

STRENGTH  
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# Mohawk Council of Kahnawake

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Ohiarí:ha 15/ June 2026

## Mr. Volker Türk

High Commissioner on Human Rights  
Office of the United Nations High Commissioner for Human Rights  
Palais Wilson, 52 rue des Pâquis,  
CH-1201 Geneva, Switzerland

### **Re: Canada's ongoing role in colonization in the definition of Indigenous Peoples**

Watkonnohwerá:ton (Mohawk/Kanien'kehá:ka Greeting),

The Mohawk Council of Kahnawá:ke writes to the Office of the United Nations High Commissioner for Human Rights to formally place before the international community a matter of enduring and urgent concern: ***Canada's continued exercise of colonial authority over the identity, membership, and self-determination of Onkwehonwe (First Nations) Peoples*** through the Indian Act<sup>1</sup> and its current ***Bill S-2, An Act to amend the Indian Act***<sup>2</sup> (new registration entitlements) as a direct violation of its obligations under international human rights and the United Nations Declaration on Indigenous Rights (UNDRIP), with reference to s.33 (1) and (2) and Article 9:

- (1) *Indigenous Peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair their right to obtain citizenship of the States in which they live.*
- (2) *Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.*

Article 9: *Indigenous peoples and individuals have the right to belong to an Indigenous community or nation in accordance with the customs and traditions of that community or nation.*

### EROSION OF FIRST NATION'S IDENTITY THROUGH ACTS OF PARLIAMENT

These are not aspirational principles but binding commitments that Canada has endorsed through domestic legislation to demonstrate its international dedication<sup>3</sup>. The Indian Act and proposed amendments under S-2 reflect a colonial, discriminatory policy that erodes inherent rights by

<sup>1</sup> <https://laws-lois.justice.gc.ca/eng/acts/i-5/>

<sup>2</sup> <https://www.parl.ca/legisinfo/en/bill/45-1/s-2>

<sup>3</sup> <https://www.canlii.org/en/ca/laws/stat/sc-2021-c-14/latest/sc-2021-c-14.html>

unilaterally dictating who can be a First Nations person in Canada. Bill S-2 proposes amendments to allow a new “lenient” granting of Indigenous status by removing the “two-parent rule” and allowing one parent to pass legal status to their children, regardless of the second parent's status or origin.

Under Canada's Indian Act regime, First Nations have no meaningful authority over determining their own membership. While Section 10 of the Act purports to “allow” First Nations to assume control over membership through a majority community vote, this mechanism is rooted in Canadian electoral processes that are fundamentally incompatible with the traditional governance practices and non-electoral decision-making customs of many First Nations communities. In addition, some communities that have opted for control under S.10 have had additional members added to community lists by the Government of Canada. The result is not self-determination — rather, an exercise in legal assimilation.

Throughout history, Canada has systematically used the Indian Act to fracture, dilute, and redefine Indigenous identity for First Nations by determining how Indigenous people can be legally considered part of their own nation, such as Cree, Ojibway, Dene, or any of the 50 distinct cultural and linguistic nations in Canada. Canada's approach under the Indian Act has either perpetuated gender discrimination by treating Indigenous women and men unequally in the transmission of status or threatened First Nation distinctiveness through the gradual bureaucratic erosion of Indigenous identity, as presented in S-2. Both outcomes of state-controlled First Nations identity represent a failure to uphold First Nations peoples' right to define their own membership and exercise their inherent rights.

## LEGAL OBLIGATIONS FOR CONSULTATION AND ACCOMMODATION

Canada is required by law to consult and, when necessary, to accommodate First Nations when their rights are affected by government action. The Mohawks (Kanien'kehá:ka) of Kahnawá:ke have presented these arguments multiple times in the Canadian Senate<sup>4</sup> delivered by Ratsénhaienhs Jeremiah Johnson, without consideration of our rights, interests, or the impacts of S2 on our future and lineage.

This political and legal predicament has left us no choice but to negotiate with Canada and the Minister of Indigenous Services Canada (ISC) to determine who we recognize as a Mohawk(Kanien'kehá:ka) of Kahnawá:ke, based on our traditional law, as an exercise of our inherent right, as confirmed by national and international law.

## TRADITIONAL GOVERNANCE AND DECISION MAKING

Since time immemorial, the Mohawks (Kanien'kehá:ka of Kahnawá:ke) have been guided not by the laws of Canada, but by the Great Law of Peace — the foundational constitution of the Haudenosaunee Confederacy<sup>5</sup>, one of the oldest living governance systems on this continent. Our

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<sup>4</sup> <https://www.ourcommons.ca/documentviewer/en/45-1/INAN/meeting-31/minutes>

<sup>5</sup> <https://www.haudenosauneeconfederacy.com/confederacys-creation/>

identity, our membership, and our political community were determined by our laws, our traditions, and our people — not by an Act of Parliament.

