboriginal-specific legislative provisions are chronically under-funded, under-utilized and unevenly applied by the Correctional Service. In failing to fully meet Parliament's intent, my review concludes that the federal correctional system perpetuates conditions of disadvantage for Aboriginal people in Canada." The report found that an "alarming" upward-trending (40%) increase in the Aboriginal incarcerated population between 2001-02 and 2010-11, and "worst of all, no progress in closing the large gaps in correctional outcomes between aboriginal and non-aboriginal inmates." The report found that such destructive social policies have marginalized indigenous people and that such an on-going and institutionalized practice "defines systemic discrimination."</p> <p>The cumulative effect of untold volumes of similar and related state and state-derived commissions, reports, study, and co-called</p>	<p>10. Commitments from the United Nations to take all necessary steps, on an urgent basis, toward the immediate appointment, deployment and instillation of United Nations peacekeepers and / or observers within our territory and in Brantford in order to document and report upon progress in respect of achieving meaningful transition from the current repugnant crisis to peaceful and respectful coexistence within our Grand river territorial homeland.</p> <p>11. Implementation at all state levels of proportionate funding formulas sufficient to deal appropriately with our people's physical and mental health crisis, as well as social and economic inequalities resulting from injustices perpetrated on our people by the state.</p> <p>12. The immediate return to our communities of all children who have been taken by the state, and compensation provided to all families devastated by such inhuman acts.</p> <p>13. The imposition of a deadline of July 1 2013 for Canada to provide a commitment with assurances to our people that it shall adhere to the UNDRIP in both spirit and good faith</p>

<p>system perpetuates conditions of disadvantage for Aboriginal people in Canada.” Howard Sapers, Federal Correctional Investigator, <u>Office of the Correctional Investigator March 7, 2013 - Spirit Matters</u></p>	<p>“consultation” strewn over many decades at all state-levels is a failure to curb Canada’s persistent attacks upon the rights and lands of our people, notwithstanding persistent clear and compelling evidence of systemic racism, apartheid and genocide time after time.</p> <p>“I am of the view once Canadians see the truth of what is going on, they’ll be convinced we need to do something about it.” – Former Supreme Court Justice Frank Iacobucci, February 26 2013</p>	<p>and in practice including by the enacting of measures sufficient and necessary to effectively compel all state levels and state-derived entities to same.</p>
<p>7. (ii) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.</p>	<p>Our people continue to endure on-going systemic genocide at the unclean hands of the state and state-derived entities on many fronts at Federal, Provincial, and municipal levels both inside and out of our Grand River territory. Increasing instances of targeting and forced removal of our children by dysfunctional both Native and Non-native “social services”-guised entities is not only utterly inconsistent with our traditions, moreover, it causes an exponentially-cumulative effect of expanded genocide.</p>	<p>14. Economic sanctions against the state of Canada may be only stimulus sufficient to motivate this regime to respect and indeed adhere to the rule of law in these grave and urgent circumstances and realities as presently exist. Our children – our future generation is held in the balance facing increasing threats evidenced by diminishing survival odds.</p>
<p>8. (i) Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.</p>	<p>Canada’s recent history of passing unpopular, controversial federal omnibus legislation without consultation with our people has an increasing net effect of further assimilating us into undesired systems, destroying our environment and culture, and increasingly subjecting us to foreign and inhumane ‘welfare-state’ existences in place of recognizing, respecting, and protecting our distinct spiritual connection to our environment including lands and resources.</p>	<p>15. The repeal or nullification of legislation at all state levels which is evidenced to be inconsistent with prevailing humanitarian standards and law, or which has been enacted in lieu of meaningful consultation / participation with our people if it affects us either directly or indirectly.</p>
<p>8. (ii) States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;</p>	<p>Canada’s current regime has become increasingly hostile to mechanisms which protect human rights. “Human rights commissions, as they are evolving, are an attack on our fundamental freedoms and the basic existence of a democratic society. It is in fact totalitarianism. I find this is very scary stuff.” – Steven Harper, 1999</p>	<p>16. Technical assistance from the United Nations in order that true copies of all relevant records and documents in the possession of all state-levels be secured without delay in light of Canada’s historical violations of disclosure obligations and bad faith.</p>
