

REVISED DRAFT FOR REVIEW

CONSULTATION REPORT

SEIGNUERY OF SAULT ST. LOUIS LAND GRIEVANCE

COMMUNITY CONSULTATION

PHASE I

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EXECUTIVE SUMMARY

Background

This Report presents the results of a community consultation on the Seigneurie of Sault St. Louis Land Grievance conducted in Kahnawake during the summer and early fall of 2006. The consultation focused on the background issues, key principles, and the structure of the negotiation process, and was undertaken by an independent consultant who operated autonomously from the contracting organization, the Mohawk Council of Kahnawake. The consultation involved 133 respondents from all segments of the community who provided input through personal interviews and focus group discussions.

Objectives

The objectives of the consultation were to gauge community knowledge and awareness of the historical background and key legal aspects of the Grievance, to determine the level of understanding and support in the community for the three main negotiation principles developed by the MCK, and to solicit comments and direction from the community on the questions of representation, beneficiaries, goals, and ratification.

Conclusions

With respect to background knowledge: half of respondents know the history of the SSSL; seventy percent are aware of the land area involved; and, one-third have some knowledge of the negotiation process. With respect to the negotiation principles: two-thirds of respondents agree with 1st Principle, and less than half agree with the 2nd and 3rd principles. Most people agree with the MCK's organization and facilitation of the negotiation process, so long as the title to the land is not an issue in the negotiation, although there is a call for increased openness and engagement with the community. Land is the priority for restitution, and cash compensation is not seen as an appropriate substitute. There is a broad and inclusive view on the definition of beneficiary. With respect to ratification of an agreement, people are respectful of the diversity of views in the community and approve of both voting and Longhouse means of approval, with the strong view that unity must be sought and that membership issues must be resolved prior to an agreement on the SSSL being reached.

Recommendations

The main recommendations offered are: the MCK should develop a public education program and circulate a map of the land area involved; Principle I should be changed to make clear that title is not negotiable; Principle II must be replaced; Principle III must be revised; the MCK should continue to lead Kahnawake's participation the negotiation, though with guidance from an Advisory Group; all negotiators, spokespeople and strategists must be Indigenous; the inclusive concept of "beneficiary" as it is currently defined should be maintained; and the SSSL lands must be returned to Kahnawake, along with land in compensation, and be "reserve" status.

This Report presents the results of a community consultation on the Seigneury of Sault St. Louis Land Grievance conducted in Kahnawake during the summer and early fall of 2006. The consultation focused on the factual background, key negotiating principles, and the structure of the negotiation process, and was undertaken by an independent consultant who operated autonomously from the contracting organization, the Mohawk Council of Kahnawake.

The objective of the consultation was to determine the extent of knowledge and awareness in the community on the historical background and key legal aspects of the Grievance, to determine the level of understanding and support in the community with respect to the three main negotiating principles developed by the MCK, and to solicit comments and direction from the community on the issues of: representation of the Kahnawake in the negotiation; who should benefit from a settlement agreement; what Kahnawake should seek to achieve in the process; and, the process for ratifying agreements reached in the negotiation.

The research was carried out independently and coordinated by Gerald Taiaiake Alfred, who worked with a team of three community-based researchers and with a four-person Community Advisory Group to ensure transparency and accountability.

The research was conducted mainly in the form of guided personal interviews and open-ended focus group discussions, with additional but limited use of an in-person opinion survey. All of the research utilized a standard set of questions and format for the interviews, discussions and opinion surveys. The research instrument was supplemented by supporting information for discussion and education purposes. This information included public documents developed by the MCK, the official Historical Report on the SSSL Land Grievance, and to a very limited extent, the official negotiation map of the territory in question.

All sources of information contained in this report derive from the research conducted for Phase I of the SSSL Independent Community Consultation from August to October 2006. The views reflected in this document are those of the “respondents” - community members who agreed to provide input to the consultation - not the personal or professional opinions of either the coordinator or the researchers. The research was conducted with rigorous adherence to

Indigenous research ethics protocols, and the coordinator developed his recommendations within the conceptual framework generated by the views collected for the specific purpose of this consultation.

The table below presents the numbers of respondents according to form of participation in the consultation, as well as the total number of participants (full and partial) overall.

Completed Surveys	Number of People who completed only Part C of Survey	Number of youth from KSS Focus Group	Elder participation	Total number of People who participated in Consultation
65	40	18	10	133

It should be noted that 24 additional people were contacted by researchers but they declined to take part in the consultation. As well, two of the Longhouses in the community did not officially respond to an invitation to participate in the consultation (the 207 Longhouse and the Mohawk Trail Longhouse), although numerous people from these Longhouses did participate in the consultation as individuals.

