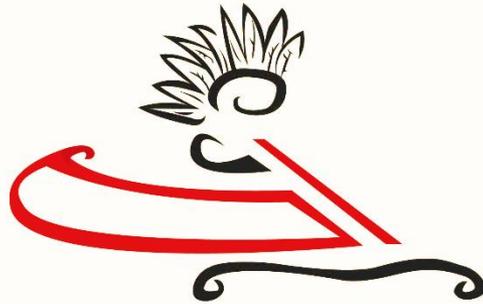


INDIGENOUS KNOWLEDGE and Forestry . Why the Mi'gmaq have a “unique perspective” !



Mi'gmawel' Tplu'taqnn



Mi'gmawe'l Tplu'taqnn

- Who are we, what is Mi'gmawe'l Tplu'taqnn.
- Mi'gmaq Treaties, what are they.
- Brief overview of the treaties.
- Forestry for the betterment of all.
- Moving Forward.

Mi'gmawe'l Tplu'taqnn

Mi'gmawe'l Tplu'taqnn Communities



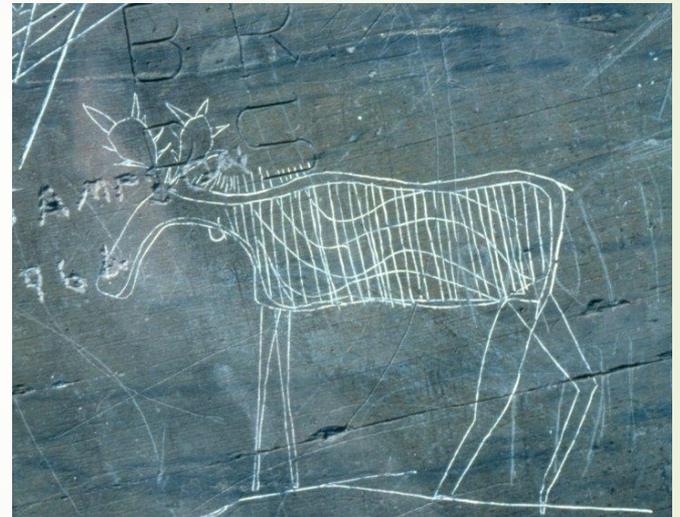


Mi'gma'we'l Tplu'taqnn

- “Mi'gmaq People's Laws” or “How We Govern Ourselves”.
- Organization representing the 9 Mi'gmaq communities in NB: mandate to ensure that Mi'gmaq rights are recognized, protected, and affirmed on behalf of its member communities.
- Three main ways we do this:
 - Trilateral/Bilateral Negotiations with Government.
 - Consultation and Accommodation processes.
 - Litigation.

Mission Statement

- ▶ A L'nuey leadership body whose every effort is to protect our people and implement Inherent, Aboriginal and Treaty Rights. To facilitate opportunities that lead to cultural, economic and social well-being. To rebuild our strength as a people thinking of the future by remembering the past. To work and develop relationships with governments at all levels, including other L'nu'k nations, to achieve our goals.



Petroglyph of moose; 4,000 years old.

<http://www.muiniskw.org/pg/History3bx.htm>



Mi'gmawe'l Tplu'taqnn Treaty Rights

- Treaty rights and Aboriginal rights are recognized and affirmed in Section 35 of the Constitution Act, 1982.
- Crown signed treaties to support peace and friendship between the Indigenous nations and the settlers.
- Rights of Indigenous peoples with European newcomers living on lands occupied by Indigenous people.
- Treaties vary across Canada depending on the time it was signed and the circumstances in which they were negotiated. Across Canada, there are approximately 70 historic treaties, signed with 364 Nations between 1701-1923.



