

Régie de l'énergie - Dossier R-4066-2018

Révision de certains aspects de la Décision D-2018-166 rendue au Dossier R-4045-2018 relatif aux Tarifs et conditions de service d'Hydro-Québec Distribution (HQD) pour l'usage cryptographique appliqué aux chaînes de blocs

C A N A D A

PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

DOSSIER R-4066-2018

EN RÉVISION DU
DOSSIER R-4045-2018

RÉGIE DE L'ÉNERGIE

RÉVISION DE CERTAINS ASPECTS DE LA
DÉCISION D-2018-116 RENDUE AU
DOSSIER R-4045-2018 RELATIF AUX
TARIFS ET CONDITIONS DE SERVICE
D'HYDRO-QUÉBEC DISTRIBUTION (HQD)
POUR L'USAGE CRYPTOGRAPHIQUE
APPLIQUÉ AUX CHAÎNES DE BLOCS

SEN'TI, une entreprise Mi'gmaq située sur le territoire de la Première Nation et de la réserve de Listuguj, faisant partie du territoire Mi'gma'gi

-et-

LE REGROUPEMENT CONSTITUÉ DE LA PREMIÈRE NATION CRIE DE WASWANIPI, une Première Nation Crie et de la CORPORATION DE DÉVELOPPEMENT TAWICH, une entité entièrement propriété de la Première Nation Crie de Wemindji par une société de gestion

Demandereses en révision

Intervenantes en première instance

-et-

HYDRO-QUÉBEC

En sa qualité de Distributeur

Mise-en-cause

Demanderesse en première instance

PIÈCE B-0007

**MIGMAWEI MAWIOMI ASSEMBLY OF GESPE'GEWA'GI,
NM'TGINEN**

SEN'TI

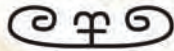
Première Nation Crie de Waswanipi
Corporation de développement Tawich (Wemindji)

Le lundi 24 septembre 2018

Régie de l'énergie - Dossier R-4066-2018

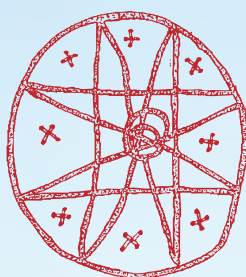
Révision de certains aspects de la Décision D-2018-166 rendue au Dossier R-4045-2018 relatif aux Tarifs et conditions de service d'Hydro-Québec Distribution (HQD) pour l'usage cryptographique appliqué aux chaînes de blocs

NM'TGINEN



ME'MNAQ EJIGLIGNMUETUEG
GIS NA NAQT MUEG





Migmewei Gloqowej, ta'n wesgitpit Nm'tginenewei wi'gatign, wejiet sa'qawe'l guntewigtug jilwi'gas'gl. Wejgwa'tegemgeg na go'gumenagi'g i'jilwi'gmi'tipnn gisagnutmaqann, goqwei pemiaq aq gtlams'tasuti'l, ns'tasuti'l aq a'sutmaqann guntewigtig. Ginu Wapnagiewaq, ta'n telmawagutulti'gw aq telmawagutmu'g ms't goqwei, eteg Gloqowejjuigtug.

The Mi'gmaq Gloqowej, depicted on the front cover of the Nm'tginen, is based on Mi'gmaq petroglyphs. Petroglyph images, carved into the slate rock by our Mi'gmaq ancestors, are unique to Mi'gmaq traditions and our ways of recording political spiritual, social events and ceremonies. The gloqowej signifies the people of the rising sun, as well as the inter-relatedness of everything and everyone.

Le gloqowej Mi'gmaq qui illustre la page couverture du Nm'tginen est inspiré des pétroglyphes Mi'gmaq. Les images associées à ces pétroglyphes gravés dans l'ardoise par nos ancêtres Mi'gmaq appartiennent en propre aux traditions Mi'gmaq et à nos façons de consigner nos activités et cérémonies politiques, spirituelles et sociales. Le gloqowej représente le peuple du soleil levant, tout en symbolisant l'interdépendance de l'ensemble de la création et de tous les êtres vivants.

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Dear Honourable Ministers,

The Mi'gmaq of Gespe'gewa'gi respectfully submit the *Nm'tginen: Me'mnaq ejiglighmuetueg gis na naqtmueg*, a Statement of Claim to the Seventh District of the Mi'gmaq national territory of Mi'gma'gi.

The call of the sacred drum coupled with the cultural and spiritual renaissance of its people has resounded through Mi'gmaq territories for centuries. It is inevitable that our Nation, once subject to colonial invasions by overpowering forces of European immigration fraught with oppression, subjugation, dependence, isolation and anguish, must now resurrect itself from its colonialistic ashes.

Through the *Nm'tginen*, we honour the voices of a People whose vision is to reclaim Mi'gmaq traditional lands, minerals and waters for all generations in order to fulfill the rights, obligations and the sacred instructions of our ancestors. The *Nm'tginen* is a historical record of our culturally rich way of life, traditional governance principles and unique worldviews.

The *Nm'tginen*, researched and developed with the mandate of Mi'gmaq leaders, community members, Elders and focus groups, is the result of extensive communications and consultation with the communities of Gesgapegiag, Gespeg and Listuguj. The result of our work leads us to submit this Statement with confidence that we believe honours and celebrates the tenacity and resilience of a People who prevail over a tumultuous history yet to be reconciled. The *Nm'tginen* is neither final nor concluded; our People will continue to assert our Rights and Title forever.

We outline in the enclosed map of the Seventh District our lands, air, waters and resources that comprise, in contemporary terms, the Gaspé Peninsula, parts of Québec, New Brunswick (north of the St. John River watershed), part of Maine and the Islands in the Baie des Chaleurs, as well as their surrounding coastal and marine areas.

As signatories to a covenant chain of Peace and Friendship Treaties entered into with the Crown during the eighteenth-century, we unequivocally state that we have never abrogated, surrendered nor ceded our title to our lands and resources. These Treaties affirm a nation-to-nation relationship between the Mi'gmaq and the Crown.

We uphold Rights and Title to Gespe'gewa'gi, Mi'gma'gi based on our relationship with the land, a relationship that has existed for thousands of years. Our rights and entitlements are assured in Section 35 of the Canadian Constitution, in Supreme Court of Canada decisions and under International Law. We continue to advocate for a nation-to-nation relationship with Canada based on these treaties.

In peace and friendship,

Saqamaw Claude Jeannotte
La Nation Mi'gmaq de Gespeg

Saqamaw Guy Condo
Mi'gmaq of Gesgapegiag

Saqamaw Scott Martin
Mi'gmaq of Listuguj

October 2007
Gespe'gewa'gi, Mi'gma'gi



Messieurs les ministres,

Les Mi'gmaq du Gespe'gewa'gi soumettent respectueusement le document intitulé *Nm'tginen: Me'mnaq ejiglighmuetueg gis na naqtmueg*, notre Déclaration de revendication au Septième District du territoire national Mi'gmaq du Mi'gma'gi.

Depuis des siècles, l'appel du tambour sacré et l'écho de la renaissance culturelle et spirituelle de son peuple résonnent sur les terres Mi'gmaq. Notre Nation autrefois soumise aux invasions coloniales, aux pouvoirs envahissants de l'immigration européenne et frappée des maux de l'oppression, de la subjugation, de la dépendance, de l'isolement et de l'angoisse devait inexorablement ressusciter des cendres de son passé colonialiste.

Avec la Déclaration *Nm'tginen*, nous rendons hommage aux paroles d'un Peuple dont la vision réclame les territoires traditionnels Mi'gmaq, ses ressources minérales et ses eaux pour toutes les générations, dans le but de satisfaire ses droits et obligations, ainsi que les enseignements sacrés de nos ancêtres. La déclaration *Nm'tginen* est un document de mémoire historique qui porte la richesse culturelle de notre mode de vie, de nos principes traditionnels de gouvernement et de notre vision du monde tout à fait unique.

La Déclaration *Nm'tginen*, issue d'un mandat de recherche et de rédaction donné par nos dirigeants Mi'gmaq, les membres de nos communautés, les aînés et des groupes de discussion, est le résultat de communications approfondies et de vastes consultations auprès des communautés de Gespeg, de Gesgapegiag et de Listuguj. L'aboutissement de ce travail nous amène à soumettre la présente Déclaration avec l'assurance, selon nous, de bien rendre hommage et de souligner fièrement la ténacité comme la résilience d'un Peuple qui a su surmonté une histoire tumultueuse, encore non réconciliée. La Déclaration *Nm'tginen* n'est ni finale, ni définitive; notre Peuple continuera toujours d'affirmer ses droits et titres fonciers.

Dans la carte ci-jointe du Septième District, nous présentons le tracé de notre territoire, de notre espace aérien, de nos eaux et de nos ressources. Ce tracé englobe, en termes contemporains, la péninsule gaspésienne, certaines parties du Québec, du Nouveau-Brunswick (au nord du bassin du fleuve St-Jean), une partie du Maine, les îles de la baie des Chaleurs, ainsi que les régions côtières et marines environnantes.

À titre de signataires d'une chaîne d'alliance formée des Traités de paix et d'amitié convenus avec la Couronne au dix-huitième siècle, nous réitérons sans équivoque que nous n'avons jamais abrogé, abandonné, ni cédé le titre foncier sur notre territoire et ses ressources. Ces traités affirment les rapports de nation à nation entretenus entre les Mi'gmaq et la Couronne.