All respondents were recognized members of the community and all except one interview was conducted in Kahnawake itself – the one exception being an interview with a recognized member of the community conducted in British Columbia. Based on the number and range in ages, political views, and family affiliations of the respondents, the research team is confident that the research results are reflective of the range of views that exist in the community.

I. BACKGROUND KNOWLEDGE AND AWARENESS ON KEY ISSUES

The objective of this part of the consultation was to gauge community knowledge and awareness of the history of the SSSL, to determine whether community members were aware of the extent of land and specific land areas involved in the Grievance, and how much community members knew about the process that has been established by the MCK.

The quantified results of the research on these questions are as follows:

- 52% of respondents know the history of the SSSL.
- 70% of respondents are aware of the land area involved.
- 29% of respondents have some knowledge of the negotiation process.

The research shows that there is a general lack of knowledge in the community on the history of the SSSL lands and on the process. In fact, half of the respondents in the consultation had no knowledge at all of the specifics of the issue, and only a few people had a detailed level of historical knowledge.

Yet, in spite of the low levels of historical knowledge, people in the community are capable of engaging in critical discussions on the key issues involved in the negotiation. This is due to the general knowledge widespread in the community on the history of relations between Kahnawake and colonial society and governments, and as well, to people's appreciation of the dynamics of dispossession of Indigenous peoples in North America historically and today.

There is a significant level of knowledge in the community regarding the areas of land affected by the SSSL Land Grievance. However, this knowledge is derived mainly from long-standing oral traditions passed down generally in the community or within families. Very few people indicated that their knowledge had derived from information sources produced by the MCK for the purposes of the negotiation process.

Less than one-third of the respondents knew anything at all about the negotiation process or the MCK's approach. Except for a very few, people who did declare knowledge of the structure of the negotiations had – with reference to the actual facts - only a basic sense of the process and approach. Not surprisingly, only a few respondents explicitly expressed confidence in the MCK's approach; this is mainly due to a widespread perception of a lack of public engagement or consultation on the part of the MCK.

Analyses of specific aspects of this part of the consultation are presented below.

a. Background Knowledge on the History of the Seigneury

The results on the question of knowledge of the history of the SSSL is as follows:

Answers	Nothing	General	Specific/Detailed
# of Responses	29	23	8

(5 respondents did not respond . See focus group surveys.)

Very few of the respondents were able to provide an indication of knowledge on this issue beyond the most basic facts of the history of the community. Even fewer (no more than five respondents), were aware of the complexities of law and policy or political implications of the SSSL Grievance from either a Canadian or Haudenosaunee perspective. Of particular note is the fact that a large number of respondents indicated clearly that they knew “nothing” about the SSSL or the history of the land.

Interestingly, respondents did not opt out of participation in the consultation because of their lack of specific knowledge. Nor did they indicate that their lack of historical or legal knowledge was a problem or a hindrance to their decision-making on these issues – most people view the issue in general terms and in the broad scope of history, and they see the SSSL in terms of their understanding of the larger context of the relationship between Kahnawake and the colonial governments.

b. Understanding of the Area Involved

The results of the research on the level of community awareness of the specific lands and the area involved in the SSSL Land Grievance are as follows:

Answers	No Awareness	Little to Some Awareness	Very Aware
# of Responses	18	41	2

(4 respondents did not respond. See focus group surveys.)

The research shows that most people in the community are generally aware of the area involved in the SSSL Land Grievance. There is a sense among community members that the area is to the east of the present reserve, usually identified as being at Cote Ste. Catherine or Delson, and that it runs towards Laprairie. Factually, this common sense is correct. The affected area on the western boundary of the reserve is not as well-known, and there is little knowledge of the degree to which the municipality of Chateauguy is affected either. There is not much specific knowledge of any boundary lines, especially in relation to the southern areas intersecting with the various rural municipalities. Knowledge of the island and offshore islets is minimal.

c. Awareness of the Structure of the Negotiation Process

The results on the question of the MCK’s negotiation framework and steps taken so far in the process are as follows:

Answers	No Knowledge	General Knowledge	Detailed Knowledge
# of Responses	43	16	1

(5 respondents did not respond. See focus group surveys.)

