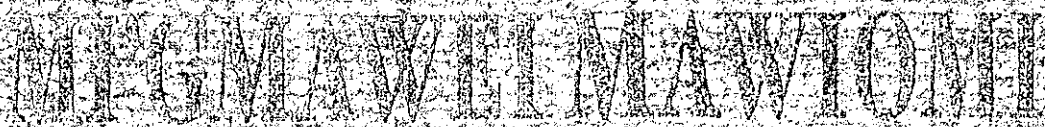


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**THE NATURAL RESOURCES OF  
GESPEGEWAGI:**

**COUNTING THE MI'GMAQ  
IN ON DECISIONS AND BENEFITS**

Brief of the

**MI'GMAWEI MAWIOMI ASSEMBLY**

Presented by

Sagamaw John Martin,  
Chair of the Mi'gmaoui Mawiommi Assembly and  
Chief of the Mi'gmaq of Gesgapegiag

To

La Commission d'étude sur la maximisation des retombées  
économiques de l'exploitation des ressources naturelles dans  
les régions ressources

Ste-Anne-des-Monts,  
Thursday, February 6, 2003

## Territory, People and Resource Rights

Good (morning/afternoon). My name is John Martin. I am the Chief of the Micmacs of Gesgapegiag and Chair of the Mi'gmawei Mawiomi (Mi'gmaq) Assembly. I welcome you, as my ancestors welcomed the first European visitors to what was to them unknown territory, to the region we have always known as the Last Land or Gespegewagi. Ours is the Seventh District of the wider Mi'gmaq Nation.

I address you on behalf of the Mi'gmawei Mawiomi (Mi'gmaq) Assembly. This contemporary manifestation of our self-government was constituted on August 4, 2000 when the Mi'gmaq of Gespegewagi through the Chiefs and Councils of Listuguj, Gesgapegiag and Gespeg concluded a historic Political Accord (the text in Mi'gmaq, French and English is annexed to our brief). The rights and territory of the Mi'gmaq Nation in Gespegewagi, including the lands and surrounding waters of the Gaspé Peninsula, form the cornerstone of our Accord. Our communities come together in the Mi'gmawei Mawiomi Assembly (MMA) to address common concerns and take political decisions regarding access to land and resources and the economic and social development of our communities.

For the purposes of your Commission, this is the Quebec administrative and resource region of Gaspésie-Îles-de-la-Madeleine, but it has been inhabited for 10,000 years. This land, its surrounding waters and the resources found here are in our traditional territory. Every river, place and resource area important to our people was given a name in our language. Maps and records from the historical period, together with the knowledge of our Elders, yield hundreds of Mi'gmaq names for places and resources.

We have never ceded our rights to lands, waters and resources. We have Mi'gmaq Aboriginal rights and title. Our Treaties of Peace and Friendship from 1725 to 1789 confirm our right to remain undisturbed in the possession of our lands. They provide the basis for peaceful coexistence and resource sharing.

However, our rights have been ignored in the rush to settle, fish, lumber and mine. For over three hundred years, under cover of legislation and government policy, we have been thrust aside, confined to limited lands, criminalized for attempting to derive our livelihood from our territory and forced to stand by as these bountiful lands, waters and resources have yielded great wealth.

The work of this Commission is one part of the wider arrangements under which the dominant regime of the Government of Quebec, regional and local authorities, industry and private interests allocate the lands, waters, resources and revenues of this region. **Our fundamental message today is that both the process and the economic outcome of this allocation must respect the history and rights we have very briefly referred to in this presentation and must provide the Mi'gmaq people with access to resources and our rightful part in decisions and benefits.**

We are of course well aware of the economic, social and demographic challenges faced by our English and French neighbors. But a legitimate, fair and successful economy and society in this region requires embracing and not denying or minimizing Mi'gmaq rights. We offer you our friendship and collaboration in pursuing a just and prosperous future together.

## Required Mi'gmaq Role in Decision Making and the Respect of Our Rights

The mandate of this Commission is (1) to analyze the current level of resource revenues, their use by the provincial government and the distribution of economic benefits to the resource regions and (2) to propose an action plan to maximize the economic benefit derived by the resource regions from the exploitation of local resources.