<p>8. (ii) (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;</p>	<p>Canada as a state today, lacks any meaningful mechanism which can adequately protect our land and resources from increasing plunder. All directly or in-directly federally-funded entities guised to effect meaningful protections remain subject ultimately to the increasingly totalitarianistic regime. There is not a single instance of any attempt undertaken by my people to-date, throughout the course over 200 years of persistent struggles, which has achieved any significant measure of success in respect of curbing the dispossession of our people of our lands and resources.</p>	<p>17. Economic sanctions against the state and guilty state-derived entities could deter on a punitive basis, while at the same time providing for compensation to our people, for the wholesale theft of our lands and resources from our future generations. Entities which respect our land and resources ought not to be punished for the wanton acts of individually depraved and reckless plunderers.</p>
<p>8. (ii) (c) Any form of forced population transfer which has the aim or effect of</p>	<p>Our people have already been forced to migrate from our Mohawk Valley homeland due to European conflicts leaving us devastated and</p>	<p>18. Impose an immediate moratorium in respect of unauthorized development and</p>

<p>violating or undermining any of their rights;</p> <p>NOTE: At the time of our settlement at Mohawk Village at Brant's Ford in 1784, the land was inhabited by nearly all indigenous peoples pursuant to our customs. According to 2011 NHS data, the population has been obliterated with Brantford non-indigenous occupants currently making up 91.7% of the population.</p>	<p>displaced. Once re-settled within our Grand River territory, the Mohawk Village at Brant's Ford and the Tutela settlement at Tutela Heights constitute two examples of lands which were usurped from our ancestors by certain known and unknown state actors, land speculators and certain Six Nations impersonators, forcing our ancestors to take refuge at what is known as the Six Nations Reservation No. 40. This action was undertaken with the specific intention of dispossessing us of our Grand River homeland, and depriving us of our rights to same at our expense and at a profit to the co-conspirators.</p>	<p>resource extraction on lands claimed by our people pending a binding disposition.</p> <p>19. Commitment to a transition protocol which acknowledged that the return of Ka-nyen-geh-ha-ka lands usurped by the state at Brant's Ford and Tutela Heights, and elsewhere within our territory is necessary, just, and far past-due.</p>
<p>8. (ii) (d) Any form of forced assimilation or integration;</p> <p>NOTE: Net effects of mass alien immigration within our territory has resulted in less than 400 individuals who can still speak an indigenous language living in Brantford. Indigenous only among the 380 Aboriginal people who reported an Aboriginal language as mother tongue, 26.3% could no longer conduct a conversation in this language, despite the fact that they still understand it.</p>	<p>The current regime continues to openly advocate for and implement increasing forced assimilation and integration strategies upon our people. This is evidenced by its racist "<u>Aboriginal Skills and Employment Training Strategy</u>, which is an integrated approach to Aboriginal labour market programming that links training to labour market demand." While the assimilation scheme supports some 80 indigenous organizations in the delivery of "programs and services to increase Aboriginal participation in the Canadian labour market", it focuses on three strategic assimilation agendas: supporting skills development only for those indigenous participants who willingly integrate or assimilate into the Canadian workforce; offering the private sector with subsidized assimilated indigenous peoples and the provinces and territories; and accountability and results. The program was launched in April 2010 with funding of \$1.6 billion over five years.</p>	<p>20. Clarification from the United Nations including assurances that having been deprived of our ancestral lands under colonialism and apartheid, access to land for the dispossessed ought not be equated with the protection of property acquired under apartheid, and as a consequence of genocide. This entails a commitment to ensuring a full accounting and truth and reconciliation with the collective dispossession suffered by the Ka-nyen-geh-ha-ka.</p>