The lack of awareness of the process has had serious negative implications on the legitimacy of the process, as evidenced by the respondents’ comments and low levels of support for the three negotiating principles. Additionally, there were a number of respondents who indicated specific problems with the structure of the negotiation as it currently stands. The most pointed of these voiced criticisms include: a frustration with the lack of communication and consultation by the MCK on these issues; denial of the authority and mandate of the MCK; and, concern over the leadership role of Mr. Vieni as the lead person on the SSSL file (focusing on the perception of a conflict of interest between his position and his former role as a federal representative).

The comments of a group of elders who were asked to share their views of the SSSL process are more typical of the responses of community members when questioned on their views once they are appraised of the issues and the structure of the negotiation. When asked about

what they knew about the current proceedings with the SSSL, the elders responded with three main points: 1) they felt uninformed; 2) they commented on a lack of communication from the MCK; and 3) they expressed a desire to receive information and communicate in a personal manner rather than through published materials.

The most serious and widespread concern on the negotiation process was that it was proceeding in an environment of political division in Kahnawake. Concerns were focused on the implications of disunity for the process and the unresolved problems rooted in conflicts over the membership code. A number of respondents were clear in warning against going forward with the SSSL negotiations in such a social and political climate, for both strategic and cultural reasons. Illustrative of this perspective is the following statement by Kevin Deer:

I think that before we touch the SSSL land claim we should fortify within and deal with the social issues that are affecting this community, deal with the political instability and become solid, so when we go to negotiating table, it isn't just Mike Delisle, 11 councilors and a few people who vote saying that they support this initiative. Take care of these issues before going to negotiations. If we go into negotiations now, as the community is, then we will not get anything. If today, the men, the warriors, can't even sit down and talk about a parity for cigarettes, how will we go to Canada?

However, in spite of these concerns, the majority of comments and the overall tone of all feedback on this question were instructive, cautionary or reformist in tone rather than emphatically negative with respect to the continuation of the process. Overall, in spite of the low levels of knowledge of the process, the research shows that the negotiation framework as it stands is basically acceptable to the community (including Longhouse people). It must be noted that this basic legitimacy is contingent on the process dealing only with restitution or compensation for alienated SSSL lands and unpaid rents/leases. The support extended to the present structure of the negotiation process does not extend to the question of land title. In fact, the legitimacy of the process is dependent upon title *not* being negotiated.

2. VIEWS ON BASIC PRINCIPLES FOR NEGOTIATION

The results of the research on the MCK's three basic principles for negotiation are as follows:

- 64% of respondents agree with 1st Principle
- 46% of respondents agree with 2nd Principle
- 47% of respondents agree with 3rd Principle

Overall, most respondents found the principles unclear and difficult to understand on first reading. When researchers clarified the wording and explained, in as much detail as necessary, the meaning of the principles, people were able to engage in discussion on them and express views of the validity of the principles. The above results reflect the views expressed, for the most part, after such dialogue.

The low levels of support for the principles reflect an unwillingness of people in Kahnawake to make conclusive statements on these issues without the confidence that they have all of the relevant information or in the absence of consultation or engagement on the principles.

Principle 1

“The SSSL Grievance is based on resolving Kahnawake’s interests in the SSSL lands without prejudice to a future Mohawk Nation claim to traditional territory.”

Among those respondents who were knowledgeable about Haudenosaunee culture and law, the most prominent view is that the SSSL lands are part of the common land holdings of the Haudenosaunee as a whole, of which Kahnawake is an integral part. The MCK principle and the Haudenosaunee view share the assumption that the SSSL lands must be framed in a larger context. In this perspective, the term “Mohawk Nation” is not technically correct. But overall, there is general agreement on this principle, with negative responses reflecting entrenched political perspectives or the view that the wording should be made clearer to indicate that the MCK is not representing the Mohawk Nation or the Haudenosaunee.

Principle I	Yes	No	N/A due to lack of information	Other
Q1 – Is It Clear?	53	6		1 – principle needs to be in layman's terms
Q2 – Am I Informed?	42	18	1	
Q3 – Do I Agree?	38	13	4	1 - conditional agreement 2 – needs clarification 1 – hard to understand

There is a pronounced perspective, even among those who are not Longhouse, that the SSSL Land Grievance is not separate from the larger issue of “land claims” and efforts that may be put forward in the future to recover our lost lands collectively as a nation or as part of the Haudenosaunee. So, the general view is that while the SSSL is a unique situation, it must be dealt with in full awareness and consideration of the legal, political and cultural context which frame all land issues for the people. The approach Kahnawake takes, and the eventual resolution that is achieved, will set precedent in legal and political terms for the way Haudenosaunee land issues are dealt with throughout our traditional territories. So, the SSSL negotiation must be designed and conducted with sensitivity to this larger context and the implications of any decision taken.