Encounters with Europeans

- Fishermen from Portugal, England, Brittany, Normandy and French Basque were already fishing for cod near present day Newfoundland prior to Jacques Cartier's arrival.
- In 1534 Jacques Cartier sailed along the coasts of Labrador, Newfoundland, Prince Edward Island and New Brunswick. Cartier met with Mi'gmaq people at the Baie de Chaleur and traded goods and fur. He then arrived in Gaspé claiming land for King Francis I of France.
- French settlements Ile St. Croix (1604), Port Royal (1605).
- French were first to establish commercial and military alliances with Indigenous peoples.
- In 1670 France claims Mi'gma'gi as a colony of New France



France and England Battle for Mi'gma'gi

- ▶ King William's War: 1688-1697:
 - ▶ Britain captures Port Royal, returns to France in Treaty of Ryswick (1697).
- ▶ Queen Anne's War: 1702-1713:
- ▶ Treaty of Utrecht 1713: France "cedes" Acadia to Britain
 - ▶ France retained Ile Royal (Cape Breton Island), Ile St. Jean (PEI).
 - ▶ France "cedes" Acadia to Britain, but Mi'gmaq not consulted, still have control on the ground.
 - ▶ Mi'gmaq still had control over NS; British had to make peace with the Mi'gmaq.
- ▶ Dispute whether Acadia included modern day NB led to further conflicts.

Covenant Chain of Treaties

- Group of interconnected treaties.
- Chain of related commitments to signing parties.
- Mi'gmaq, Penobscot, Wolastoqewi and Peskotomuhkati signed treaties as a nations.
- Treaties signed 1725-26, 1749, 1752, 1760-61, 1776, 1779.





Treaty Principles and Provisions

- Nation to nation.
- Wampum belts.
- Gift giving for use of land.
- No land surrender.
- Oral promises also important.
- Truck house clauses 1752, 1760-61, 1776.
- Dispute resolution.
- British laws applied.
- Annual treaty ratification on October 1st observed in NS receive gifts.
- Wolastoqewi celebrate in June.
- Chiefs are looking to set a date for Treaty Day in NB.

Royal Proclamation of 1763

- Signed October 7, 1763 by King George III.
- Sets out guidelines for European settlement of Indigenous territories.
- Britain's claim to territory after Seven Years War.
- Aboriginal title has existed and continues to exist.
- All land would be considered Indigenous land until ceded by treaty.
- Forbade settlers from claiming land from Indigenous occupants.
- Only Crown can buy land from Indigenous communities.
- Differs from treaties missing Indigenous input.





Royal Proclamation of 1763

- Section 25 of the Constitution Act under Charter of Rights and Freedoms mentions Royal Proclamation.
- Section 25. *The guarantee in this Charter of certain rights and freedoms shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.*



Treaty of 1779

- Signed on September 22, 1779 in Windsor NS.
- American revolution period.
- British signed a treaty to make peace with Mi'gmaq from NB.
- Mentions non interference with Mi'gmaq hunting and fishing.
- Renewed previous treaties of peace and friendship.



Case Law

- R v. Isaac 1975
- NS Court of Appeal upheld hunting and fishing rights on reserve.

- R v. Paul 1980
- 1779 Treaty, Mi'kmaq treaty to hunt and fish.

- R v. Simon 1985
- 1752 Treaty, Mi'gmaq treaty right to hunt and fish.

- R v. Denny, Paul, Sylliboy (1990)
- Aboriginal right to fish for food.

- R v. Marshall (1999)
- Mi'gmaq Treaty Right to fish and right to sell fish.

- R v. Sappier, Polchies, Gray (2006)
- Aboriginal right to harvest wood.



Building relations with Government and Industry

- Currently there are 15 Indigenous Knowledge Land Used Occupancy Study , IKLUOS underway.
- 10 IKLOUS have been completed since the incorporation of Mi'gmawe'l Tplu'taqnn in 2015.
- Understanding the history, the repression of L'nu'k brings an clear understanding as to why the Mi'gmag request these IKLUOS as a starting point.
- Success within several sectors; Maritime Electric, Berger's, Energy East, Anglian Parish of Shediac.
- All studies are made public on website;
www.migmawel.org



Going Forward



- MTI is represented at the table by Chiefs, negotiators and staff.
- MTI does not look at projects as single project to project effect on the rights but as a collective/accumulative effects to our treaties and right.
- Priority areas at the moment include Land Usage, Natural Resources, Parks, Wildlife, Heritage, Language and Culture.
- Not against business development, seek inclusion.
- Build better relationships and partnerships with those organizations/businesses seeking to better the corporate relationships with the Mi'gmaq.

Thank You - Questions

