



October 14, 2022

Haldimand Tract Litigation Update

This is an update on recent developments in the long-standing Haldimand Tract litigation against the governments of Canada and Ontario.

The Haudenosaunee Development Institute has recently asked the Ontario Superior Court to allow it to become a party-intervener to the case on behalf of the whole Haudenosaunee Confederacy and all Haudenosaunee or Iroquois persons, including members of other bands in Canada and members of Haudenosaunee communities in the United States of America. The HDI say they have been delegated the authority to make this request by the Haudenosaunee Confederacy Chiefs Council. The HDI wants to ask the Court to hold that the proper party to the Haldimand Proclamation is the whole Haudenosaunee Confederacy and not the Six Nations of the Grand River. They are also asking the Court to hold that the Six Nations of the Grand River cannot bring this claim and that only the Haudenosaunee Confederacy Chiefs Council, on behalf of the whole Haudenosaunee Confederacy, can bring or negotiate this claim.

The Haldimand Tract was explicitly granted to "the said Mohawk Nation and such others of the Five Nation Indians as wish to settle in that quarter [along the Grand River] ... which them and their posterity are to enjoy for ever." This self-governing community of Mohawks and such others of our Nations is today legally recognized as Six Nations of the Grand River and has brought litigation as an integral First Nation against Canada and Ontario for compensation from the Crown relating to the Haldimand Tract. Officials with the federal Justice Department have warned the Attorney General that our case is "high risk" to the Government and "will result in a significant damage award" that would dramatically benefit our community at Six Nations. But the HDI motion seeks to jeopardize our community's ability to benefit from our collective rights.

The Six Nations of the Grand River are preparing a response to HDI's argument that our community cannot bring this claim for the loss of the Haldimand Tract. We will vigorously defend the entitlement of the Six Nations of the Grand River to bring and benefit from this claim and any judgement or settlement. It is expected that the Court will hear the HDI request to become involved in the case on January 30-31, 2023. The case is expected to go to trial sometime in early 2024.

You can find out more about the HDI's attempts on behalf of the Haudenosaunee Confederacy to become involved in the case and take control of this claim away from the Six Nations of the Grand River through their lawyer's website at: <https://www.gilbertslaw.ca/post/CV-18-594281>. The draft court pleading that HDI is asking the Court to issue is posted there. In that document you will see that HDI is seeking to advance claims directly against the Six Nations of the Grand River.

If you have concerns about this, you can let the HDI's lawyers know about them by October 24, 2022, by emailing them at tim@gilbertslaw.ca, tdumigan@gilbertslaw.ca, and dylan@gilbertslaw.ca. Please also let us know your concerns by emailing Joe Martin at: snyeri@sixnations.ca. Your concerns will be brought to the attention of the Court.