Principle II

“MCK will not promote Surrender under the Indian Act in the resolution of this Grievance.”

The wording of this principle was identified as a problem by most respondents. The phrase “will not promote” was seen by many as being either weak or deceptive. The suggestions for revision focused on the need to clarify the Mohawk position as not accepting surrender under

any definition, circumstances or legal framework. The most concise suggestion was to change the wording to replace “will not promote” with “will not surrender”.

Principle II	Yes	No	N/A due to lack of information	Other
Q1 – Is It Clear?	36	23		4 – terminology vague
Q2 – Am I Informed?	26	30		3 – needs to be in layman’s terms 1- needs more info 1- clarification needed
Q3 – Do I Agree?	19	24 10-due to IA wording	6	1- would only support if words changed 1-needs more info to decide 2 – agrees but not with the wording

Franklin Williams expressed the view on this issue which predominates in the community:

I understand what surrender is under the Indian Act, but there is also the First Nations Land Management Act and there’s several other acts. I think if we just say that we aren’t going to surrender under the Indian Act, then anybody could negotiate and say, “Sure, we will surrender under the First Nations Land Management Act,” which is a separate thing. We don’t want to bring ourselves into a corner. The Indian Act is what everyone reacts to but there are other laws that affect us that we are not fully aware of and they are bona fide laws.

The question of title to the land is crucially important in people’s minds. There is a strong view in the community, especially among the most knowledgeable and experienced people on the subject, that any discussion of land issues in Kahnawake must be situated in a Haudenosaunee land rights context. Also, there is a near unanimous view among all respondents in the consultation that land title should not be surrendered, in any form and to any degree.

Principle III

“Kahnawá:ke is entitled to full restitution in various forms and to obtain up to the equivalent of lands that were lost or conceded.”

Most people see this statement of principle as self-limiting to Kahnawake. There is a strong view that this principle does not take into account the lost use and benefit from the SSSL lands suffered over time by the community. In particular, the wording “up to the equivalent” is seen as problematic and a number of people recommended that the phrase be removed.

Principle III	Yes	No	Other
Q1 – Is it Clear?	58	2	
Q2 – Am I Informed?	44	11 6-need clarification on word (restitution, forms)	
Q3 – Do I Agree?	28	18	6- statement should not eliminate possibility of more land/statement is limiting 2 - land restitution only 6 - yes with word clarification

The low level of support for this principle reflects the sense among respondents that decisions on forms of restitution and specific proposals are premature and cannot be made without additional detailed information on proposal and substantial dialogue on the question.

3. COMMENTS ON THE NEGOTIATION FRAMEWORK

In this part of the research, respondents provided qualitative statements on the key aspects of the negotiation framework. Input from a number of respondents in this section was also taken through an opinion survey conducted publicly at the Community Services Complex over a two-day period. The research results presented below were generated through a key-word analysis and are presented in consolidated form.

a. Representation

The views of this issue reflect the familiar array of views in Kahnawake regarding the legitimacy of the band council system. A small number of respondents vehemently denied the legitimacy of the Mohawk Council of Kahnawake and its ability to represent the community in any way. Among those who did not express a philosophical disagreement with the band council system and the legitimacy of the MCK as a governing body, there was general agreement with the MCK as the body that should represent the community on this issue. These people were also in the minority. More clearly and commonly expressed by respondents was the view that the community should be represented in the negotiations by those members who were the most knowledgeable, skilled, ethical, and passionate about history and land issue, regardless of whether they were employed by the MCK administration or not.

Representation?	MCK	Community	MCK & Community	Range of Representatives	Other
# of Respondents	11	14	20	34	7-group of educated individuals 1-no opinion 2-does not believe in this negotiation 1-educated Natives only 3-traditional bodies only

*includes student responses

Another common theme among those respondents who are knowledgeable about history and Haudenosaunee law and culture is the view that land issues are the women's prerogative. In Haudenosaunee culture and law, women are the caretakers of the land and men defend the land. Thus, any process which does not reflect this set of gender-based rights and responsibilities is inappropriate.

There is a general recognition and respect by people for the diversity of belief, affiliation and perspective in the community. The one central theme of the research results on the question of representation is the call for unity and the design of a process for the negotiation that is respectful and accountable to all of the people.