Since 1984, Kahnawá:ke has maintained its own Membership Law<sup>6</sup>, developed through years of community consultation and rooted in traditional consensus governance. This law determines Mohawk status based on lineage — specifically, that four great-grandparents be Kanien'kehá:ka of Kahnawá:ke prior to approving membership. This is not an arbitrary criterion; it is the living expression of our cultural continuity, our collective responsibility to future generations, and our inherent right to define ourselves.

## FAILED NEGOTIATIONS

The Mohawk Council of Kahnawá:ke has engaged with Canada for decades in good faith to secure recognition of our inherent right and jurisdiction over membership. In 2019, that commitment was tested — and Canada failed. An understanding was reached of which Kahnawake would assert control over its membership registry. Soon after, the Indian Registrar, mandated under the Indian Act, violated that understanding by adding individuals to Kahnawá:ke's list without our consent and outside the scope of our law. This was not an administrative error but a deliberate reassertion of colonial authority.

On April 17, 2024, Kahnawá:ke and Canada entered into a *Memorandum of Understanding on the Kanien'keha:ka of Kahnawake and Canada Relations: A New Path Forward*, intending to carve out distinctions for Kahnawake Registration and other areas of governance<sup>7</sup>. Canada did not return to the table for discussions until February 2026, and no resolution has been reached since then.

Canada now stands on the verge of passing S-2, *An Act to Amend the Indian Act-New Registration Entitlements*, which will, among other things, abolish the two-parent rule, allowing any one parent with status to transmit registration to children regardless of the other parent's lineage. Whatever the remedial intent, the effect on communities similar to Kahnawá:ke is the further erosion of lineage-based identity, forced by federal legislative criteria. Canada does not have the right to remedy one injustice by committing another.

Determining who we consider Mohawk and how we do so is at the core of our collective inherent right to identity and self-determination. This right is affirmed and protected by S. 35 of the Canadian Constitution and by s. 33 of the UNDRIP, which was formally endorsed by the Canadian liberal government in 2016. Canada also confirmed its support for implementing the UNDRIP through the Act (UNDA)<sup>8</sup> passed in 2021, that “*affirms the UNDRIP as an international human rights instrument to help interpret and apply Canadian law and to ensure that the laws of Canada are consistent with the Declaration*”. These are meaningless legislative acts of Parliament that allow Canada to profess to project an image of providing substantial reconciliation with First Nations Peoples. This image, although lofty, is merely political imagination.

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<sup>6</sup> <http://www.kahnawakemakingdecisions.com/promo/Membership%20Law%20&%20Regulations.pdf>

<sup>7</sup> <https://www.kahnawake.com/news/pr/pr04172024b.pdf>

<sup>8</sup> <https://laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>

## CANADA'S FALSE IMAGE AND FAILED RECONCILIATION

Canada further presents a deeply contradictory image of itself through its new “Canada Strong-Unite-Secure-Protect-Build” campaign, which promises nation-building projects such as new ports, mines, and trade and energy corridors to unlock “its vast resources” and attract private-sector and international investment partners. Canada's economy has contracted for two consecutive quarters, and the resources it boasts of opening sit largely on First Nations territories, where reconciliation has been abandoned.

Of the 94 Calls to Action released by the Truth and Reconciliation Commission in 2015<sup>9</sup>, only 15 have been implemented over a decade. On May 29, 2026, the Permanent People's Tribunal ruled that Canada has **committed and continues to commit genocide** against the Indigenous Peoples of Canada through the Indian Residential School system and its inaction toward the TRC's Calls to Action<sup>10</sup>. Seven judges found that Canada had not only committed genocide in the past towards First Nations, but that its current policies maintain that genocide continues. The Tribunal is expected to release its full report on September 30, 2026, on Orange Shirt Day, a day to commemorate the survivors and families of the Indian Residential School system.

Of the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls<sup>11</sup> only 2 have been fulfilled. The Special Interlocutor's 42 obligations concerning missing children and unmarked graves associated with Indian Residential Schools, released in 2024<sup>12</sup> have seen zero progress. Thirty-six First Nations in Canada still lack access to clean, running drinking water<sup>13</sup>.