Nous confirmons nos droits et titres sur le Gespe'gewa'gi, Mi'gma'gi découlant de notre relation avec le territoire, une relation vieille de plusieurs millénaires. Nos droits et privilèges sont garantis en vertu de l'article 35 de la Constitution du Canada, de jugements de la Cour Suprême du Canada et du droit international. Nous continuons de revendiquer des rapports de nation à nation avec le Canada, conformément à ces traités.

Dans la paix et l'amitié,

Saqamaw Claude Jeannotte
La Nation Mi'gmaq de Gespeg

Saqamaw Guy Condo
Mi'gmaq of Gesgapegiag

Saqamaw Scott Martin
Mi'gmaq of Listuguj

EXECUTIVE SUMMARY

The *Nm'tginen: Me'mnaq ejiglignmuetueg gis na naqtmueg* is a culmination of many years of research and community consultation. The *Nm'tginen* (pronounced *ne mit gin nen*) is essentially a political document in which we state the position of the Gespe'gewa'gi Mi'gmaq with regard to our Mi'gmaq Title and Aboriginal Rights to Gespe'gewa'gi, Mi'gma'gi. The assertion of our rights, title and interests is based on our existing relationship with our territory (nm'tginen) found in documented records and supported by oral testimonies for thousands of years.

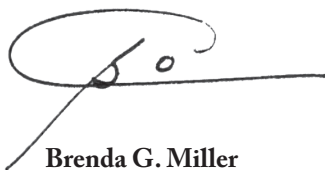
Early on in our process, it was decided that we would take a uniquely Mi'gmaq approach. In taking this approach, it was critical for us to draw upon our shared knowledge, Mi'gmaq principles of governance, Mi'gmaq laws and our understanding of territorial boundaries. Many people were involved, including: the political leadership, traditional Mi'gmaq knowledge keepers, Elders, linguists, members of academia, technicians, administrators, consultants and legal counsel.

We maintain that the signing of the Peace and Friendship Treaties with the Crown did not cede, abrogate, release or surrender any of our rights and title to Gespe'gewa'gi, Mi'gma'gi. In fact, the treaties signed in the eighteenth century affirm our ancestral rights, title and interest to Gespe'gewa'gi. We emphatically state that we uphold our rights and title to Gespe'gewa'gi, as affirmed in Section 35 of the Canadian Constitution, in Supreme Court of Canada decisions and under International Law.

In summary, the *Nm'tginen* outlines the position of the Mi'gmaq of the Seventh District of the Mi'gmaq Nation concerning our unequivocal Rights and Title to Gespe'gewa'gi, Mi'gma'gi. We advocate for peaceful co-existence through our nation-to-nation relationship with Canada as affirmed by the Peace and Friendship treaties.

The *Nm'tginen* concludes with our firm position that the Mi'gmaq of the Seventh District continue to work together in order to strengthen our treaty relationship with the Crown. In asserting our Nation's Rights and Title over the land described in the Claim Map, including its wind, waters and surface and subsurface minerals, we envision a future for our People inspired to protect and respect the instructions and teachings contained in our worldview and in the covenant chain of treaties.

In peace and friendship,



Brenda G. Miller

Executive Director

Mi'gmawei Mawiomi Secretariat



RÉSUMÉ

Le *Nm'tginen: Me'mnaq ejiglighmuetueg gis na naqtmueg* vient couronner des années de recherches. Fondamentalement, le *Nm'tginen* (prononcé *ne mit gin nen*) est un document politique. Il trace les grandes lignes de la position des Mi'gmaq du Gespe'gewa'gi en ce qui a trait à notre titre foncier et à nos droits autochtones sur le Gespe'gewa'gi, Mi'gma'gi. L'affirmation de nos droits, de notre titre foncier et de nos intérêts se fonde sur notre rapport à la terre, dans une relation qui remonte à des milliers d'années.

Très tôt quand la démarche s'est mise en branle, la décision a été prise de retenir une approche Mi'gmaq. Dans le cadre de cette approche, il nous est paru indispensable de nous inspirer de nos connaissances, de nos principes Mi'gmaq de gouvernance, du droit Mi'gmaq et de notre conception des frontières territoriales. De nombreuses personnes ont été mises à contribution, notamment nos dirigeants politiques, les gardiens du savoir traditionnel Mi'gmaq, les aînés, plusieurs universitaires, des techniciens, des administrateurs, des experts-conseils et des conseillers juridiques.

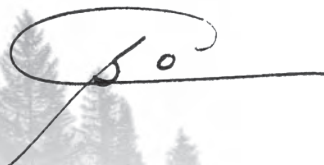
Nous réaffirmons ici qu'en signant des Traités de paix et d'amitié avec la Couronne, nous n'avons ni cédé, ni abrogé, ni révoqué, ni abandonné le moindre de nos droits ou titres fonciers sur le Gespe'gewa'gi, Mi'gma'gi. Au contraire, les traités signés au dix-huitième siècle affirment nos droits ancestraux, notre titre foncier et nos intérêts sur le Gespe'gewa'gi, Mi'gma'gi. Nous réitérons avec insistance que nous possédons les droits et le titre fonciers sur le Gespe'gewa'gi, Mi'gma'gi, conformément aux dispositions de l'Article 35 de la Constitution canadienne, à plusieurs jugements de la Cour Suprême du Canada et aux règles du droit international.

En résumé, le *Nm'tginen* énonce la position des Mi'gmaq du Septième district de la Nation Mi'gmaq sur le caractère non équivoque de nos droits ancestraux et de notre titre foncier portant sur le Gespe'gewa'gi, Mi'gma'gi. Nous revendiquons des rapports de nation à nation avec le Canada, ainsi que l'ont affirmé nos traités. Nous décrivons ici les limites territoriales du Mi'gma'gi et indiquons le tracé des territoires revendiqués du Gespe'gewa'gi, Mi'gmaq.

Comme peuple Mi'gmaq, nous avons une façon distincte de voir et de concevoir notre territoire. Nos enseignements, qui donnent au *Nm'tginen* ses fondements, se rapportent à notre unicité en tant que peuple indigène d'ici, du Gespe'gewa'gi. Dans le texte du *Nm'tginen*, nous répondons au déni et aux violations de nos droits ancestraux et de notre titre foncier Mi'gmaq sur le Gespe'gewa'gi.

Le *Nm'tginen* se conclut par notre position ferme voulant que les Mi'gmaq du Septième district de la Nation Mi'gmaq continuent de travailler ensemble pour consolider avec le Canada des rapports fondés sur les traités. Par l'affirmation de nos droits ancestraux et du titre foncier de notre nation sur le territoire, y compris ses droits de surface et ses droits d'exploitation des minerais souterrains, ses vents et ses eaux, nous entrevoyons un avenir prospère pour notre peuple.

