

Natives want action on claims

By Vicki White, Expositor Staff *May 4/91*

OHSWEKEN — For staff at the Six Nations lands research office it's as though the federal government's promised land claim reforms have been written in disappearing ink.

Since last fall, the federal government has been promising to speed up and expand the land claims process, by giving the Department of Indian Affairs more money and authority.

The changes have yet to reach the people closest to the process — the band employees preparing claims and the government employees assessing them.

Phil Monture, director of land claims research for Six Nations, says the time for talk is over. Now is the time for action.

The band is waiting to negotiate 14 land claims, covering an area more than four times the size of Brantford. They have been in the backlog of specific claims for periods ranging from one to seven years.

Years of frustration

"We've got to address these things. They're not going away," said Mr. Monture, who has watched community members grow increasingly frustrated with the process during his 15 years with the research office.

Mr. Monture said there are many ways the disputes could be resolved, with a combination of land, money and even guarantees of federal services.

He emphasized that the band's claims are with the Canadian government, not Canadian citizens. The Six Nations people do not want innocent third parties to be affected, he said.

It is unlikely the land under claim will be returned to the band, even if the federal government determines the claims are valid. Under the specific claims policy, individual land owners cannot be forced to sell.

"We do not, and cannot, expropriate land," said Manfred Klein, director of the Indian Affairs specific claims branch.

"We're not here to force people off their land. We're not here to create new problems, we're here to solve old ones."

If the government continues to be quick with promises and slow with results, Mr. Monture is afraid the land claims will become a focal point for the anger of younger band members.

The claims include:

□ Johnson Settlement — Filed in 1989 for 2,800 hectares (7,000 acres) including Lynden Park Mall, the Braneida industrial area and residential areas such as Brantwood Park and Lynden Hills. Also includes part of Brantford Township.

□ Eagles Nest Tract — Filed in 1989 for 720 hectares (1,800 acres) around the Mohawk Chapel, including Mohawk Park, Echo Place and Eagle Place.

□ Burtch Tract — Filed in 1989 for 2,069 hectares (5,223 acres) south west of Brantford, including Burtch and Newport.

□ Oxbow Bend — Filed in 1990 for 480 hectares (1,200 acres) in Brantford around Bow Park Farm.

Other claims are in Dunnville and the townships of Onondaga, Oneida, Seneca, and Moulton.

The claims all relate to land granted to the Six Nations Indians after the American Revolution.

The Six Nations people were invaluable allies to the British during the war, and many were afraid to return to their Upper New York homelands when the Americans won the conflict.

The British had always guaranteed that the Indians wouldn't lose any of their traditional lands, but they no longer had control over the area.

Instead, in 1784, Sir Frederick Haldimand offered the Six Nations people six miles of land on either side of the Grand River from the river's head to its mouth at Lake Erie.

The band soon lost much of the original 270,000 hectares (675,000 acres), after pressures from the government and the white settlers who moved onto the unoccupied

lands.

Today, that land base has been reduced to about 18,000 hectares (45,000 acres).

Mr. Klein said only about half of the claims received from bands across the country have been successful. The rest have been rejected by the government.

Helen Lynne, one of the federal government's researchers most involved with the Six Nations claims, said the disputes can be resolved in a number of ways. If the claim is based on the misuse of band money, the band would receive monetary compensation. The same is true in situations where bands claim they never received money for lands sold.

In instances where reserve land was never sold, it can be returned to the band if it is in the hands of the federal or provincial governments.

Receive compensation

If not, the band will receive money and may be able to use it to buy land elsewhere.

Although it is impossible to estimate the value of the more than 32,000 hectares (80,000 acres) of land claimed by Six Nations, future settlements might be patterned after an agreement reached in 1985.

That's when the band settled a dispute over the unauthorized transfer of about 36 hectares (90 acres) of land now being used by the Canadian National Railway, running along the eastern limit of the reserve.

The band received \$610,000 compensation, which was used to purchase a parcel of farm land on the opposite end of the reserve. That land is now part of the Six Nations reserve.

It's the sort of deal Mr. Monture would like to make again, but it has not always been possible. Two of the band's claims, near Barrie and outside Ottawa, already have been rejected, largely because they involved events which occurred before Confederation.

Currently, the government only accepts

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