Overall, the MCK is seen to be legitimate as an administrative body of programs for the Mohawks of Kahnawake and as the instrument through which the Mohawks of Kahnawake relate to the agencies of the Canadian government. In this context, there is general agreement that the MCK is the appropriate body to be facilitating and organizing the negotiation process. However, people do want the negotiation team to be inclusive of the whole community and all of the available human resources and expertise that exists in the community. As well, given the importance of these issues, people feel that the MCK must take extraordinary measures to hold itself accountable in this process.

The following advice from Dale Jacobs is typical of the view in the community on this question:

There is a need to speak with community members through a variety of processes - community consultation, holding public meetings, interviews, emails to give opinions, and focus groups - to try to get as many people as possible in the community to provide their thoughts and perspectives as guiding principles, to help, especially in terms of what the people want for restitution... However, there have to be parameters. It can't be outrageous. There have to be reasonable sets of goals put out to the community in terms of what is possible. I want to give my input based on what's possible so the process could move along faster.

People in the community want the process to move forward and to be resolved in a reasonable time, but not at the expense of quality decision-making and sound judgments on restitution.

b. Beneficiaries

Many respondents expressed the view that it was premature to be attempting to resolve the SSSL Land Grievance without first resolving the internal divisions that exist in the community concerning membership. Even among those who were more pragmatic in their view and who desired resolution to the SSSL Land grievance as soon as possible, there is the pronounced view, for practical reasons, that the question of membership especially as it relates to benefits and entitlement must be resolved before any final decision on the SSSL could take place.

Who Benefits?	“Community”	Kahnawakero:non	“Collectivity” & “Beneficiaries” (both lists)	Other
# of Respondents	43	14	18	9 – children and future generations 9 – membership needs to be resolved first 1 – INAC list

There were some indications that the community considers those persons who were descendents of Mohawks and live away from Kahnawake differently from those who reside in Kahnawake. This did not result in an exclusionary perspective though. In fact, views in the community are quite inclusive on this issue. The only discernable manifestation of a limiting perspective arising from the differences vis-à-vis residency is the sense that only those who have active ties and involvement in the community should benefit from any resolution agreement.

There is a clear theme in the research results that the SSSL negotiation process should be used to develop more inclusive rules for membership. For philosophical, political and practical reasons, people recognize that the current rules and laws on membership do not reflect all of

the people who are due consideration and compensation or access to the benefits of agreements that may result from Kahnawake's involvement in the negotiation process.

c. Goals

There is an overwhelming consensus in the community, nearing unanimity, that land is the only acceptable form of restitution in the SSSL Land Grievance.

Goals?	Land	Money	Recognition	Combination	Other
# of Respondents	66 10 - Elders	5	3	25	1 - a new relationship 1 - autonomy

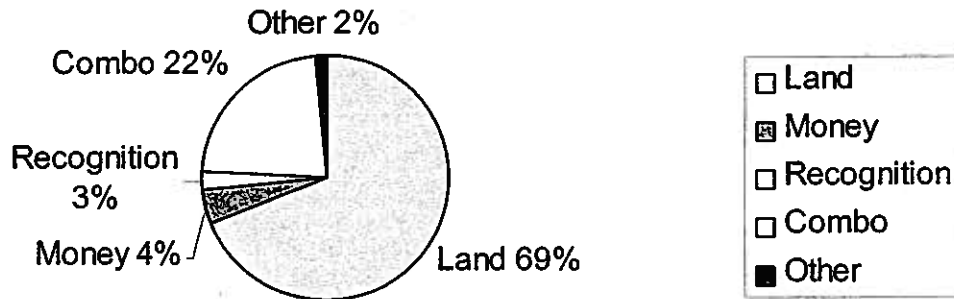
*includes student responses

Most respondents did not consider cash compensation or other forms of monetary compensation as desirable or even acceptable. Respondents were especially vehement in stating their opposition to any consideration of individual disbursements of cash compensation. The youngest group of respondents (from the Kahnawake Survival School) were vehement in their opposition to cash compensation, and they provided the most pithy statement on the question: "Don't give money to people because they are going to spend it on stupid stuff".

There is no single view among community members at this point on whether or not the land that is restored or gained through the negotiations needs to be the actual SSSL lands that were alienated over time or compensatory lands somewhere else akin to the Doncaster Reserve lands. Respondents spoke passionately in favor of both of these options, with many people holding the view that Kahnawake should receive the original SSSL lands back in addition to lands elsewhere in compensation for the loss use and benefit suffered by the community over time.

The research results on this question are presented in graphic form below:

Respondents Data: What should Kahnawake seek to achieve in negotiation:



A common line of thought is that the SSSL lands themselves should be “returned” in law and thus, even without being occupied by Mohawks, serve as be a source of revenue for the community.