Our participation today is under reserve of and without prejudice to ~~Mi'gmaq rights. We are well aware of the limitations of your mandate and that~~ the key decisions on resource allocation and revenues will be made by the government in Quebec City and by resource companies. Our governments and leaders are regularly called upon to participate in processes of consultation that fall well short of providing the real involvement and concrete results that fairness, law and good policy require. We have limited means and our leadership is overburdened with the challenges of ensuring the economic and social well-being and future of our population. So, it is tempting to simply ignore inadequate processes. However, the issues raised by the work of this Commission are of fundamental importance to us and it is unthinkable in 2003 to contemplate new arrangements for resource exploitation and revenues without considering our rights and including us as equal partners.

Mi'gmaq rights, title and Treaties are not just folklore for subsistence hunting and fishing. They cannot be honored by simply hearing our viewpoint. As clearly recognized especially since the 1997 decision of the Supreme Court in *Delgamuukw*, we have the collective right to occupy and possess our lands and waters and to use them for a variety of traditional and modern purposes to meet present-day economic needs. Our rights give rise to specific constitutional and fiduciary legal duties as regards the process and substantive economic outcome

of the allocation of resources and resource revenues. What is required is much more than mere consultation. Full Mi'gmaq consent will be required in some circumstances. There must always be a genuine good faith effort at substantially addressing our concerns and economic interests before decision-making on resource allocation.

This Commission unfortunately falls very short of these binding legal requirements. The value of your process and results are consequently thrown into doubt.

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As to process, we were not consulted on the mandate or membership of the Commission. Given the presence of Aboriginal peoples and the importance of our rights in the resource regions of Quebec, it is startling and unconscionable that there are no Aboriginal members among you. We were given no invitation to these hearings and only heard of them late in the day. We have not been provided with necessary and timely information for meaningful participation, nor with funding for consultant and legal fees.

As to substance, the mandate, background materials and hearings schedule of the Commission makes almost no mention of the Aboriginal people. Certainly, there is no sign that the work of the Commission and the subsequent decisions of the government will substantially address and accomodate Aboriginal concerns and economic interests.

The inadequate nature of the process and substance of the work of the Commission as it would apply to our territory and this region is difficult to reconcile with the policies pursued and agreements made by the government in other parts of Quebec. We hope that confrontation and litigation are not necessary in order to obtain the benefit of the best approaches that Quebec has to

offer. Of course we do not necessarily endorse all aspects of these policies and agreements, but we do note the following.

The Cree-Quebec Agreement on a New Relationship of February 2002, recognizes the Aboriginal role in resource regulation, management and allocation. It ensures Cree Nation economic development through access to resources, resource revenues, employment and contracting opportunities.

The Innu Agreement in Principle of 2002, in its Chapter 6, promises meaningful, distinct, government-to-government Innu Nation participation in the management of the territory, environment and resources of over 200,000 km<sup>2</sup>. Chapter 7 provides for Innu Nation sharing in resource revenues. Chapter 13 addresses access to resources and economic development opportunities with a view to the Innu Nation attaining the level of socio-economic development of neighboring non-Aboriginal communities.

Even Partnership, Development, Achievement, the 1998 general Quebec policy on Aboriginal relations, with all of its many flaws, promises Aboriginal access to a standard of living and level of development similar to the general population and a fair share of the public resources of Quebec (Introduction, p.8).

## **Conclusion**

The Mi'gma'wei Mawio'ni Assembly therefore recommends that the membership, process, mandate and findings of the Commission be modified to reflect the reality of our rights and the process and substantive requirements that flow from them. The level and distribution of resource revenues must at a minimum live up to the standard indicated by the agreements and policies of the province.

In closing, we wish to sound a positive note. Over time, all of the people of the region will benefit from effective measures to make the Mi'gmaq partners in resource allocation and management and provide for the equitable sharing of resources and revenues. We are practical and modern. We believe that the interests of all communities and partners of the region may be met by positive joint efforts deployed in the spirit of peace and friendship.

Thank you for your attention.

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