

# Confederacy system needs fixing, woman says she is on "witchhunt"

By Donna Duric  
Writer

One woman claimed she was on a "witchhunt."

Another wanted to know where the \$800 million in equity the Haudenosaunee Development Institute (HDI) raised to buy into a solar farm went.

And a third demanded the HDI be shut down until the families could fix their clans.

Instead, an Onondaga clan mother told the at times testy public meeting called by the Haudenosaunee Development Institute (HDI) "it's not up to the HDI to fix our council system."

A crowd of about 70 people were told the Haudenosaunee Confederacy

something for the council. Those questions about those issues that some of you have about our system, you need to go to council not the HDI. It's not their responsibility to fix what's breaking. I don't think it's actually broken; but I think its breaking, she said.

She added, "But we can fix it."

She said, "I'm going to fess right up. I'm one of those people who get those notices about meetings and don't go. So it's my fault I can't tell my family about that. It's my fault. I think you have to recognize that if you have a chief and a clanmother and they're not going to these meetings, you need to encourage them to go to those meet-



**Mohawk Confederacy supporter Kelly McNaughton, Onondaga Deer Clan Mother Jayne Burning-Field, Onondaga Deer Clan mother Gloria Thomas and Onondaga clanmother Mary Sandy Oneida Bear. (Photo by Donna Duric)**

to fix our house and I think the HDI has no authority to do what they're doing now. That's fraud. Until we can fix everything, you need to stop."

Detlor said that would entail having the HCCC come to a consensus to rescind the 2007 terms of reference it came up with to form the HDI.

The decision to form the HDI came after the 2006 land reclamation in Caledonia as a plan to deal with the influx of development going on within Haudenosaunee treaty lands. "Confederacy council was getting bombarded with developers," said Detlor. "Ten, 20 developers were showing up every month at HCCC and they couldn't get any work done." In April 2007, the HCCC accepted a terms of reference for the HDI, which mandated them to go out and meet with developers, with chiefs and clanmothers acting as overseers on all deals that would go to council for approval.

Since then the HCCC and HDI have negotiated development deals in the form of land leases or compensation worth over \$42 million dollars.

Community member Cheyenne Williams claimed the HDI waived the HCCC's sovereignty in a development deal with Samsung on its \$5 billion solar and wind

power project in Haldimand County.

The Samsung project came

Williams said "waiving sovereign immunity" meant that the Haudenosaunee



**Cheyenne Williams(left) had a number of questions for the HDI while Mick Thomas told lawyer Aaron Detlor she was on a "witchhunt"**

to a head at a recent HCCC meeting when an Onondaga representative, Steve Hill, accused Detlor of negotiating away the HCCC's sovereignty. Hill said Six Nations Elected Chief Ava Hill gave his family a copy of the HCCC's Samsung agreement.

Detlor told the meeting that the concept of "sovereign immunity" is a legal term that is used in the United States and that it was in the Samsung deal because the company negotiators were based in the United States.

"It actually meant that HCCC and community members would not continue with injunctions (against Samsung's projects)," he said.

no longer have control of their lands.

"That's not true," Detlor said. "Sovereign immunity doesn't mean sovereignty. It's confusing because of the words that are being used. We didn't waive sovereignty. We got Samsung to agree that Haudenosaunee law actually applied to this agreement and for first time in Canadian history we got a company to agree Haudenosaunee law will apply. They had to recognize it."

HDI executive director Hazel Hill said sovereignty wasn't waived.

"We didn't waive our sovereignty. We just said for this agreement there would be no more cease and de-

sist orders, basically. They were worried about it. They were scared of it. We just had to use American terminology."

She said community members were welcome to come view agreements at HDI offices.

Detlor attempted to delineate information on development deals undertaken so far, but was only able to talk about one agreement, with a company called First Solar, before the discussion was derailed.

He said the HCCC got lucky with First Solar because it was the first company to recognize Haudenosaunee jurisdiction and land rights outside the Haldimand Tract.

That first deal provided the HCCC with \$90,000 which was used as seed money to launch the HDI's archaeological and environmental monitoring program that employs around 30 people.

Cheyenne Williams questioned a reported \$800 million the HDI raised in "equity financing" for the Samsung deal, saying she read about it in a Toronto newspaper.

"So where is it?" she asked.

Detlor explained the amount doesn't actually exist. He said equity is simply a phantom figure used to convince a lender to give you money to finance a project.

"When you raise equity funding what you're doing is you're borrowing money on the ability to enter into the agreement," he said. "If I say I have \$800 million in equity available, and I walked into (a bank) and said, 'can you get us \$800 million to invest? If they say yes, we'll give you \$800 million, we want to make 10 per cent interest (to get the money paid back).' It never comes into our pocket. It's something the financial markets can raise based on the strength of the underlying project (in this case the Samsung project)."

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"I don't think it's actually broken  
...but I think it's breaking,"  
Onondaga Deer Clan Mother  
Jayne Burning-Field, on state of  
HCCC.

Chief's Council's (HCCC) development department, the HDI is not responsible for fixing any breakdown in communication between clan families, clanmothers or Confederacy Chiefs

The accusations arose during a public meeting called by the HDI to answer to claims the HDI was not being accountable.

One clanmother admitted it's her fault for not attending negotiation sessions with developers or relaying that information to her clan family.

"In my mind some of the things you're throwing at HDI really has nothing to do with HDI; it has to do with the council itself and some of those things, I guess, that are being dropped in council," said Jayne Burning-Field, Onondaga Deer Clan mother.

"It has nothing to do with the HDI. If you want to look at them as a consultant, it's not their job to fix our council system. They were only contracted to do

ings with the HDI to hear about these contracts."

The contentious meeting was called after months of accusations against the HDI, the development and administrative arm of the Haudenosaunee Confederacy Chiefs' Council that was legislated into existence by the HCCC in 2007.

Among the accusations levelled at HDI legal advisor Aaron Detlor and executive director Hazel Hill were a purported lack of transparency and accountability, and allegations that the HDI had negotiated accommodation agreements with developers without the consent or knowledge of chiefs and clanmothers.

But attempts to provide information in a PowerPoint presentation turned into a shouting match that included demands for the immediate dismantling of the HDI.

Resident Jan Longboat claimed the community knows nothing about what the HDI is doing. "We need