There was a very clear sense that the actual territorial expansion of Kahnawake’s land base should happen through the addition of land adjacent to the present reserve towards the south (in the direction of the border with the United States) or in a “clean” area with a natural ecosystem relatively unaffected by pollution and industrial development.

Those respondents who were most familiar with the background and issues expressed the view that the type of lands to be secured by Kahnawake in the process should ideally be a mix of both residential and agricultural – “developed” or industrial lands suitable for commercial activities were seen as a low priority for all but a few respondents. As well, there is feeling among some of the respondents that the land should have access to waterfront.

There were strong indications and/or assumptions that the status of the lands returned to Kahnawake would be “Indian reserve” status in Canadian law, or be of a legal status where Mohawk people would be specially exempted from taxation.

A number of people expressed the view that any monetary compensation that did flow from the resolution of the Grievance should be paid in lump sum, and not disbursed over time. The reason for this is the lack of trust in the integrity and stability of governments.

Again, the views of elders in the consultation reflect the basic consensus in the community on the question of what Kahnawake should seek to achieve in the negotiation. The elders group was clear in stating: 1) they understood that the government had defrauded them of land and should be held accountable for their actions; 2) they expressed a desire for a conclusion to be seen within their lifetime but with consideration for the lasting affects that would see the future seven generations taken care of; and, 3) land needs to be the key component to any settlement.

d. Ratification

Respondents clearly favor consensual models of decision-making, though they are not at all clear on the methods to achieve the desired consensus, and were quite open to suggestion on the specific of a ratification procedure. The disavowal of voting by Longhouse people continues as feature of the political process in Kahnawake, and this is an important factor which must be considered in the design of any consultation.

Ratification?	Vote/Referendum	Consensus	Longhouse	Combination
# of Respondents	23	46	9	12

There were strong indications among a number of people who were familiar and experienced with previous consultations in Kahnawake on other issues that an in-person door-to-door method of consultation was the only really effective means of interaction. The fundamental

value in such an approach, which was exemplified in a previous house-to-house survey conducted in the community on economic development issues, was that all of the households in the community were contacted and that it was done in person. The personal contact is seen to be of the utmost importance by community members – the only viable substitute mentioned a number of times was telephone contact and conversation. The consultative approach is seen to be the best and fairest way to not only reach community members, but to do so in a way that is respectful.

4. RECOMMENDATIONS

The following recommendations were developed by the consultation's coordinator and flow directly from the input provided by the respondents in the community consultation. The recommendations are made with strict reference to the community perspectives that emerged through an analysis and consideration of the quantitative and qualitative data. The interpretation of the research results and consolidation of the input into these recommendations was done by the research coordinator, and he alone is responsible for any unintentional misinterpretation or misrepresentation of respondent views, or exclusion of other perspectives that may exist.

Background Knowledge

1. A public education program should be initiated to address the lack of knowledge in the community on the background and history of the SSSL Land Grievance. The program should be personal and consultative and be conducted independently of the MCK, in people's homes.
2. A detailed and accurate map of the land area involved in the SSSL Land Grievance should be made public and distributed widely in the community by way of postal mailing.
3. The MCK should provide up-to-date information on the negotiation process to the community on an ongoing basis by way of press releases and the establishment of a website.

Negotiating Principles

1. Principle I should be revised to make a positive statement that title to the land is not negotiable. The statement of principle should make clear that the process will deal only with restitution in relation to lands that were alienated from Kahnawake, and with restitution for the community's loss of use and benefit and for unpaid rents and leases.
2. Principle I should be revised to reflect the community's proper situation in Haudenosaunee law and culture. Specifically, the term "Mohawk Nation" should be replaced with reference to the "Haudenosaunee".
3. Principle II is not acceptable and must be replaced. In particular, the phrase "surrender under the Indian Act" should be replaced with a clear and direct statement that Kahnawake will accept no form of surrender in order to reach an agreement on the SSSL Land Grievance.
4. Principle III must be revised to reflect the nearly unanimous view that land is the priority in the restitution process, and that cash and other forms of compensation are not acceptable substitutes for the return of land to Kahnawake.
5. Principle III should be revised to omit the phrase "up to the equivalent" in relation to the amount of land lost, as it is an undue limitation and potentially undermines compensation for Kahnawake's loss of use and benefit over time.

Representation of Kahnawake

1. The Mohawk Council of Kahnawake should continue to organize and facilitate Kahnawake's participation in the negotiation process on all issues except those that pertain to land title.