Dans la paix et l'amitié



Brenda G. Miller

Directrice générale

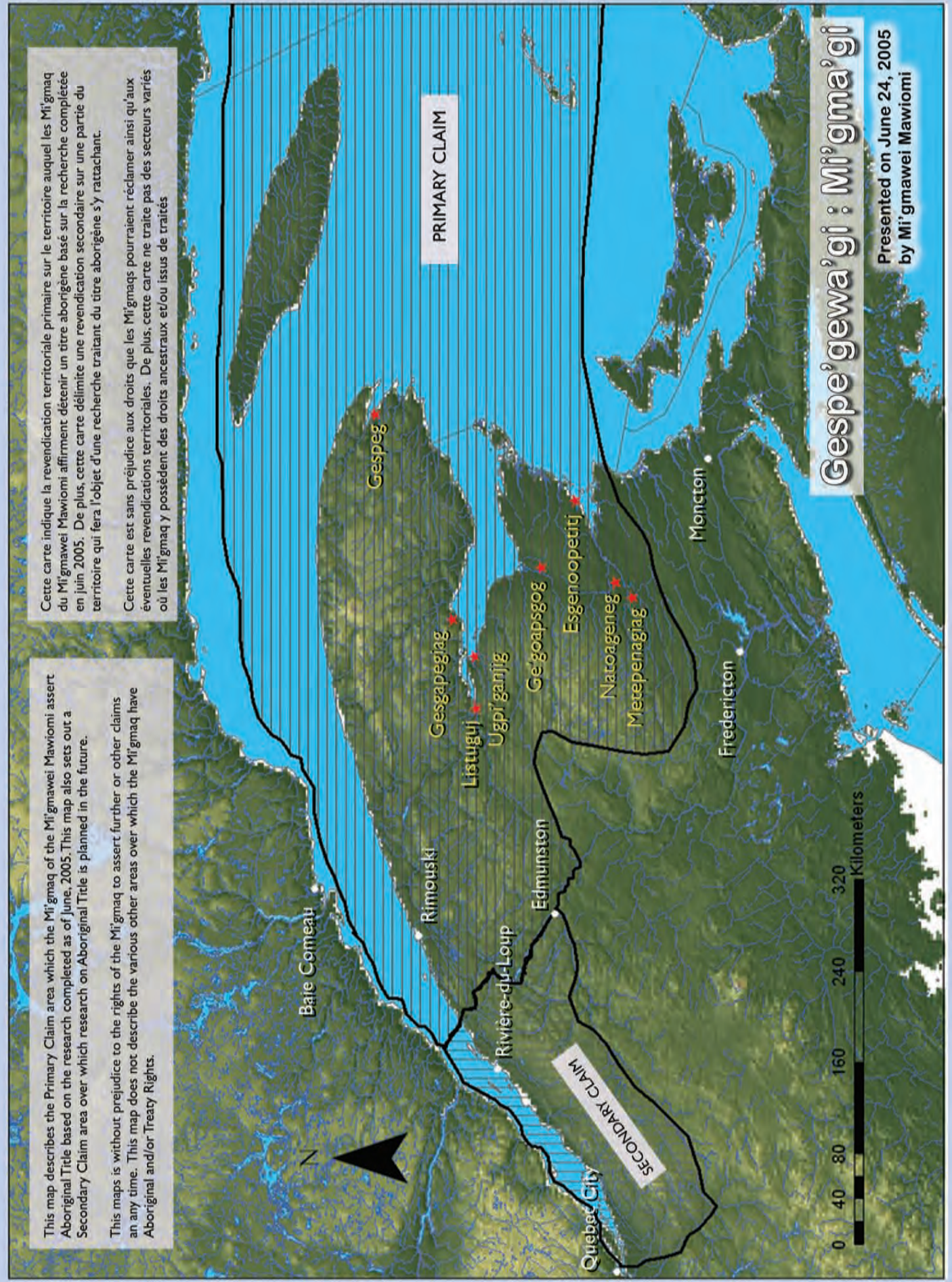
Secrétariat Mi'gmawei Mawiomi

This map describes the Primary Claim area which the Mi'gmaq of the Mi'gma'gi Mawio'mi assert Aboriginal Title based on the research completed as of June, 2005. This map also sets out a Secondary Claim area over which research on Aboriginal Title is planned in the future.

This map is without prejudice to the rights of the Mi'gmaq to assert further or other claims at any time. This map does not describe the various other areas over which the Mi'gmaq have Aboriginal and/or Treaty Rights.

Cette carte indique la revendication territoriale primaire sur le territoire auquel les Mi'gmaq du Mi'gma'gi Mawio'mi affirment détenir un titre aborigène basé sur la recherche complétée en juin 2005. De plus, cette carte délimite une revendication secondaire sur une partie du territoire qui fera l'objet d'une recherche traitant du titre aborigène s'y rattachant.

Cette carte est sans préjudice aux droits que les Mi'gmaqs pourraient réclamer ainsi qu'aux éventuelles revendications territoriales. De plus, cette carte ne traite pas des secteurs variés où les Mi'gmaq y possèdent des droits ancestraux et/ou issus de traités.



Gespe'gewa'gi : Mi'gma'gi

Presented on June 24, 2005
by Mi'gma'gi Mawio'mi



Illustration: Derek Dale Condo, 2007



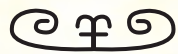
NM'TGINEN



ME'MNAQ EJIGLIGNMUETUEG
GIS NA NAQTMUEG



INTRODUCTION



INTRODUCTION

Weja'tegemgeg wesgijinuitedg Nnu, Mi'gmarwa'j, ne'garw geggung aq e'w'g assusuti siawiangotmn sipu'l, nme'jg, nipugtl, wi'sisg, aq sisipg ula tet Gespe'gewa'gig, lluignegewei maqamigew Migma'gig. Ula assusuti wejiaq Gisu'lg.

Translated: *Ever since the Mi'gmaq were born, we have always had and used our authority to continue to care for the rivers, fish, woods, animals, and birds, here in Gespe'gewa'gi, the Seventh District of Mi'gma'gi. Our authority comes from the Creator.*



As this teaching attests, the Mi'gmaq have always lived, used and occupied the traditional territory of Mi'gma'gi. We have always inhabited this land physically and spiritually. We are a part of, and inseparable from, Creation. We live as part of this constant unfolding of creation in a spiritual relationship with the Creator and the environment.

Under Canadian law, we, as a nation, have Aboriginal Title and Aboriginal Rights that flow from what has been bestowed to us from Creation. Moreover, the laws that guide Mi'gmaq people are different from the laws that direct non-Mi'gmaq people. In the Mi'gmaq worldview, ecological relations informed by spiritual law, whereby all things are already in balance and harmony, governs the world.

For the Mi'gmaq, there is no distinction between oneself and Creation: to harm the earth is to harm family relations. Family is central to the Mi'gmaq worldview. The family is linked to an extended kinship system that is interrelated and interdependently connected with "Ugs'tqamu," which translates into English to mean "forces of Creation."

A Mi'gmaq way-of-life, sustained and practiced over thousands of years, shaped an understanding of territory through which Mi'gmaq principles, values and beliefs about governance, language, culture and land tenure systems have evolved. The Mi'gmaq worldview is based on a holistic understanding of the land: seasons, cycles, water, wind and sky; in turn alliances and treaties affirm these relationships within the territory.

Although we, the Mi'gmaq, have a relationship with all of Mi'gma'gi, our particular place is in the Gespe'gewa'gi district; the Seventh District is home for the Mi'gmaq of the Mi'gmawei Mawiomis. In August of 2000, the communities of Listuguj, Gesgapegiag and Gespeg allied to form the Mi'gmawei Mawiomis. In total, there are eight formally recognized Mi'gmaq communities in the Seventh District of Gespe'gewa'gi. We, the Mi'gmaq have never released, ceded nor surrendered our claim to the land, Mi'gma'gi.

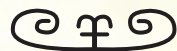
We, the Mi'gmaq of Gespe'gewa'gi, Mi'gma'gi maintain our Aboriginal Title and Rights to the territory through our relationship with the maqamigew (the land), samuqwann (waters), ugju'sn (air) and the musigisg (sky). Through the Mi'gmaq language and oral traditions, we can affirm our continuous occupancy and exclusive use of the territory. Mi'gmaq Elders and

language speakers attest that sites and gathering places, rivers and tributaries throughout all of Gespe'gewa'gi, Mi'gma'gi were named, known and used prior to the arrival of the Europeans. Our language bears testimony to our history within Gespe'gewa'gi, Mi'gma'gi; our language informs us of our relationships with and within the territory. Moreover, through the Mi'gmaq language and oral traditions, knowledge of the territory has been passed from one generation to the next over thousands of years.





MI'GMAQ RIGHTS AND TITLE
IN GESPE'GEWA'GI:
CLAIMING THE FUTURE



MI'GMAQ RIGHTS AND TITLE IN GESPE'GEWA'GI: CLAIMING THE FUTURE



Our Aboriginal Title and inherent right to self-government is not a delegated right, created by the Canadian Constitution. Our title to the land and our inherent right to self-government comes from our relationship with Creation.

We, the Mi'gmaq are committed to the following principles and values in matters of reconciliation and recognition:

To continue to live and govern in accordance with Mi'gmaq laws and visions founded on the following principles: (1) Respect (2) Giving thanks (3) Honour (4) How we are all Related (5) Sharing (6) Responsibility (7) Protocols and Ceremonies.

Ugjit mimajultinew aq assumultinew ta'n telo'lti'gup ne'gaw wejgwa'tegemg aq majjugwatemnen Mi'gmawe'l tplutaqann aq tetapua'taqann st'ge:

(1) Gepmite'taqan; (2) Ta'n telmi'watmg goqwei; (3) Ta'n telmi'waltultimg; (4) Ta'n telwo'gmatultimg; (5) Ta'n telitpi'taqati'gw; (6) Ta'n telmawilsutaqati'gw; aq (7) Ta'n telgegnu'mimajultimg.

The following statements reflect the nation-to-nation relationship envisioned by the Mi'gmaq:

i) *Ugjit siawiangotmnen aq nujo'tmnen gmitginu, ta'n telo'ltimg aq ta'n teliglams'tasulti'gw ugjit nige' aq ta'n wejgwita'jig enmigne'g ulapetaq aq gu'guntaq ta'n te's'g maqamigew, mnigul', ugju'sn, samuqwanl aq we'garw ta'n goqwei maqamigewigtug wejjeppeniaq.*

Translated: *To exercise governing powers and the right to manage the Gespe'gewa'gi territory in accordance with Mi'gmaq values and beliefs so that present and future generations will have access to, and benefit from, the islands, wind resources, waters and marine life, ecology, and all that is created from the land and waters.*

ii) *Melgigna'lujig maljewe'jg aq gigmena, glamen gis siawqatmu'titaq, gislugutitaq, aq me' gisi'assusultitaq Gespe'gewa'gig, Mi'gma'gig. Purwatmu'g na, amujpa mlgignewita'taq mimajuinu'g gina'masutigtug, nipugtl ta'n teliango'tas'g, npisunn, suliewe'gtug, aq amujpa mlgignatew gsaqamarwutiminu, na me' gis siawiangweiasultitesnu aq apoqonmatultitesnu gmitginaq.*

Translated: *We want to strengthen our young people and our families so that they can prosper and become leaders in Gespe'gewa'gi, Mi'gma'gi. To accomplish this we need to increase our capacity in the fields of education, health, forestry management, mining, fishery, economic development, employment and training, administration, leadership and governance; by increasing our capacity, we continue to contribute to the economic and social well-being of our nation.*

iii) Amujpa G'pno'lewaq angite'tmi'tij ta'n tela'taqati'tij te's tplutaqan e'wmi'tij ugjit ta'n telolti'gw Nnu'g, aq ta'n teliasgo'tmi'tij ta'n telinnulti'gw. Amujpa me' G'pno'l jigs'tgl Nnu'eie'l Saqama'wuti'l, aq me' gepmite'tmenew Mi'gma'wei tplutaqan, ta'n telpugulti'gw aq ta'n telins'tasultigw G'pno'lewuti.

