

Gespe'gewa'gigewei Saqamawuti

JOINT PROCLAMATION OF THE GESPE'GEWA'GIGEWI SAQAMAWUTI ON THE DUTY TO CONSULT AND ACCOMMODATE THE MI'GMAQ

WHEREAS:

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 or surrendered and have a special relationship, traditionally, spiritually and culturally, with its lands, islands, air, waters and natural resources, the bounty of the Creator.

The Mi'gmaq of Gespe'gewa'gi entered into a nation-to-nation Treaty relationship with the Crown based on peace and friendship which confirms our Rights, including our right of self-government and the right of trade to achieve individual and community self-sufficiency.

The duly elected Chiefs of Esgenoopetitj, Ge'goapsogog, Gesgapegiag, Gespeg, Listuguj, Metepenagiag, Natoageneg and Ugpi'ganjig are the Gespe'gewa'gigewei Saqamawuti, a political coalition of the Seventh District of the Mi'gmaq Nation working together to strengthen our Rights and the Treaty relationship for the betterment of our people and their respective First Nations.

The Supreme Court of Canada has directed that Aboriginal People and the Crown negotiate modern understandings, interpretations and applications of Aboriginal and Treaty Rights and Aboriginal Title.

The Supreme Court of Canada has imposed on the Crown the constitutional obligation to consult with and accommodate the rights and interests of the Aboriginal People of Canada.

Both the federal and provincial governments have knowledge of the Aboriginal Title, Treaties and Aboriginal Rights of the Mi'gmaq of Gespe'gewa'gi but continue to contemplate conduct and implement decisions which do or can be reasonably expected to impact negatively on our Rights, Titles and Interests without consulting with us and accommodating our Rights, Titles and Interests.

The Supreme Court of Canada has ruled that government can "no longer be permitted to run roughshod" over Aboriginal Rights, Titles and Interests.

Governments' obligation to accommodate our Rights, Title and Interests include the obligation to "make room" for us in their existing licenses, permits and authorizations.

EFFECTIVE THIS DAY, THE GESPE'GEWA'GIGEWI SAQAMAWUTI PROCLAIM THAT:

1) The Mi'gmaq of Gespe'gewa'gi must be treated with honor and respect in a spirit of peace and friendship by government in any decision-making or implementation process which could impact on our Rights, Titles and Interests.

2) This is our right, recognized and protected by section 35 of the Constitution.

3) Consultation and accommodation is a two-way nation-to-nation process. It is a step towards the constitutional reconciliation of our Aboriginal Rights, Titles and Interests, including the recognition, accommodation and implementation of our right to self-government, and a fair and just co-existence between Aboriginal governments and the federal and provincial governments.

4) Consultation by federal and provincial governments requires a true accommodation of the Rights, Title and Interests of the Mi'gmaq in processes developed to jointly address those issues and to develop satisfactory solutions.

5) Consultation and accommodation by federal and provincial governments on matters that affect us can not be simply an information exchange or the participation in mere processes open to the general public. They must involve processes that provide relevant and deep consultation with the decision-maker, aimed at finding accommodation through satisfactory solutions.

6) The special circumstances of the Mi'gmaq in their relationship with the lands, islands, air, waters and natural resources of Gespe'gewa'gi, the Seventh District of the Mi'gmaq Nation, requires that we have a meaningful and decisive role in the planning, development and utilization of the natural resources of the District, including on ecological, environmental and conservation issues.

7) Proposed economic or natural resource development or proposed federal or provincial government resource disposition within our territory must provide us with clear and timely consultation and accommodation, commencing early on in the policy-making, planning or decision-making processes and continuing throughout.

8) In addition to what is required by other parts of this Proclamation, consultation and accommodation will also be required for any proposed economic or natural resource development or proposed federal or provincial government resource disposition within our territory that can provide opportunities for us and our communities.

9) Effective and meaningful consultation requires that we be provided with access to information in the possession of federal or provincial governments on an ongoing and timely basis and adequate financial and technical resources to participate in the consultation and accommodation processes and to develop satisfactory solutions.

10) The Supreme Court has ruled that federal and provincial governments have the obligation to use their legislative authority over natural resources as a powerful tool with which to respond to their legal obligations to Aboriginal people. Both federal and provincial governments have the constitutional obligation to make room for the exercise of the Aboriginal Rights, Titles and Interests of the Mi'gmaq of Gespe'gewa'gi. Federal and Provincial governments must recognize their prior and subsisting breaches of their respective obligations to consult and accommodate our Aboriginal Rights, Titles and Interests and must take corrective measures in conjunction with us to seek to find mutually satisfactory ways to address these constitutional breaches.

11) We can work together with federal and provincial govern-

ments and other parties in the development of processes that will be meaningful, satisfactory and beneficial. This would result in a written Statement of Intent that would identify with clarity the aims and timeframe of the process, the methods to be used, the resources to be provided, the outcomes anticipated and the evaluation process to be followed.

12) At the conclusion of each process of consultation and accommodation, we would expect to have reached agreement with the federal or provincial government on satisfactory solutions. In the event that this does not occur, we will require government to provide us with a written statement of how its positions or policies were impacted and adapted to reconcile our Rights, Titles and Interests and to address the issues, suggestions and solutions proposed by the Mi'gmaq of Gespe'gewa'gi, including what steps of accommodation were taken by government in the process.

13) Engaging in proper consultation and accommodation is not acceptance that any project federal and provincial governments consider will be satisfactory to us or legally permitted. However, a failure to abide by the spirit and intent of this Proclamation will require us to consider our legal and other options to stop any economic and natural resource development or proposed government resource disposition within our territory, using whatever means is available to us.

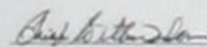
14) This Proclamation reserves to the Mi'gmaq all their Rights and does not serve to define or limit any of our Rights. This Proclamation and any actions or processes taken under it do not prejudice our Aboriginal Rights, Titles and Interests.

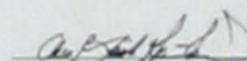
15) This Proclamation may be amended by the Gespe'gewa'gigewei Saqamawuti from time to time.

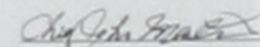
Signed in Listuguj, by the Gespe'gewa'gigewei Saqamawuti on this 22nd day of June 2005,

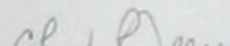
THE GESPE'GEWA'GIGEWI SAQAMAWUTI.


Gjisaqamaw ula Mi'gmewa'gig



Chief Wilbur Dedam
Esgenoopetitj

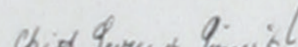

Chief David Peter-Paul
Ge'goapsogog

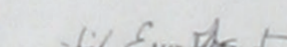

Chief John Martin
Gesgapegiag


Chief Lirida Jean
Gespeg


Chief Scott Martin
Listuguj

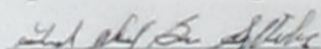

Chief Noah Augustine
Metepenagiag


Chief George H. Ginnish
Natoageneg


Chief Everett Martin
Ugpi'ganjig

*Honourable mention for Translation:
• Joe Wilnot
• Henry Conda
• Eunice Metallic
• Chief John Martin

Witnessed by,
THE GRAND COUNCIL OF THE MI'GMAQ NATION


Grand Chief Ben Sylliboy