2. All negotiators, spokespeople and strategists representing Kahnawake in the process must be from the community.
3. An advisory group should be created and empowered with the mandate to advise and guide the negotiation process. This group should include Haudenosaunee and other Indigenous people with knowledge and experience on land issues.
4. There should be a structured consultation and dialogue between the MCK and the Longhouses.

Beneficiaries of a Resolution

1. Disagreements on the current rules on membership in Kahnawake must be addressed and the criteria for membership in the community must be clearly defined prior to the negotiation of an agreement on the SSSL Land Grievance.
2. The concept of a “beneficiary” in the current negotiation framework is a fair and workable definition of membership for the purposes of the SSSL Land Grievance, and should be maintained as the baseline criterion for involvement in the process.
3. Involvement in consultations and eligibility for any benefit and entitlement arising from an agreement should be limited to those Mohawks who reside in Kahnawake or who are actively involved in the community.

Goals of the Negotiation

1. Kahnawake territory should be recognized as including the SSSL lands.
2. SSSL ~~and~~ compensatory lands should be “reserve” status or be administered as such.

3. With respect to SSSL lands restored to Kahnawake, the community must derive financial benefit from any continuing use and occupancy by Canada and Québec.
4. Restitution should be in the form of land, which may be suited, variously, for residential, recreational, agricultural or industrial purposes.
5. Cash compensation ~~should not be considered~~ ^{for land} ~~for land lost~~.
6. Compensatory lands adjacent to Kahnawake should be on the south side and, ideally, extend Kahnawake territory closer to the border with the United States.
7. Compensatory lands located outside of the local vicinity should be free of pollutants, be naturally forested, and include lakes and river access.

Ratification Process

1. Decision-making on the SSSL Land Grievance must be consultative and consensual, with the understanding that “consensus” is an inclusive process of dialogue towards unity on a reasonable course of action, and does not require the unanimous approval of all members of the community.
2. The ratification process should consist of three elements: 1) an ongoing public education and information sharing campaign; 2) a focused process of public dialogue at each important juncture in the decision-making process; and 3) ratification by multiple means on key components or at milestones of the negotiation of an agreement, including referenda (using both conventional polling and online voting) and the Longhouse process (with confirmation of decision by letter to the MCK).

APPENDIX A: METHODOLOGY NOTES

1 (a) Keywords and concepts used to gauge levels of knowledge were derived from the SSSL Historical Report and existing briefing materials. These included the terms: *1680, Jesuits, French Crown, Seigneur(ies), King Louis XIV, Laprairie, Chateauguay, Treaty of Owsegatchie, and General Gage*. Responses were categorized as such: Nothing – no key words used, General – little to some key words used, Detailed – many key words used.

1 (b) Keywords and concepts used to gauge levels of knowledge were derived from the SSSL Historical Report and existing briefing materials. These included the terms: *20x11km., current 13,000 acres, 20,000 acres were deeded away, St. Constant, St. Remi, Delson, Ste. Catherine, St. Isidore, Châteauguay, Candiac, St. Mathieu, and St. Philippe*. Responses were categorized as such: No Awareness – no key words used, Little to Some– little to some key words used, Very Aware – many key words used.

1 (c) Keywords and concepts used to gauge levels of knowledge were derived from this SSSL historical report and existing briefing materials. These included the terms: *“special claim”, 7 Breaches, joint exploratory process, 2005, Negotiation Protocol, cash compensation, economic development, that Kahnawake will obtain additional lands, and, Quebec government*. Responses were categorized as such: No Knowledge – no key words used, General – little to some key words used, Detailed – many key words used.

2 Respondents’ views were gauged and organized according to three orienting questions: Is the statement clear and understandable? Are you informed enough on the subject of this statement to say if you support it or not? And, Do you agree with the statement as a principle of Kahnawake’s approach?

Solicitation for participation in the consultation was done with respect for consensual decisions reached between the research team and the MCK on the question of eligibility. All respondents in the consultation meet the criteria as a “beneficiary” outlined in the negotiation framework. Respondents were for the most part self-selected, in that they contacted the team in response to one of the following means used by the team to generate awareness of the consultation: advertising on CKRK radio, an ad in *The Eastern Door*, and a dedicated website www.ssslconsult.net which included full information and telephone and email contact information for the coordinator and the three researchers.

All respondents who were interviewed responded to a standard set of questions (attached), and interviews were conducted according to a standardized format. Information on the SSSL was provided to respondents based strictly on publicly available information generated by the MCK for the SSSL process (or contained in the Historical Report) by researchers only to the extent outlined in the standardized interview structure, and researchers were barred from expressing personal opinions or engaging in political dialogue with respondents.