Translated: *The government needs to consider how it discounts Aboriginal Title and Rights each time it prescribes policies for Aboriginal people and how that negatively affects our people and our relationships within the territory. Government needs to accommodate and listen to our leaders and show respect for and accommodate Mi'gmaq law and visions of governance.*

iv) Puwalugig Nnusaqamag, Unaqapemua, Gisigu'mimajuinu'g, aq G'pno'l mawgopita'new aq mawiwagnutma'tinew aq ulte'tmenew wi'gati'gnigtug Migmewei Saqama'wuti aq ta'n tujiw o'plagnutma'tim mawiesp'teg Nnu'eie'i aq Aqalasia'wei tplutaqan na teterw Saqama'wuti ugjit ne'sisgl G'pno'luti'l (Federal, Provincial and/or Mi'gmaq Government) usgu'tmnew assusuti aq ilsutaqan, na me' gis siaw witape'wultitesnu Gespe'gewa'gig.

Translated: *The Mi'gmaq leadership and government must sit and jointly dialogue on a plan for Mi'gmaq governance. An intergovernmental structure must be implemented that will, in a culturally appropriate manner, address conflicts which arise around Mi'gmaq and non-Mi'gmaq law and resolve jurisdictional conflicts between the three orders of constitutional governance, Canada, Québec and Mi'gmaq.*

v) Nemitueg gisiulmarwo'ltinenu ta'n te'sijig mimajuinu'g ula gm'tginaq giwtaw, gepmite'ltultinenu ta'n getu'tami wigulti'gw, Nnu'g aq mu Nnu'g, ta'n getu'tlo'lti'tij, ta'n teliassumulti'tij, aq we'gaw ta'n tli'sulti'tij.

Translated: *We envision a harmonious relationship with the surrounding Aboriginal and non-Aboriginal communities within the territory, one that respects each community's cultural, political and linguistic rights.*

vi) Gespe'gewa'gie'wei Saqama'wuti amujpa melgigtuapsig. Puwatas'g siawie'womnenu ugtmlgigno'timinu ta'n teligtuapsulti'gw. Gtu' siawigtuapsultigw na amujpa ango'tmu'g ta'n telie'was'g maqamigew, ta'n telluguti'gw gm'tginaq, aq ta'n telie'was'g suliewei. Ulapetmnenu ta'n te's'g gogwei wejiaq maqamigeg aq ugs'tqamug na me' gis siawiangweiasultitesnug aq gisiilsutesnug Mi'gma'wei Saqama'uti.

Translated: *Mi'gmaq governance in Gespe'gewa'gi must be autonomous and self-sustaining. This requires recognition and accommodation of systems of Mi'gmaq revenue-generation and re-distribution, including resource royalties and access to and control over natural resources sufficient to sustain our governance systems.*

The Peace and Friendship Treaties agreed to by our ancestors with the British Crown affirm our right to envision how we, the Mi'gmaq of Gespe'gewa'gi, live, use and occupy our traditional territory. The Mi'gmaq treaties are treaties of peace and friendship and do not contain any surrender of the Aboriginal Rights and Aboriginal Title of the Mi'gmaq. These treaties are considered inviolable by the Mi'gmaq; the treaties have been upheld by the Supreme Court of Canada.

Furthermore, these Rights and Titles are now protected by section 35 of the Constitution, which reads in part: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." The Mi'gmaq occupied Gespe'gewa'gi before the assertion of sovereignty by the British. We have continuously occupied Gespe'gewa'gi since that time, and our occupation has been exclusive of any other Aboriginal nation.

“The Mi'gmaq occupied Gespe'gewa'gi before the assertion of sovereignty by the British. We have continuously occupied Gespe'gewa'gi since that time, and our occupation has been exclusive of any other Aboriginal nation.”





THE NATIONAL TERRITORY OF MI'GMA'GI



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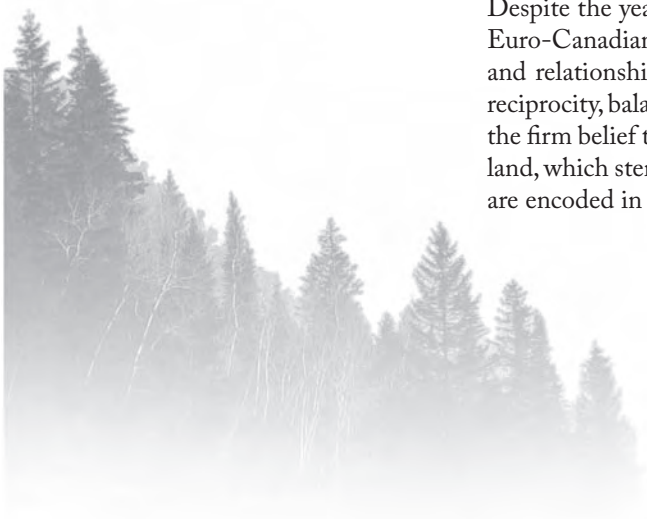
Our Creation story speaks about the formation of Mi'gma'gi and the creation of the seven districts: Unama'gi, Esge'gewa'gi, Sugapune'gati, Epegwitg aq Pigtu, Gespugwitg, Signigtewa'gi aq Gespe'gewa'gi. The name of each of the seven districts contains sounds and descriptions from the land. The Mi'gmaq language is a vital cord that connects the Mi'gmaq, the land, and our ancestors past, present and yet-to be-born.

The territory of Mi'gma'gi encompasses at least what is today known as Nova Scotia, Prince Edward Island, the Gaspé Peninsula and parts of Québec, New Brunswick (north of the St. John watershed), parts of Newfoundland and Labrador, part of Maine and the Islands in the Baie des Chaleurs, as well as their surrounding coastal and marine areas. Mi'gma'gi includes not only these land areas, but also the waters, islands, air and resources of and around them.

The map of Gespe'gewa'gi delineates the accepted boundaries of the Seventh District. Also shown is a secondary claim area on which further research is being prepared. This map does not limit the Aboriginal, Land Title or Treaty rights of the Gespe'gewa'gi Mi'gmaq to this area.

The Mi'gmaq of Gespe'gewa'gi have political relationships with the other districts, and also with neighbouring Aboriginal nations. Relationships at the district level, and at the Aboriginal nation-to-nation level, entail political rights, responsibilities and obligations, which are maintained through specific processes and protocols. As a result of these processes and protocols, the Mi'gmaq of Gespe'gewa'gi have Aboriginal Rights, Aboriginal Title and Treaty Rights in areas beyond the lands and waters of the Seventh District.

Despite the years of colonial dominance, settler encroachments on our lands and imposed Euro-Canadian belief systems, there continues to be a distinct Mi'gmaq perspective and relationship with the territory that is based on the principles of consensus-building, reciprocity, balance and change. Furthermore, our perspective of our territory is informed by the firm belief that we, the Mi'gmaq, have continuous rights, responsibilities and title to the land, which stem from our relationship with all of Creation. Our rights and responsibilities are encoded in our language, oral traditions, political processes and protocols.





MI'GMAQ WORLDVIEW:
ORAL TRADITIONS, LANGUAGE
AND TERRITORIAL
RESPONSIBILITIES



MI'GMAQ WORLDVIEW: ORAL TRADITIONS, LANGUAGE AND TERRITORIAL RESPONSIBILITIES

i) Mi'gmaq relationships with all of Creation



G *e's mu wape'g waqei pegisinugeg tet gi's ne'gaw Mi'gmaq eig aq negaw assumit elg etli'assuteget ula Gespe'gewa'gi.*
Translated: Long before the arrival of Europeans, the Mi'gmaq have occupied, used and governed within the district of Gespe'gewa'gi.

For many Mi'gmaq, their relationship with Ugs'tqamu (all of Creation) is sacred. This sacred relationship is confirmed at birth. For instance, when a Mi'gmaq child is born the Elders say: "ugs'tqamuit" which comes from the verb ugs'tqamu, the Mi'gmaq word for Creation. Ugs'tqamu is a verb that says: "we are becoming a part of this world and all of Creation before and now."

In Mi'gmaq, our relationship with the land is described by the Elders this way: "Ne'gaw wejimimajulti'gw gmaqamigeminu," which translated means: "we've always lived from our land." Elders, traditionalists and resource-users teach that Mi'gmaq ways of governing and managing our traditional territory are based on Mi'gmaq peoples' experience and understanding of territorial relations.