## QUEBEC LANGUAGE INEQUITIES

Nearly 65% of the 102, 552 First Nations people in the Province of Quebec speak English as a first, second or third language yet are subjected to significant barriers with Quebec's language law that forces French as the dominant language provided in government services, training, education, and employment opportunities<sup>14</sup>. Although Canada prides itself on being a bilingual nation, as affirmed by its Constitution, the *Constitution Act, 1867*, and its Official Languages Act, which are founded on the principles of equality of rights and privileges, it falls short of protecting that equity by failing to intervene in Quebec's laws to uphold First Nations' rights.

## CANADA'S CONTRADICTORY IDENTITY AND FAILURES WITH INTERNATIONAL OBLIGATIONS

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<sup>9</sup> <https://nctr.ca/publications-and-reports/reports/>

<sup>10</sup> <https://www.cbc.ca/lite/story/9.7217256?feature=related-link>

<sup>11</sup> <https://www.mmiwg-ffada.ca/final-report/>

<sup>12</sup> <https://osi-bis.ca/>

<sup>13</sup> <https://canadians.org/fn-water/>

<sup>14</sup> <https://kahnawake.com/kahnawake-responds-to-quebecs-proposed-expansion-of-bill-101-affecting-adult-education/>

Canada actively promotes its new nation-building and international image as caretakers of human and Indigenous rights, which is unequivocally false. It is unquestionable that Canada's real identity is at odds with the political imagery dreamed up by the Liberal Party of Canada, which remains grossly inconsistent with its role within the United Nations.

Canada's role with the United Nations includes reaffirming fundamental human rights; maintaining international peace and security; and promoting the economic and social advancement of all peoples. It is further bound to maintain international peace and security, uphold international law, achieve "higher standards of living" for its citizens, address "economic, social, health, and related problems", and promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Canada's continuance of controlling status through the Indian Act and its newest proposed amendments to Bill S-2 is in direct, structural conflict **with UNDRIP section 33 (1), (2), and 9**, including Article 2 in the Universal Nations Declaration HR:

**Article 2:** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. ***Rights cannot be conditioned on the political status of the territory or its relationship to state sovereignty. Canada defining who belongs to a nation and whose territory exists in a subordinate jurisdictional relationship contravenes this right.***

**The International Covenant on Civil and Political Rights**, which Canada has ratified and is legally bound by, also creates the following conflicts through the following articles;

**Article 1** — Self-determination of peoples, including the right to freely determine their political status and freely pursue their economic, social and cultural development, is ***blatantly contravened by s. 2, An Act to amend the Indian Act (new registration entitlements )and its continuing application of the Indian Act that grants the Minister sole power to determine the status of Indigenous peoples in Canada.***

**Article 27** — Members of minorities shall not be denied the right to enjoy their own culture and community life. When Canada's status rules include people whom the ***community itself does not recognize, Article 27 is engaged, as it removes the community's ability to enjoy its own culture based on its own traditions and processes.***

Canada's continued holding of legislative power to determine the status of Indigenous peoples is in direct violation of its international obligations to implement and uphold UNDRIP and its partnership with the International Covenant on Civil and Political Rights.

We hold Canada accountable for broken reconciliation efforts but cannot do so in isolation and request support from the International Human Rights Commission and the UN Special Rapporteur

on the Rights of Indigenous Peoples in noting these atrocities and advocate with First Nations peoples in Canada for a better path forward, built on respect for human, cultural and political rights.

We respectfully call on the Office of the United Nations High Commissioner for Human Rights to:

1. Formally note Canada's structural non-compliance with UNDRIP Articles 33(1) and 33(2), UDHR Article 2, and ICCPR Articles 1 and 27 as they relate to Indigenous membership and identity;
2. Call upon Canada to immediately suspend the passage of S-2 pending genuine, nation-to-nation consultation with affected First Nations communities, consistent with the free, prior and informed consent standard.
3. Establish a monitoring framework for Canada's implementation of its UNDRIP and all outstanding measures identified in the TRC's Calls to Action, MMIWG Final Report, the Special Interlocutor's Final Report and the 42 recommendations for unmarked burials and missing children from Indian Residential Schools within the Special Rapporteur on the Rights of Indigenous Peoples.

The Mohawk Council of Kahnawake remains committed to the pursuit of justice through dialogue, respect, and the peaceful assertion of our inherent rights. We are grateful for the attention of this Office and trust that the international human rights community will lend its voice to a process of genuine reconciliation — one that places the rights and dignity of Indigenous peoples at the forefront.

In Peace and Friendship,

**OFFICE OF THE COUNCIL OF THE CHIEFS**



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Ohén:ton I:rate ne Ratitsénhaienhs  
Grand Chief of Kahnawake

c.c Dr. Albert K. Barume, Special Rapporteur on the Rights of Indigenous Peoples.  
Mr. Mark Carney, P.C., M.P, Prime Minister of Canada