Respondent identification and input and the archiving of materials collected are subject to privacy stipulations contained in the Consent Form (attached).

APPENDIX B: PROJECT PERSONNEL

Project Coordinator

Dr. Gerald Taiaiake Alfred is a Kahnawá:ke Mohawk educator and writer. He has long been involved in the public life of Kahnawá:ke and of other Haudenosaunee communities, and is a trusted advisor to Indigenous governments and community organizations across North America. He has degrees from Concordia University and Cornell University, and is a Professor and the Director of the University of Victoria's Indigenous Governance Programs. His awards include the Native American Journalists Association award for column writing and a National Aboriginal Achievement Award in the field of education. Taiaiake's many publications include three books, *Heeding the Voices of Our Ancestors* and *Peace, Power, Righteousness* from Oxford University Press, and, *Wasáse: Indigenous Pathways of Action and Freedom*, from Broadview Press.

Community Researchers

Joni Diabo is a Mohawk from Kahnawá:ke. She holds a Bachelor of Arts in political science from McGill University.

Kaylia Marquis was born in Montreal and raised on the Kahnawá:ke Mohawk Territory. After traveling the world, she attained a degree in Psychology with a Minor in Theatre from Concordia University and is currently pursuing studies in Interior Design with a focus on sustainability and environmental impact. She is committed to the revival of Mohawk language, culture and environment and is currently involved in the Kanata Healthy Housing Initiative put forth by the Kahnawá:ke Environment Office. She has developed residency guidelines for the neighborhood as well as a regional directory of suppliers of environmentally sound products and services.

Skyler Akwiraies Taylor is a recent graduate of Concordia University's Communications Department and has worked in many different fields. His main interest has been with sound production, through musical and documentary type creations, and he has recently worked with NIICHO (National Indian and Inuit Community Health Representatives Organization) assisting in research to determine awareness and develop an action plan against sexually transmitted diseases among Indigenous youth.

Community Advisory Group

The CAG was made up of four members, **Alex McComber, Nadine Montour, Treena Delormier** and **Russell Diabo**.

The CAG is made up on a voluntary basis of interested community members who's role it was to ensure that the consultation process is open, independent and that it reflects the views community. The CAG met via teleconference and communicated with the researchers on a regular basis. They provided guidance and advice to the coordinator and researchers, including reviewing the research questions and methods, checking and commenting on the coordinator's interpretations, and suggesting recommendations.

APPENDIX C: CONSULTATION PARTICIPANTS

The following list of 53 individuals includes all those from among the 133 total participants who waived their right to anonymity. To be clear: this listing does not include 78 individuals who specifically requested that their names be kept secret or who chose not to be identified at the time of their participation (in the case of the participants from the lobby of the Community Services Complex).

Individual Interviews

Interviewed by G.T. Alfred: Amelia McComber (Vancouver, BC).

Interviewed by K. Marquis: Iris Rice, Heather Jacobs-Whyte, Kenneth Deer, Thomas Deer, Cory McComber, Walter Horne.

Interviewed by S. Taylor: Mary Montour Gilbert, Chester Gilbert, Jonas Gilbert, Helen Taylor, Clay Jacobs, Eugene Diabo, Jr., Peter K. Taylor, Christine Taylor, Andrew Montour, Kara Dawne Zemel, Natalie Beauvais, Tewenhnitatshon, Cynthia Gilbert, Kahntinetha Horn.

Interviewed by J. Diabo: Perry Cross, James Patton, Mike Loft, Kevin Deer, Alex McComber.

Focus Groups

Group 1: Stuart Myiow Sr., Stuart Myiow Jr., Tuki Loft, Mark Phillips.

Group 2: Rita Goodleaf Jacobs, Shari Lahache, Jennifer McComber, Beverly Rice.

Group 3: Reva D'ailleboust, Arlene Beauvais, Anne Marie Boyer.

Group 4: Lionel Jacobs, Tammy Beauvais, Wayne Delormier.

KSCS : (1) Winnie Taylor, Christine Loft, Dale Jacobs, Christine Taylor, Chris Leclair, Carole Walker, (2) Doug Lahache, Dana Stacey, Bonnie Jacobs, Arlene Delaronde, Franklin Williams.

Elders: Melvin Diabo, ~~Dallas Hayward~~

ATTACHMENT LIST:

1. Consent Form
2. Interview and Discussion Questions
3. Community Advisory Group Notice
4. Public Announcement (via Canada Post)