In the following passage, a fisher of Listuguj describes his understanding about the land. Taught to fish by his father, by the age of nine he 'knew this was in his heart':

Mu na wen assutmug, iga'lugsi'gup ugjit nspultinen, pas'g na nespulti'gw. Ap igtig generation pisgwa'q nespit. Pas na angite'tmn, ta'n goqwei wejgislueigw ginu assutmug maqamigerw, mu na tel-mean-ewinug apajipuatmu'g, because giasgi'wiglug angite'tmn Gisu'lgigtug lien aq menaqajuei angite'tmn, teliaq teluej Pa'pi: mu assutmug maqamigerw, pasna migwite'te'n wape'g wa'qi, negmow teluet 'assutm, ni'newei' tal gis thuet negmow ni'newei, mu egunmug right thuen na, ni'newei. Ta'n wen gisteluetew, me' ijga' mesgi'g gisteluetew ugjit, na ginu, muta eimu'ti'gup, wesua'tugsi'gup. Ta'n te's'g goqwei, gaqigsua'tugsi'gup, maqamigerw, resource-l, gaqa'tu'titeg. Mu egunmug goqwei.

Translated: Nobody owns [the land]. We are put here to take care of the land, we are just caretakers. And when another generation arrives, they become the caretakers. However, if you think about it, why I say we "own" the land, I don't mean we want it back because if you look at it properly and think about it, if you go to "Gisu'lgigtug," Creator, and think about it rightly, it's true what they say, we don't own the land. However, White people, he says: "He thinks he owns it...It's mine." How can he say it's his? He has no right to say that, that it's his. The only one that can say that a little more is us, because we were here first and they took the land away, everything. They took everything; land, resources, finished it. We don't have anything.

According to another Elder from Gesgapegiag, with rights come responsibilities:

Mu na pas'g right egunmug nnue'gatig, egunmu'g right ms't tami weg'tigemg [st'ge] crown land, aq mu na pas matnagg'tiweg ugjit pas plamu, matnagg'tieg muta ge'itueg right egunmeg, aq ta'n tujiw right egunmen na amujpa e'wumn aq protect-ewa'tu'n'l, mu wen giasgiw ignmuaat ugsua'tnin ta'n goqwei giasgiw gi'lewei.

Translated: *Our [Mi'gmaq] rights are not confined to the reserve. You have rights everywhere including for instance, on Crown lands. In our struggle for rights, for instance in the fishery, we know we have rights, and when you have a right you have to use that right and protect that right. Nobody can take away what is really yours.*

According to Mi'gmaq Elders, Mi'gmaq rights and responsibilities extend to the whole Mi'gmaq territory.

Through the Mi'gmaq language, oral traditions and ceremony, knowledge of the territory is passed from one generation to the next; these processes and protocols affirm our rights, responsibilities and title to the territory.

ii) Relationships within the living territory of Gespe'gewa'gi: Spiritual nature

For the Mi'gmaq of Gespe'gewa'gi our relationship with Ugs'tqamu is the foundation of all Mi'gmaq teachings, which in turn are the basis of our rights, responsibilities and title to the territory. In Mi'gmaq, "Gisu'lg iga'lugsi'gup ugjit ango'tmenen maqamigew. Gnngi'gwinaqi'g eimu'tipnig aq ne'gaw wetaqia'ti'gw ula maqamigew," which translated means: "we were put here by the Creator to care for the land. Our ancestors were here and we have always belonged to this land."

Laws, governing principles and philosophies are founded on a living, changing and adapting relationship with the territory. For instance, Mi'gmaq ceremonies affirm protocols and processes with respect to:

- How best to live with the land through our sacred relationships;
- Recognition that all inhabitants have a spirit; and
- Emphasizing that each individual enters Creation with a unique gift.

From our ceremonies, which are based on a spiritual relationship with the territory, we maintained peace and harmony within our nation in our traditional territory.

An Elder from Gesgapegiag spoke about our ancestors who open the pathway for us:

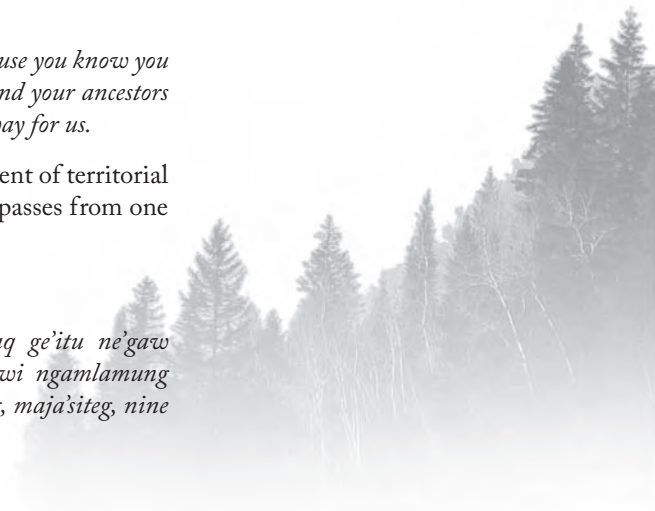
[Plamugwemg wesgu'tg teluet]...nige' Cultural value aq traditional value mesgi'g eteg na'te'l, muta ge'itu'n geggunmn gistla'tegen, aq gis tla'tegetes muta gi'l nnuin, muta gigmaneqi'g ugmaltemuow iga'tu'tip, aq amujpa ma'mungepmite'tm'g na, muta negmow gis panta'tugsi'gw awti.

Translated: *There is a strong cultural and traditional value to fishing, because you know you have a right and you can use that right, again, because you are Mi'gmaq and your ancestors put their blood there. You have to respect this because they opened the pathway for us.*

Elders emphasize that families continue to remain central to the management of territorial spaces. Knowledge, including responsibility about managing these spaces, passes from one generation to another in a living, changing environment.

In the words of an Elder,

Mesgi'g na geggunm na nunjig ta'n goqwei usgaqan, mu ejigla's'tnug, aq ge'itu ne'gaw ngamlamung eteg, ge'itu geggunm right ugjit usgen, gi's ne'gaw teli-feel-ewi ngamlamung ne'gaw ge'itu, ginu gmt'ginu la, ne'gaw gegina'muitaq nujjiaq, aq tujiw nepgeg, maja'siteg, nine tetuje'iap, na ni'n siarwa'i, siawiwsgai.





Our relationship with the territory is spiritually based, with all things in a constant process of balance, harmony and flux.

Translated: *I still have it in my mind what fishing is; it doesn't go away. I've always known I had it in my heart we have a right to fish. I've always felt that way. In my heart, I've always known. This is our territory. My father always taught me. Now when he died, when he left majsiteg, I was nine, I kept going, and I kept fishing.*

The Elders teach that the land keeps families connected and is the basis of who we are as Mi'gmaq. For instance, one Elder from Gesgapegiag described how we have always used the river systems for our livelihood:

[Translated]: *Even though our kids go to university, they come home to guide, they make their living from the sipu (river), like my father, my grandfather, as well as my wife's family. It is the source of our "mimajuaqan", our livelihood, the sipu keeps our family connected and who we are as Mi'gmaq. "Me' newte' wejmimajultieg na'te'l", which means we have always used the river system as the basis of our livelihood.*

The Elder also emphasized his family's connection with the fishery,

Gis sa'q wesg'tieg plamuei, pana nige' tluenej mimajuaqan weja'tueg gis sa'q plamuei, muta ne'gaw st'ge nmijgamijaq, nte'pitem ujja, aq ni'n nujjag, etliw'sgtipnig Gesgapegiag aq Waqam'tgug, etlia'lutasultipnig, na tluenej ap ugmimajuaqannmuow weja'tu'tij na'te'l, plumawitug.

Translated: *Since time immemorial, we have made a living from the fishery, just like my grandfather, my wife's father, my father. We made a living from fishing in Gesgapegiag and at Waqam'tgug they 'guided' and made their living from the 'fishery'.*

iii) Significance of the territory: Nm'tginen and our responsibilities

Migmewigtug na geggnu'tmulg ta'n telia'sutman aq ta'n tlhmites ta'n goqwei mu nemitmg, st'ge gjijagamij aq Gisu'lg. Na'te'l wejigweg ta'n teliga'lugsigup Gisu'lg elg ta'n teliango'tmn aq tetapua'tmg ms't goqwei. Iga'lulug ujigt gamutmn ta'n telpma'timg. Na na'te'l wetaqiaqal g'p'no'lewe'l aq saqamaruti'l.

Translated: *The territory is integral to the worldview of the Mi'gmaq; our worldview is predicated on the idea that the world is alive and by living with the four elements of Creation: land, water, air and sky, we the Mi'gmaq of Gespe'gewa'gi accepted our responsibilities to our territory and with each other. From these responsibilities, emerge systems of governance that are best understood through the Mi'gmaq language, stories, songs and traditions.*

The foundation of Mi'gmaq law, order and governance is the territory. Our relationship with the territory is spiritually based, with all things in a constant process of balance, harmony and flux. Governance is a lived, continuous and everyday way-of-life.

An Elder from Gesgapegiag emphasized the importance of taking care of the places from which we get our sustenance. For instance, when discussing the pgumane'gati'l (the berry places), which the Gesgapegiag territory is known for, she said:

Gat amgwes ala, st'ge nige' nujjag ge's wele'geg na steti na nipugt musigte'g, aq na ula pugsugu'tl na getantoqol a'? Musigte'g na steti, egel telgi'g na pilel, aq pugsugl ap gmetug elagutigl, gat nige' mu nugu' wen tela'tug na pa nipugt, nige'. Aq gaqigs'ga's'g goqwei, gat amgwes, o' pana pgumann, gmu'jming, glitaq, pana waju'aqap nipugt. Malipqwanjl, aq ula telu'tmi'titl masgwe'simann, elpana temo'tuegl nipispaqann pana telpitaqal i'petateituegl.