<p>8. (ii) (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.</p> <p>"Mr. McHale's urging of Douglas Fleming to ignore police requests and to take further steps to block the road only served to increase the volatility of an already dangerous situation unfolding that day." - Crown attorney Brent Bentham, April 2013.</p> <p>"But for you, Caledonia would have been a relatively peaceful place."</p>	<p>On April 21, 2010 the Crown stayed a charge against self-proclaimed Canadian Advocates for Charter Equality executive director and notorious provocateur, Gary McHale – a man the Crown still contends was attempting to incite civil disobedience at a protest against an indigenous people in Caledonia – stating publicly that it was still the Crown's position there is a "reasonable prospect of conviction", notwithstanding its unexplained act and despite having accused McHale of being behind numerous confrontations against Indigenous people and police. Fantino, while on the stand in April 2009, accused McHale of being an agitator who provoked confrontations and baited police.</p> <p>In 2009 McHale took part in attempting to establish the "Caledonia Militia", and on March 21st, 2010 his organization organized a rally for what it described as "race-based policing" that discriminates</p>	<p>21. An undertaking to investigate how McHale came to become one of only 60,000 "deserving Canadians recognized for their contributions to Canada or to a particular province, territory or community, or for their outstanding achievement abroad that has brought great credit to our country", - and which contributions specifically contributed to his award.</p> <p>22. Assurances that the United Nations will engage this situation in order to fully investigate same – and to protect our people from racial / ethnic discrimination which the</p>

<p>Ontario Provincial Police Commissioner Julian Fantino.</p> <p>Especially disturbing was the appropriation of Martin Luther King’s words to support an anti-native cause: “These right-wingers say that they’re anti-racist, that they’re fighting for equality for all. But what they’re really calling for is an end to all land rights and treaty rights for all First Nations people...They’re taking some of the most important principles that we hold dear and are misappropriating them in order to increase tensions and divisions between Six Nations people and Caledonia. Whether they admit it or not, their activity increases the potential for violence against First Nations people.” Niki Thorne of CUPE 3903 First Nations Solidarity Working Group (FNSWG)</p>	<p>against white people on the same day anti-racist and Indigenous solidarity activists organized to denounce the escalation of racism and colonial violence on both occasions.</p> <p>McHale and his group perversely appropriated the language of “Truth and Reconciliation” and further mocked “Indian Residential School” survivors by publicly demanding that an official apology be issued to the people of Caledonia from the Ontario Provincial Police (OPP), Ontario government, and Indigenous peoples. Escalating tensions, SunMedia reported that McHale’s group intended to erect an “apology monument” on Kanonhstaton (Indigenous reclaimed land) and demanded a similar apology from the government as that given to the Indigenous people in respect of the residential school system.</p> <p>Canadian Advocates for Charter Equality executive director, Gary McHale received a Queen’s Diamond Jubilee Medal on February 18, 2013. “This medal sends a strong message that the OPP and all political parties should take note (of)... Citizens will not surrender their rights and freedoms on the altar of political correctness.” – McHale, 2013.</p>	<p>state appears to reward.</p> <p>NOTE: The shock of the Holocaust served to signify a change in prevailing conceptions of law – return to Natural Law which is founded in harmony and where the notion that sacred values exist and an elementary level of humanity that cannot be transgressed. It further served to illustrate why violence required moderation by an international system. Our current situation illustrates the urgent need for dialectic and the increasing levels of hatred and violence being fostered against our attempts to obtain redress within domestic and now international legal systems.</p>
<p>9. Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.</p>	<p>Apartheid in South Africa was based upon the Canadian reserve system experience. The punitive effect of internationally-imposed sanctions finally brought about an end to South African oppression. Meanwhile Canada’s assimilation, genocide and apartheid remains unaddressed, uncurbed, and unacceptable in that our people continue suffer the denial of the right to our own Nation in accordance with our traditions and customs.</p>	<p>23. A declaration and commitment to end apartheid within Canada at all state levels.</p>
<p>10. Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.</p>	<p>During our early history with Great Britain, it was the Crown who protected our people from the likes of non-indigenous land speculators, fraud, trespassers, squatters and racism victimizing us. Currently, the state of Canada (at all levels) maintains obstructive and oppressive policies which frustrate our attempts to resolve past and on-going violations of our rights. Canada’s official “Land Claims Policy” is fundamentally flawed and inconsistent with the rule of law.</p>	<p>24. An acknowledgement law / policy in existence past or present, under Canada’s apartheid system legitimizes neither the unlawful acts of forced removal and relocation, nor can it in any way justify discrimination, apartheid and genocide under any circumstances or guise.</p>