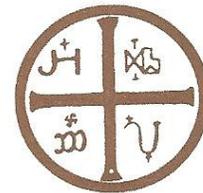


grand council of micmacs  
mi'kma'wey mawio'mi



STATEMENT TO UNITED NATIONS SPECIAL RAPPORTEUR ANAYA

DATE: OCTOBER 14th ,2013

Kwe, on behalf of the members of the *Sante' Mawiomi* (Mi'kmaq Grand Council) who have traditionally and currently represent the 7 districts of *Mi'kmaki*, we thank you for your time. The Grand Council of Mi'kmaq, has two specific violations that require your attention. (1) The continued pollution of the environment and water by seismic testing for hydraulic fracking in Mi'kma'ki, notably in the *Siknikt* district (now called New Brunswick) without prior free and informed consent of the Grand Council, Keptins or the Mi'kmaw people. These provincial actions are violations of articles 25 and 29 that deal with environmental protections in UN Declaration of Rights of Indigenous People.

Secondly the federal government creation of the Qalipu Mi'kmaq band in in Ktaqmkuk (now called Newfoundland) that creates potentially 100,000 new status Indians who claim to be of Mi'kmaw heritage, which vastly outnumber the total current population of Mi'kmaq recognized in the Atlantic Canada. This unilateral federal action is violations of article 33 of the Declaration that affirms the ability of Indigenous people to determine their own identity and membership.

(1) Fracking in *Siknikt* district

The executive of the Grand Council, Keptins of *Siknikt* have called for immediate discussions with representatives from all governments to resolve the issues surrounding the shale gas exploration and hydraulic fracking in New Brunswick; However, we have an issue with fracking in every district in Atlantic Canada.

Supreme Court of Canada in many cases has held that no treaties have extinguished the Aboriginal title and rights in Atlantic Canada, including these lands. Many Mi'kmaq protest against the dangerous fracking that has been underway for a number of months because of its impact on the land and water. Despite a New Brunswick court granting an injunction against the protests many Mi'kmaq continue to risk their well being to protect the waters.

**GRAND COUNCIL:**

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Andrew Denny, Grand Captain, Eskasoni, Cape Breton, N.S., B1W 1B3 (902) 379-2320  
Charles Herney, Putu's, 127 Membertou Street, Sydney, N.S., B1S 2N1, Phone: (902) 539-0662

# grand council of micmacs mí kma'wey mawio' mí



The Grand Council prefers open dialogue and respectful engagement as mandated in our Peace and Friendship treaties. The Mi'kmaq are committed to a sustained process of engagement to set sustainable plans for responsible economic development. The federal and provincial governments and courts are not acting honourably toward the constitutional rights of the Mi'kmaq. Mi'kmaq are entitled to free, prior and informed consent on any proposed development that could affect our lands, our waters or our people as affirmed in the UN Declaration on the Rights of Indigenous Peoples.

## 2. The Qalipu in *Ktaqmkuk*

The second issue of concern for Grand Council is the federal government creating between 60,000-100,000 new band members in the Mi'kmaq Band of Qalipu. Canada only recognizes about 20,000 Mi'kmaq in Atlantic Canada, and the United States about 500 in Maine. While Canada has constitutional responsibilities over "Indians and Land reserved for Indians" they have wrongly interpreted their responsibilities and scope by recognizing Indians as a "Mi'kmaq" band.

Under our Aboriginal and Treaty rights and international human rights, the Grand Council has the jurisdiction and rights to create or recognize any individuals as "Mi'kmaq" in accordance with our custom and traditions. The Grand Council has never been consulted by the federal government or the Qalipu Mi'kmaq, during the creation or negotiation of this band.

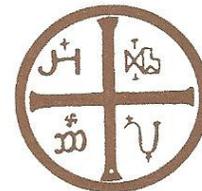
The Qalipu Band is considered a landless band created by a negotiated settlement that seeks to remedy historical wrongs of Newfoundland; However, their large numbers of new Mi'kmaq is our concern. This concern is not with all Mi'kmaq from Newfoundland, in fact we have had consistently had Keptins representing Newfoundland on the Grand Council for generations. These new Qalipu members we simply do not know and do not recognize as Mi'kmaq.

Canada asserts it can create thousands of new Mi'kmaq while continuing to deny members in our own community the same recognition based on their discriminatory Indian Act. We are puzzled that the discriminatory policies depriving our grandchildren in our communities Indian status based on blood quantum does not apply equally to the new Qalipu band members.

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mí kmawey mawio'mí



The Grand Council, as a kinship state, has always determined who was and was not a Mi'k-maw. Through our oral history, language, and family kinship, our identity is based in our collective understanding passed down through our Elders and family members.

We have never relinquished this inalienable inherent right to self-identification in any Treaty with the Crown or with Canada. This unilateral action unnecessarily creates complex issues of who speaks for the Mi'kmaq— internationally, nationally, and regionally. Despite no acknowledgement as beneficiaries of Mi'kmaq Treaties, Qalipu Mi'kmaq have already begun signing agreements with corporation that effects Mi'kmaq resources in Newfoundland.

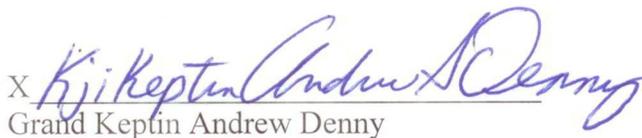
The Mi'kmaq Grand council fear that the creation of the Qalipu band will generate hardship towards current funding to existing Mi'kmaq associations and bands in Atlantic Canada. Furthermore by doubling the Mi'kmaq population overnight Canada will strain current constitutional rights affirmed by the court including hunting, harvesting, and commercial fisheries which are already depleted resources.

Mi'kmaq Grand Council continue to assert that only Mi'kmaq can determine who is eligible to be a Mi'kmaq, and that the government of Canada has violated our right to do so.

Special Rapporteur Anaya we thank you for your time. As Mi'kmaq Grand council we have maintained our United Nations relationship, started in 1980 when my father the Late Grand Keptin began communications to UN Human rights Committee. The Mi'kmaq Grand Council were very proud to be the first Indigenous nation to adopt of UN Declaration rights of indigenous people in the summer of 2008. We ask your assistance in redressing these violations and thank you for your time. Welaliek.

X 

Grand Chief Ben Sylliboy

X 

Grand Keptin Andrew Denny

X 

Putus Victor Alex

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