Translated: *In my family, it was my father's responsibility to take care of some of these berry fields. When my father was well, he would regularly clear the woods, take all the wood out, clear the whole field. This clearing and trimming was done to make sure that the woods remained full of strawberries, raspberries, hazel nuts and masgwe'simann.*

The Elder also gave other names of individuals who also had "their woods," telling us that our territory was shared; other families in the community also had responsibility for the

maintenance of the territory. She spoke about the abundance of these berry places in Gesgapegiag:

Pgumane'gati, tet nnue'gatiqa? Ula tet nipugtug, ula pa tet nupugtug, o'pana tetuji pugwelg'p pguman. Pana telpitaqsegl na, pana enmagsegi'gl na nige' ala' telui'tm'g gisigu Lui Guntew teluisipnaqji'nmaq, "ugnipugtm", lpa pgumann waju'aqap, gmu'jming lpana telpitaqsijig. Lpana ni'n, steti mewisi, na tet pa etlgaqtepte'm gesigewei, pasgoqsign na nipg na mewisi na gmu'jming aq na nige' na pgumann. Pana tewjiglug'pneg tet nipugtug pgumann aq gmu'jming, aq glitaq.

Translated: *There were abundant berry fields here in the woods. That high and spread all over...over there they called that old man Louis Condo's place, "his woods", it was full of berries, and raspberry bushes that high! I would get all my berries for the winter, and of course jam for the summer. I would gather berries and cherries, they were the finest here in these woods; berries, raspberries and strawberries.*



iv) Governing principles: Connection to land

The Mi'gmaq had, and continue to have, a relationship with the maqamigal (the lands), sipu'l (rivers), the nipugt (forest), ugju'sn (air) and musigisg (sky). Over the millennia, the Mi'gmaq studied the behaviour of life forms within Gespe'gewa'gi: the animals, the plants, the sun, the moon, the earth and the seasons in order to develop an understanding of the dynamics of Ugs'tqamu (Creation). From this understanding of the land, social and political systems emerged.

An Elder from Gesgapegiag spoke about respecting the land for the generation to come:

Aq ge'itmite'tman goqwei, mu pas'g ge'itmite'tmu ugjit gi'l gisgug, gepmite'tm ugjit ta'nig ula wejgwita'jig, gnngi'gwinaqi'g, na ninen ne'gaw teliangita'sultiq, ula nige' wejgwigutijig, ta'n telo'tmi'tij na gi'tutesnug twenty years time.

Translated: *When you respect something, you don't respect it just for today. You respect it for those who are coming, our children. This is what we've always believed. These generations coming will show us the benefits of this understanding.*

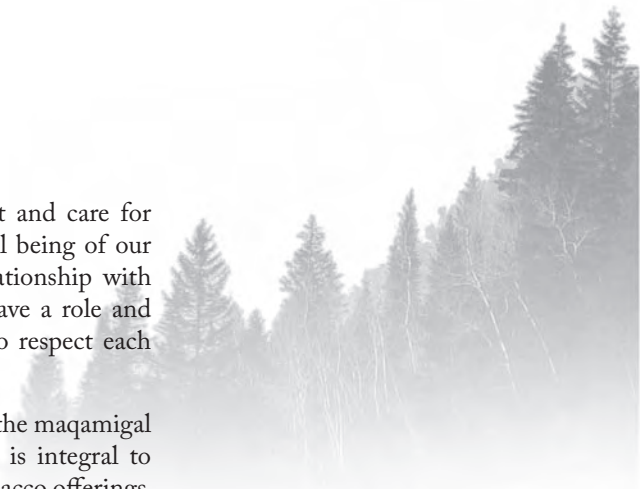
From our relationship with the territory, land tenure systems, along with ways of governing, emerged. These distinct cultural practices and ways of governing are encoded in the Mi'gmaq language, stories, songs and oral traditions.

The following principles are the foundation of Mi'gmaq governance:

1. **Gepmite'taqan;**
2. **Ta'n telmi'watmg goqwei;**
3. **Ta'n telmi'waultimig;**
4. **Ta'n telwo'gmawultimig;**
5. **Ta'n telitpi'taqati'gw;**
6. **Ta'n telmawilsutaqati'gw;**
7. **Ta'n telgegnu'mimajultimig.**

Gepmite'taqan - Respect: In our territory children are taught to respect and care for all beings within the territory and the importance of maintaining the well being of our homeland. We learn from our Elders that respect is integral to our relationship with the land, with each other, our ancestors and all beings. As such, we all have a role and responsibility, politically and spiritually, to get along; we are all obliged to respect each other's gifts or responsibilities.

Ta'n telmi'watmg goqwei - Giving Thanks: The Mi'gmaq recognized that the maqamigal provided and continues to give all the necessities of life. Giving thanks is integral to maintaining a balanced relationship with Creation. Specific ceremonies (tobacco offerings,



feasts, honour songs, naming practices, sweat lodge ceremony, among others) teach about humility, gratitude, and respect in terms of how we take care of each other, including the use and occupancy of our territory.



Ta'n telmi'waultulming - Honour: For Mi'gmaq, honour plays a large role in an individual's sense of responsibility to his or her family, community and nation. The honour of an individual represented the honour of his or her nation. Individuals with the gift of a big heart were spiritual and on many occasions were great healers as well. Traditionally, these few typically became the leaders of families and clans. They utilized their gifts, the wisdom of the Elders and community knowledge in order to survive and prosper in an ever-changing environment.

Ta'n telwo'gmawtulming - We are all Related: In Mi'gmaq, the Elders say "Ta'n telwo'gmawtulming," which speaks of our political beliefs that we are all related, interconnected and dependent upon one another. Ta'n telwo'gmawtulming recognizes all of our relations within creation and emphasizes the importance of respect. Governance is based on this principle of decentralized governance and shared authority in which no one individual, family, community or nation's needs dictates or determines the needs of another. Agreements are entered into for the purpose of extending our interconnectedness and interdependency with each other.

Ta'n telitpi'taqati'gw - Sharing: The Nation – through extended family systems – is responsible for the territory. For the Mi'gmaq, governing is not about dominating the cycles of life or distributing scarce resources. Rather, management is about sharing responsibilities and fulfilling obligations to extended family kinship systems and all of Creation and in so doing resources remained abundant for the benefit of future generations.

Ta'n telmawilsutaqati'gw - Responsibility: Among families and communities within the district, it is expected that decisions about land use and occupancy will be made through open deliberation. Each individual (community, district and nation) is responsible for sharing his or her understanding of the land, and is expected to listen to another's needs. There is an expectation that through consultation and consensus-building, we come together as one mind. In this way, responsibility is a lived and practiced way-of-life.

Ta'n telgegnu'mimajulming - Protocols and Ceremonies: Through protocols and ceremonies, tplutaqann (laws), are recognized and transferred with obligations and rights for all those who participate in rebuilding the Mi'gmaq nation. Protocols and ceremonies recognize and affirm one's responsibilities to the territory, to each other, to the past, present and future generations. At these times, gifts are exchanged in order to mark the relationship among the peoples and the responsibilities towards the land and all of Creation. For instance, Elders agreed to a treaty or proclamation by the smoking of the pipe. To the Mi'gmaq, when the pipe is joined and the tobacco is lit, we are in essence unifying the physical and spiritual realms of our territory. When the Mi'gmaq smoke the pipe, giving thanks to Creation, the sacred treaty agreement is understood and agreed upon by the parties; that is we are giving life to a new vision for the territory.

v) Duality of Mi'gmaq governance: Taking Advantage of Colonial Systems

The Mi'gmaq worldview, our relationship with the land and the principles that inform our ways-of-governing have adapted and changed through our relationship with colonial structures and Euro-Canadian settlers and their differing political and governing structures. In some instances, the Mi'gmaq developed ways to govern that sought to blend traditional concepts and practices with colonial structures. For instance, the Mi'gmaq were not prepared to accept a replacement of our political system, but attempted to enhance our traditional governing structure through the Indian Act election system.

The Mi'gmawei Mawiomi is an alliance of the Mi'gmaq communities of Gespeg, Gesgapegiag and Listuguj, formed by a political accord signed in 2000 by the duly elected chiefs and councils of our nation. The Political Accord of 2000 recognizes our distinctiveness as a people with a common history and a common vision of our future and recognizes the need

to work together in order to strengthen our communities' rights and our treaty relationship with the Crown for the betterment of our people and their respective First Nations.

The political union of the Mi'gmawei Mawiomi is based on pre-sovereign, pre-contact governmental structures. The Mi'gmawei Mawiomi recognizes the autonomy of each First Nation community in the district and recognizes Mi'gmaq systems of resource management (based on the worldview principles described above).

Moreover, the duality of the two systems is evident at events such as annual assemblies, feasts and traditional gatherings, whereby Indian Act elected leadership (chiefs and councils) work within traditional governing processes. In this way, the leadership, elected through the Indian Act, is still guided by - and is expected by the community to abide by - traditional principles of governance. Also, the Mi'gmaq continue to articulate our own vision of territorial governance allowing for expression of Mi'gmaq self-government, self-determination and the protection of Mi'gmaq territory, leadership, family, community and nationhood.

