

STRENGTH

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UNITY

# Mohawk Council of Kahnawake

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## OPEN LETTER

**Sent via Courier & Facsimile 1-418-643-3924**

10, Seskéha/August 2017

The Honourable Philippe Couillard  
Premier of Québec  
Édifice Honoré-Mercier, 3e étage  
835, boul. René-Lévesque Est  
Québec City, Québec  
G1A 1B4

**Re: Decision on A30 Case, Bill 85 and Kahnawà:ke interests & title**

Wa'tkonnonhwerá:ton (Greetings),

On behalf of the Mohawk Council of Kahnawà:ke (I), I am writing to draw to your attention to the extreme disappointment we have with the attitude and approach of the government of Quebec with regards to Bill 85 and Kahnawà:ke's rights and interests.

It has been nearly 9 years since our governments reached an agreement for accommodations that would allow for the construction of AutoRoute 30 (A30) on Seigneurie of Sault St. Louis (SSSL) lands. As a reminder, Quebec and Kahnawà:ke agreed to: an expedited process to transfer approximately 500 acres of lands to Kahnawà:ke north of the A30 and west of Kahnawà:ke, with an additional 211 acres to be identified at a future date; commitments to create mechanisms for the recognition of Kahnawà:ke jurisdiction in several areas; compensation for specific projects within Kahnawà:ke; and, aid with economic development. In return, Kahnawà:ke would allow for the construction of the A30 to resume on lands upon which we assert title. To this effect, we have upheld our end of the agreement.

As a result of delays that were procedural and political, as well as the lawsuit filed by the MRC of Roussillon against Quebec, this process was much longer than we anticipated. We are cautiously pleased with the recent decision taken by Justice Paquette in the MRC de Roussillon vs. Quebec, which unequivocally supports the political decisions of our respective governments. We now look forward to the Federal government's acceptance of the transfer of these lands and Additions to Reserve. We fully expect complete cooperation by both the Provincial and Federal governments to ensure this is facilitated in an expeditious and timely manner.

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Since we jointly defended the decree in the proceedings, we expect the government of Quebec will make a public statement supporting the decision and encouraging the MRC of Roussillon to take steps to repair the relationship with Kahnawà:ke by working collaboratively with us. We will be making similar statements and in fact, have already reached out to the MRC of Roussillon to seek a meeting to offer to work collaboratively on regional development that would benefit our entire region.

As previously mentioned, the agreement between Quebec and Kahnawà:ke in 2008 was for the return of approximately 700 acres of land. While we are expecting rapid progress in the return of the designated 500 acres, there is still the matter of the outstanding 211 acres and accompanying commitments. We will now be turning our attention to identifying these lands for transfer, and fully expect your unmitigated cooperation in identifying and transferring potential parcels which would satisfy this obligation, including those held by the Ministry of Transport. We also raise concern with the need for advancement on accompanying commitments made in 2008.

In the wake of the Court's decision, the MCK became aware, on our own, that the government of Quebec has re-tabled Bill 85. In fact, just days ago we became aware of next week's Hearings of the Committee responsible for the Bill, and the arranged presentations of numerous stakeholders. It is highly offensive that, despite continual talks between our governments, we were not informed of this significant move to continue to process legislation concerning lands in which we assert title.

In March of 2016, the MCK provided the government of Quebec notice of Kahnawà:ke's assertion of interests in the lands specifically mentioned in Bill 85. In response, the government of Quebec unilaterally decided that the remedy was to simply remove the parcels set for transfer to Kahnawà:ke. This simple adjustment does not address the concerns of Kahnawà:ke, as we have provided you a notice of interests in not only the parcels set for return but also in other tracts of land identified in the proposed legislation. The decision to proceed without addressing the potential impacts on Kahnawà:ke's Seignurial and Aboriginal title and interests, is a dire failure on the part of the government of Quebec to fulfil your duty to consult and accommodate the Mohawks of Kahnawà:ke.

If the government of Quebec adopts Bill 85 in its present form, it will have immediate and irreparable consequences on the rights, interests and title of the Mohawks of Kahnawà:ke. The lack of consultation and existing approach of the government of Quebec with respect to Bill 85 is callous and an absolute disregard for the constitutionally protected rights of the Mohawk of Kahnawà:ke. We cannot allow for our rights, interests and title to be trampled over, and will not sit idle by while attempts are made to do so. We do not want an escalation beyond political discussions, however I would be remiss not to point out there are numerous similarities to the events that led up to the 1990 "Oka Crisis".

The Mohawks of Kahnawà:ke are making plans to travel to Quebec City to make a public statement about the government of Quebec proceeding with Bill 85 without any efforts to meaningfully address Kahnawà:ke's concerns. Our People are tired of the inaction, broken promises, and disregard of our interests that are undertaken by your government. We have remained stoic in the face of such an injustice but frustrations are growing. We can no longer remain stoic; we must take a more vocal and stronger presence to ensure we are not ignored.

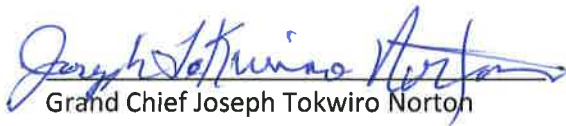
The relationship between our governments is strained; we are not satisfied with the current state of talks and the continued disregard of Aboriginal rights, interest and title. This was expressed to you in recent meetings between not only our respective governments, but also the regional political body of the Assembly of First Nations of Quebec and Labrador. It is time that the government of Quebec take our relationship, and the rights and interests of the Mohawks of Kahnawà:ke more seriously.

It is a subdued feeling to take the moment that should be reserved for celebrating the victory of the litigation we recently endured, to be replaced with another instance of disregard and disrespect. We must resolve to work together to address these outstanding issues, ensure that commitments are upheld, and the rights and interest of the Mohawks of Kahnawà:ke are treated with the due regard they deserve. The livelihood of our relationship depends on it.

I ask that you make a time available to discuss how we may proceed in addressing our relations, and the matters as described in this letter herein.

In Peace and Friendship,

**ON BEHALF OF THE OFFICE OF THE COUNCIL OF CHIEFS  
MOHAWK COUNCIL OF KAHNAWÀ:KE**

  
Grand Chief Joseph Tokwiro Norton

Jtn/wpl/08102017/P.Couillard

CC: Chief and Council  
The Honourable Minister Justin Trudeau, Prime Minister of Canada  
The Honourable Geoffrey Kelly, Quebec Minister of Aboriginal Affairs  
The Honourable Martin Coiteux, Quebec Minister of Municipal Affairs and Land Occupancy  
The Honourable Carolyn Bennett, Federal Minister of Indigenous Affairs  
Regional Chief Ghislain Picard, Assembly of First Nations of Quebec and Labrador  
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