

POSITION PAPER Québec Constitution - Bill 1

Mohawk Council of Kahnawake – Onkwehonwe ~ Kanien'keha:ka of Kahnawake

The Mohawk Council of Kahnawà:ke (MCK) rejects the proposed *Quebec Constitution Act, 2025* (Bill 1) for the Onkwehonwe of Kahnawà:ke.

This document details the legal, political, and cultural issues that arise from Quebec's efforts to assert provincial jurisdiction by encompassing Onkwehonwe Peoples (*First Nations/Indigenous peoples*) and unceded Indigenous Land/Territory into its constitutional framework.

Our position highlights the significance of Mohawk Nation sovereignty, Kahnawà:ke distinct and separate status, treaty rights, and jurisdictional independence

Onkwehonwe Opposition and Jurisdictional Conflict

The MCK firmly rejects the inclusion of Onkwehonwe Peoples within Quebec's constitutional framework, underscoring Kahnawà:ke's distinct status supported by our own Communal Laws and safeguarded by foundational treaties such as the Two Row Wampum, as well as Indigenous laws, supported by section 35(1) of the *Constitution Act, 1982* and more importantly, the *United Nations Declaration on the Rights of Indigenous Peoples*, (UNDRIP).

The MCK maintains that unceded Mohawk Territory is not and never has been part of the territory Quebec claims to hold under colonial law. Although the CAQ government has responded that First Nations are mentioned in the *Preamble* and this "Constitution" will not impact First Nations, Kahnawà:ke finds this statement to be entirely false as Quebec claims all land including unceded Indigenous Lands and claims all Indigenous Peoples as Quebecers. There is no genuine recognition of our right to self-determination or our rights to our lands, laws and language. Instead, the mechanics of Bill 1 attempt to subjugate our rights to undefined "historical claims" and our cultural, linguistic and legal traditions to systems that are not ours. Quebec has no justifiable grounds for doing this.

We cannot accept shallow references in the preamble, when held up against the body of the bill, as anything other than gaslighting Quebec's true intentions to destroy our language, culture and, by extension, our people. We do not accept that all this bill does is replicate the status quo. If the "historical claims" the government will be charged with defending are not meant to perpetuate denialist narratives like the Saint-Lawrence Iroquois theory, what are they doing in this bill? If Quebec's assertions of "territorial integrity" are not meant to stop the return of our lands, what are they doing in this bill?

There is no integrity in asserting that Indigenous lands belong to Quebec. When the French lost the war and capitulated to the British, the *Royal Proclamation* set out stringent protections providing that only lands formally ceded to the Crown would cease to be Indigenous lands. For nearly 300 years, Canadian and Quebec courts have repeatedly confirmed these protections, holding that the Honour of the Crown requires the province to uphold them. Section 35, which *also* binds the Provincial Crown, serves as a further constitutional guarantee, recognizing and affirming the rights of Indigenous peoples, including Mohawks,

and acts as a legal safeguard against provincial overreach into our rightful governance over our people and our lands.

There is intolerable hypocrisy in Quebec's refusal to support our rights to self-governance and self-determination. As Onkwehonwe, we have rights and responsibilities vis-à-vis our traditional lands and waters: to conserve and protect them, to maintain and strengthen our spiritual connection to them, to govern them.¹ Outside governments must consult us and cooperate in good faith when they seek to exert jurisdiction over our lands and waters.² We have the right to practice and maintain our ways of being and our languages, and to be protected from assimilation and integration.³ There is a growing global consensus that these are minimum standards for our survival, dignity and well-being.⁴

Bill 1 actively threatens these minimum standards, setting out to “integrate” us into a single language and culture. It flies in the face of the Statement of Mutual Understanding and Respect signed between our governments less than one year ago. On the contrary, Quebec's actions create the conditions for our cultural erasure, perpetuating policies of cultural genocide. Mohawks are not Quebecers. We will not be forced to go through administrative processes or obtain colonial documents asserting the contrary.

Kahnawake's Position and Sovereignty Assertion

The MCK unequivocally rejects Quebec's inclusion of Kahnawà:ke and Onkwehonwe in the *Constitution Act, 2025*, and affirms Mohawk sovereignty under the Great Law of Peace and the Two Row Wampum Treaty. The MCK emphasizes that Mohawk citizens do not identify as Quebec citizens. The only amendments that would be suitable in this bill would be to include a provision at the beginning of the body of the bill stating that “This bill has no force or effect on any Onkwehonwe individuals, communities or lands. They and their land are not subject to any of its provisions” and to remove references to Quebec's “territorial integrity” and “historical claims” throughout.

¹ See, notably, articles 4, 25, and 29 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

² See, notably, articles 4, 18, 19, 25, and 29 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

³ See, notably, articles 8, 11, and 13 of the *United Nations Declaration on the Rights of Indigenous Peoples*.

⁴ See article 43 of the *United Nations Declaration on the Rights of Indigenous Peoples*.