Our ability to sustain our relationship within our territory has been affected by colonial policies. For instance, in Gesgapagiag the riverbeds of the Cascapedia were illegally leased out to third party interests. Because of the leases, "nutgolutpnig Mi'gmagewaq," or in English: "we were forbidden and harassed from using the river system as a source of our livelihood."

As a result of Canada's imposed vision of governance, and the subsequent denial of Mi'gmaq Rights and Title to our traditional territory, Mi'gmaq laws, regulations and policies have been disrespected and violated, leading to hard feelings on both sides of the political and legal river; as expressed by a fisher in Listuguj:

Aq gisgug mu netage'iu teluen mu geggunmuaq respect ugjit SQ gisna ta'n pas tellugwet wape'g wa'qi tplutaqang, mu geggunmu respect, mesgie teluen na pas'g na teli-feel-ewi ni'n na, aq mu geggunmi'tigw respect ugjit ginu gtplutaqanminal, geggunmu'gul ne'gaw gtplutaqanminal ginu, st'ge pa negmow. Negmow pualugsi'gw respect-ewa'tnen ugtplutaqanmual pas ginu, mu getu tla'taqati'gw ugjit ginu.

Translated: *And today I am not ashamed to say I don't have respect for SQ [Sûreté du Québec] or for the White man's laws. I have no respect, I am sorrowed to say this but that's how I feel, because they have no respect for our laws. We have always had our own laws, just like them. They want us to respect their laws, but what about us!*

In our efforts to reconcile Aboriginal Rights and Title with the Crown, we, the Mi'gmaq, are often asked to demonstrate and explain our Rights and Title to the land - and its resources - from a non-Mi'gmaq perspective. For instance, when conflict arises, particularly around salmon fishing and the management of the fishery, the debate is usually between the federal and provincial authorities as to who has jurisdiction to the land and adjacent waters, and, subsequently, how will they (the provincial and/or federal authorities) reconcile Aboriginal Rights and Title. The debate raises cultural questions about exclusive ownership and, in this instance, the displacement of Mi'gmaq from the river system.

For instance in Gesgapagiag and Listuguj, the Elders question how anybody can own the water:

Ap na na'te'l matnaggewaqan wenaqieig, aq tal gisiassutew wen samuqwan, tal gisiassutew wen river bed, tal gis tliatew na? Ni'n ne'gaw pugwelg ta'n gogwei getlams'tm, mu wen assutmug samuqwan. Aq ninen mu telua'tiweg'p, ni'n assutm mussewji'j, ms't wen wetapesij na sipu.

Translated: *When these [fishing] conflicts arise, often it is about who can "own" the waters. How can anybody own the 'river bed', how can that happen? I believe many things in my life, one of them is, no one owns the water. We don't say 'I own a piece of the river', when everyone is supposed to benefit from the river system.*

Historically, however, there has been a disregard for Mi'gmaq rights and title, and our responsibilities to live, use and occupy the territory for the benefit of our extended families, communities and the broader territorial district. The Mi'gmaq continue to advocate for,



and practice, a distinct vision of governance within the territory based on Mi'gmaq land-tenure systems, social laws, economic visions, environmental knowledge and our distinct ways-of-knowing

vi) Mi'gmaq use and exclusive occupancy in Gespe'gewa'gi

We have occupied, used and lived in and of Gespe'gewa'gi continually since time immemorial. We have Aboriginal Title to Gespe'gewa'gi and can exercise Aboriginal Rights and Treaty Rights throughout Gespe'gewa'gi. These rights flow from our ancient use and occupation of the territory, our relationship with Creation and from our treaties with the Crown.

The Mi'gmaq of Gespe'gewa'gi continue to learn from the oral traditions of Elders, language holders and traditional knowledge keepers about the flux of Creation. The following oral teaching is from Gesgapegiag. This oral teaching is one among many, which attests to a holistic worldview and a sacred relationship with the land and all of Creation:

To the East, the land of the eagle, and the rising sun, there are the medicines of sweetgrass, muskrat root, tobacco, and teas from various plants. There is also shellfish, whale, seal, and other species.

To the South, the land of the turtle, and mid-day, there is the warm salty bay, where Mi'gmaq have used for preserving foods for the winter months, more often salt from the bay was used as an antibiotic medicine. It is the direction where the salmon, bass, eel, and other water species come. Other species during the late part of summer could be seen such as the otter, geese, mallards, and the turtle.

To the West, the land of thunder and of the setting sun there is much to be had. The swamplands provide with plants of medicine, food, and shelter. The medicine of the wetland consists of sweetgrass, cranberry, alder, and other species. The food the west of Turtle Island provides is potatoes, corn, wheat, and other grains, deer, elk, and porcupine, which [were] used for food, clothing, and crafts. Cedar, spruce, juniper, and poplar were also abundant for the Mi'gmaq to use.

To the north, land of the Bear, caribou, beaver, moose, and other fur bearing animals were also available to the Mi'gmaq use.

[This oral teaching describes] the Gesgapegiag River, [which] was the ... provider for transportation in hunting, fishing, and harvesting, for this is the place where maple trees provided for maple sugar in spring of the year, the black ash provided for baskets and snowshoe frames, birch provided bark for canoes, dwellings and household items such as cookware. The toboggan was also made of birch wood strips. Along the shores of the Gesgapegiag river the Mi'gmaq harvested foods such as: fiddleheads, mint, hazelnuts and bush cranberries.

The social, political, spiritual and economic systems of the Mi'gmaq of Gespe'gewa'gi were holistic and based upon an understanding of the four directions and the differing seasons. As indicated by the oral teaching from Gesgapegiag, the coastal and interior areas were well-known and used for medicinal purposes, food, shelter and trade within and between nations. Land use and occupation was based upon a respect and knowledge of the changes within Creation. Extended families maintained balance and harmony through specific processes and protocols.

Through these processes and protocols, oral traditions and the Mi'gmaq language, responsibilities and rights to the land, the waters, the air and sky are encoded and passed to the generation not yet born.

As described in the oral teaching above, extended families traveled inland in order to hunt, fish, trap and gather resources and materials so that "ta'n teliangweiatiulti'gw," that is "how to best take care of each other". By using the river systems of the territory, and numerous canoe routes (along the shores as well as in the coastal areas), the Mi'gmaq named and used the medicines, plants, foods and animals from the four directions and from all elements of Creation: earth, water, air and sky. Mi'gmaq place names of rivers, gathering sites, plants and animals, coupled with Mi'gmaq processes and protocols, affirm both the use and occupation of nm'tginen, our territory.



In addition to the Maqtugweg (Gulf of Saint Lawrence) and the Mawi Paqtapeg (Baie des Chaleurs), the interior of the Seventh District is traversed by a dense network of waterways. The major rivers are easily navigable. Toboggan, birch bark canoes and snowshoes were among the technologies developed and utilized by the Mi'gmaq in Gespe'gwa'gi. The valleys of the major rivers are wide, and contain fertile intervals and islands. Sweetgrass, fiddleheads, mint, salt, cranberries, clams, hazelnuts and strawberries: the land was well-known and used; areas "were chosen for their richness."



Nm'tginen was well known, used and named; and our rivers were numerous:

Gaqtugwawei (Thunder), Galipuei (Caribou), Wowgwisewei (Fox), and the Dartmouth, York, and Saint John (gigiw Gespe'g etegl) all flow in the eastern and northeastern direction. The Waqamatgug (Bonaventure), Gesgapegia'jg (Cascapedia), Tlapataqanji'jg (Nouvelle) and the Winpegijug (Nipisquit) flow west into the Mawi Paqtapegigtug (Baie des Chaleurs). The Getnig (Restigouche) allows entrance into the Appalachian Plateau, flowing westward towards the Walustugewei Sipu (Saint John River), Maliseet territory. As well its main tributaries continue to be known by their Mi'gmaq names: the Matapegiag (Matapedia), Apse'tgwe'jg (Upsalquitch), Patapegiag (Patapedia) and Metamgetjuig (Kedgwick).

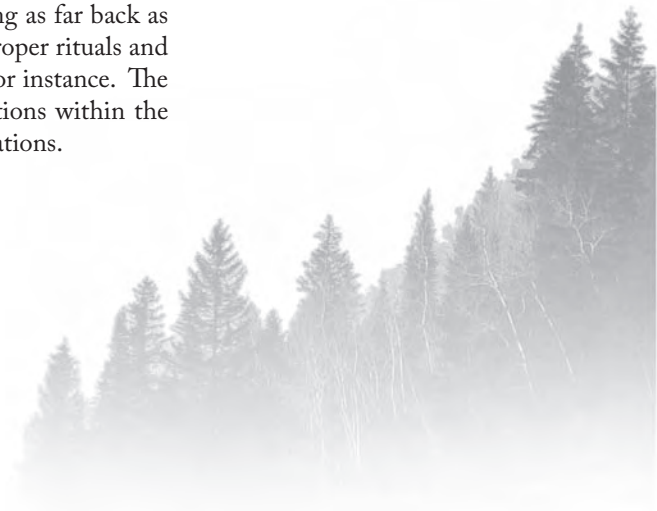
The Magdalen Islands, Anticosti Island and other islands were frequented by extended families, in order to hunt seals and walruses, and to harvest other resources. Marine mammals – their oil and skins – were important components of the Mi'gmaq political, social, spiritual and economic systems.

