

List of Potential Risks to Kahnawà:ke due to Bill S-3

RISK #1 – SSSL CLAIM ISSUES

Newly registered persons under Bill S-3 could potentially outnumber the Kahnawa'kehró:non who are listed on the Kahnawà:ke Kanien'kehá:ka Registry. This is problematic; in the event of a settlement for the Seigneurie of Sault St. Louis land grievance, any person listed as a Mohawk of Kahnawà:ke on the Federal Indian Registry (which includes all Bill S-3 registrants), may be eligible to vote on this land claim and financial package. They would likely be considered a beneficiary to any settlement, as the Federal Government will regard everyone on the Federal Indian Registry as a Mohawk of Kahnawà:ke, whether or not the person grew up here or even has any real community ties.

EXAMPLE: *Algonquins of Ontario Land Claim

RISK #2 – LAND HOLDINGS ISSUE

Land Holdings in Kahnawà:ke becomes an issue due to Bill S-3. At present, the Federal Government through the Indian Act recognizes any person on the Federal Indian Registry who is registered under a 070 band number to be allowed to purchase, sell, own and acquire land in Kahnawà:ke.

RISK #3 – POTENTIAL LAWSUIT(S) ISSUE

It is possible that Kahnawà:ke could face even more legal challenges to its Membership and Residency customs/laws due to Bill S-3. For instance, if an individual is registered under Bill S-3 and is told they are now a member of the Mohawks of Kahnawà:ke, it is probable that they can come to the community and ask for benefits and services. If that individual is denied, they can file a lawsuit against the Mohawk Council of Kahnawà:ke for denying them benefits or services.

RISK #4 – BORDER CROSSING/TAX EXEMPTION ISSUES

The Mohawk Council of Kahnawà:ke negotiated with the Province of Quebec to have tax exemption at point of sale for the Kanien'kehá:ka of Kahnawà:ke within a certain radius of the community. If the amount of Indian Status cards (or band cards) that say 'Mohawks of Kahnawà:ke' increases exponentially in the next few years, we may see that surrounding businesses may be reluctant to accept any status cards at all, which could affect our tax exemption rights at point of sale.

At present, we have the right to cross the border using our status cards. This right was historically recognized in the Jay Treaty. It was later clarified through the court case of Paul Diabo, a Kahnawà:ke Mohawk, who challenged the immigration laws of the United States. Ever since the challenge, in 1928 the wording was codified to state that Canadian-born people with at least 50% "Indian blood" can enter, live in, and work in the United States without immigration restrictions. Given that none of the S-3's would possess 50% "Indian blood", if the U.S border guards notice an influx of thousands of new people using status cards to cross the border, they will tighten the restrictions and this may cause issues for the true Kanien'kehá:ka of Kahnawà:ke, as well as any other true Indigenous peoples, to cross the border using only a status card.

RISK #5 – POPULATION INCREASE

When the delayed amendments to Bill S-3 come into force, it is predicted that the 'Status Indian' population in Canada will more than double what it is currently. It is unknown as to how this is going to impact service delivery in Canada, as well as service delivery in Kahnawà:ke, yet the Federal Government has received instructions to put the legislation in force anyway.

*Algonquins of Ontario Land Claim Information

“A historic land claim agreement in principle struck by the Algonquins of Ontario with the federal and provincial governments is being denounced as fraudulent and illegal by chiefs of a number of Iroquois and Algonquin First Nations. They charge that the vast majority of the Algonquins of Ontario (AOO) are not actually Algonquin or even aboriginal.

Indeed, the chiefs say even Prime Minister Justin Trudeau could technically qualify as an Algonquin under the loose criteria set to determine eligibility to participate in a ratification vote on the proposed deal. While non-indigenous people are entitled to vote on and benefit from the deal, the chiefs say other legitimate First Nations, whose traditional territory overlaps with the AOO land claim, have been ignored while their rights were bargained away.

The claim, the largest being negotiated in Ontario, covers a territory of 36,000 square kilometres in eastern Ontario, including Parliament Hill. Among other things, the proposed deal would transfer 117,500 acres of Crown land to Algonquin ownership and provide a \$300 million settlement.

The agreement in principle, which is in the midst of a ratification vote, was denounced Thursday by the chiefs of four Algonquin First Nations, who said the land claim overlaps almost 900,000 acres of their territory.

Lance Haymond, chief of the Kabaowek First Nation, said "the vast majority" of the Algonquins of Ontario "are not Algonquin at all," but non-indigenous people who claim a loose connection to an Algonquin "root ancestor." In many cases, those eligible to vote on the land claim deal have not had any intermarriage with Algonquins for more than 200 years, he said.

According to a genealogical analysis done for the chiefs, Trudeau could technically trace his ancestry to an Algonquin woman eight generations ago. The process for eligibility is so convoluted and "ludicrous" that Trudeau could declare himself to be an Algonquin of Ontario, Haymond said. "The Algonquins of Ontario do not have the moral or legal obligation to negotiate away all the rights of the Algonquin people," he said.”

<https://www.cbc.ca/news/indigenous/algonquin-land-deal-illegal-1.3475359>