We, the Mi'gmaq of Gespe'gwa'gi had, and continue to maintain, an intimate knowledge of the territory. Our social, political, and spiritual processes and protocols allowed for full and plentiful ways-of-living: planting and harvesting foods, hunting, fishing, medicines, gathering materials for household items, travel technologies, clothing and our homes.

Our worldview, which emphasizes balance and harmony, and ta'n teligtuapsultigw, (how to best take care of each other) also enabled the development of extensive mercantile activities across an extensive trade network of alliances among extended family groups in Gespe'gwa'gi, among the other districts and with other Aboriginal nations.

From oral history we learn about relationships both within Gespe'gwa'gi and among other nations. Our leaders remind us about the protocols, the agreements and the treaties that we have with the Maliseet, Penobscot, Passamaquody and the Mohawk dating as far back as the last millennium. The Mi'gmaq Nation recorded treaty relationships, proper rituals and agreements in our symbolic literacy through wampum belts and strings, for instance. The Mi'gmaq have a unique and distinct political relationship with other nations within the Wabanaki Confederacy, and with other Aboriginal and non-Aboriginal nations.

“By using the river systems of the territory, and numerous canoe routes (along the shores as well as in the coastal areas), the Mi'gmaq named and used the medicines, plants, foods and animals from the four directions and from all elements of Creation: earth, water, air and sky.”





DENIAL AND VIOLATION OF
MI'GMAQ RIGHTS AND TITLE
IN GESPE'GEWA'GI, MI'GMA'GI



DENIAL AND VIOLATION OF MI'GMAQ RIGHTS AND TITLE IN GESPE'GEWA'GI, MI'GMA'GI

Since the first Europeans approached the shores of Gespe'gewa'gi there has been an infringement upon the traditional lands, the values and the beliefs of the Mi'gmaq Nation. With his crew, Jacques Cartier planted a cross in Gespeg on July 24, 1534. In so doing, he symbolically claimed an interest to our lands in the name of the King of France. In the 1700s, the kings of France and Great Britain purported to divide up portions of our land between their countries by way of international treaty.

Centuries ago, European countries presumed that they had some right, as between themselves and without our involvement or agreement, to stake claims to our land and then to transfer those claims among themselves. This same absurd European philosophy of claiming sovereignty over a territory, lands that have not been ceded, surrendered nor lost to the Crown, continues to direct government policy and industry action. Unjustly for the Mi'gmaq Nation, this approach has prolonged the denial of Mi'gmaq Rights and Title within our ancestral lands, the Seventh District of Mi'gma'gi.

“The Mi'gmaq Nation's ability to exercise self-determination within traditional lands was substantially restricted by governmental policies that supported and tolerated encroachment on Mi'gmaq lands.”

The claim of Europeans to our land in the 1600s had no significant impact on our lives. Although he planted a flag purporting to claim land, Jacques Cartier did not establish a permanent home for European colonists. The Mi'gmaq Nation continued to occupy and use the land according to Mi'gmaq value systems, beliefs and principles.

However, over the years more Europeans began to settle on Mi'gmaq lands and chose not to respect the Crown promises contained in the treaty relationship. Our lands and resources have been exploited. Forestry, minerals, oil, and tourism: these ventures distanced the Mi'gmaq from our ancestral lands. A settler/colonial society gradually expanded to the detriment of the Mi'gmaq Nation. Colonial processes were facilitated by Canadian legislation, including the creation of Indian reserves, and the enactment of the federal Indian Act. The Mi'gmaq

Nation's ability to exercise self-determination within traditional lands was substantially restricted by governmental policies that supported and tolerated encroachment on Mi'gmaq lands.

Although the policies, regulations and legislation have been detrimental, we, the Mi'gmaq, have continued our relationship with the lands, living through the resources that maintain the social, political, spiritual and economic well being of the nation. Respect is practiced and maintained for the Mi'gmaq language, oral traditions, cultural teachings and extended family systems of Gespe'gewa'gi.

Despite the unilateral assumption of sovereignty over the territory and its resources by the colonial governments there has not been any extinguishments of Mi'gmaq Rights and Title to our ancestral territory; our Rights and Title are constitutionally protected under section 35 of the Constitution Act of 1982.

Wind, oil, gas and forestry: both levels of government allow for the exploitation of the resources of our lands without proper consultation or accommodation of the Mi'gmaq Nation.

These explorations continue and, to this day, forest companies, for instance, harvest thousands of cubic meters of wood on the Gespe'gewa'gi territory without permission from, nor accommodation of the Mi'gmaq Nation. This is a direct violation and infringement of our Aboriginal Rights and Title.





CONCLUSION

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CONCLUSION



We, the Mi'gmaq of Gespe'gewa'gi, have formally advised government that we find this breach of our constitutional rights to be intolerable. Regrettably, there remains a colonial attitude towards Mi'gmaq Rights and Title by the Crown.

The Crown is fully aware of the credible and substantive assertions of the Gespe'gewa'gi Mi'gmaq of Aboriginal Rights, Aboriginal Title and Treaty Rights. The Crown, both federally and provincially, has an obligation to consult with the Mi'gmaq and to accommodate and recognize our Rights and Title. Government can no longer take a minimalist nor an adversarial approach to our Rights and Title, acting only when required to by a court of law. The honour of the Crown requires much more. The Crown must immediately cease their constitutional breaches of their duties and obligations to the Mi'gmaq. The Crown must fulfill those duties and obligations through proper and respectful processes of reconciliation.

However, if our spirit of peace and friendship is rejected by government, then we, the Mi'gmaq of Gespe'gewa'gi, are committed to act in order to protect our Rights and Title in the Seventh District of Mi'gma'gi. We have always lived in this territory, and we will always be part of this land. We have a sacred responsibility to forever protect our relationships within our nation and with our lands for the respect and honour of our ancestors, our Elders, our communities and our children.

“We have always lived in this territory, and we will always be part of this land.”

In Listuguj, on June 22, 2005, five pipes were lit uniting nine Mi'gmaq leaders – of the Mi'gmawei Mawio'mi, the Saqamag aq Unagapemua (chiefs and councils) from the district, and the Sante Mawio'mi (Grand Council) of the Mi'gmaq Nation. The signing of the

Gespe'gewa'gigewei Saqamawuti Proclamation by elected representatives, witnessed by Gji-Saqamaw (Grand Chief) Ben Sylliboy, voiced the desire of the Mi'gmaq of the Seventh District to “strengthen Mi'gmaq Rights and Treaty relations.”

The Saqamawuti Proclamation is an assertion to government and industry of the minimum requirements of the Gespe'gewa'gigewei Saqamawuti.

There must be meaningful consultation, accommodation and compensation for the Rights and Title of the Mi'gmaq in relation to resource and other developments within our ancestral territory. Our position, with respect to Rights and Title, is articulated in the Proclamation:

The Mi'gmaq have Aboriginal Rights and Title in and over Gespe'gewa'gi, the Seventh District of the Mi'gmaq Nation, which we have never ceded nor surrendered and have a special relationship, traditionally, spiritually and culturally, with its lands, islands, air, waters and natural resources, the bounty of the Creator.



ACKNOWLEDGEMENTS REMERCIEMENTS

Ne'gaw gisigu'mimajuinu'g telimugsi'gwig:
gepmite'te'n ta'n telinnuin, ta'n telinnultigw,
aq nnuieiei gtlams'tasuti aq ns'tasuti.
Puatas'g gepmite'tmnenu maqamigew ta'n
teliango'tmu'g aq ta'n teliangweiatulti'gw.
Ula wi'gatign ewi'gas'g nnuigtug muta
gtli'sutiminaq me'gisulins'tas'tew gm'tginu
Gespe'gewa'gi ta'n teliangite'tmu'g.

Ula wi'gatignigtug wesgu'tas'g ta'n
telmawmimajulti'gw ugs'tqamu, ta'n
maqamigew teliango'tmu'g aq ta'n
telialsumsulti'gw. Nige'glapis gisiasitemug
G'pno'l tliman ta'n wen giasgiw me'
assusit Gespe'gewa'gig.

Wela'lieg gisigu'mimajuinultioq,
e'pitewultioq,ji'nmewultioq,gigmenaq,
niganpugultioq, maljewe'jultioq, aq
gilew tli'sutie'jg, ta'n teliapoqonmuieg ula
wi'gatign telinnu'wi'gmu'g.

Wela'lieg Migmewaq

Through a Sacred Ceremony held in Gesgapegiag,
2006, our Mi'gmaq spiritual elders gave us the
permission to share the story of our People as read
in the *Nm'tginen*.

Their teachings direct us to speak of our rights
and responsibilities to the land in terms of
nurturing our mother, the earth and her
lifeblood to sustain the wellness of our body,
mind and spirit. The voices of our elders,
youth, knowledge keepers and leaders are
held within these talking leaves.

We recognize and acknowledge the
collective hands that made the *Nm'tginen*
possible. Our teachings require us to say
Wela'lieg to each one who shared knowledge,
stories, Mi'gmaq history, historical facts
(written and oral).

We give thanks by holding our hands out to
you with this Mi'gmaq territorial indigenous
medicine, sweetgrass.



