



HISTORY MATTERS: BEFORE THERE WERE RESERVES...

Before there were reserves there were Licences of Occupation. While the non-Mi'kmaq population of Nova Scotia remained low, Mi'kmaq could continue to live their lives with little conflict with neighbours. That changed at the end of the American Revolution when tens of thousands of Loyalists poured north into Nova Scotia in the early 1780s. Conflicts arose but the Nova Scotian government could not protect harvesting areas and rivers for Mi'kmaq because the land granting regulations of the time did not permit the creation of reserves. Instead, the Nova Scotian governments used "Licences of Occupation" to try to protect Mi'kmaq lands, particularly in areas that Mi'kmaq demanded protection from the incoming Loyalists.

So when were these Licences issued and where were these lands?

1782: "Philip Bernard, Solomon Bescoloon and Thomas Ambroise of the Tribe of LaHave Indians" were awarded a Licence of Occupation to 550 acres on the East side of St. Margarets Bay. Unlike the later Licences, the St. Margarets Bay Licence did not specifically mention that the Mi'kmaq were to also have hunting and fishing rights.



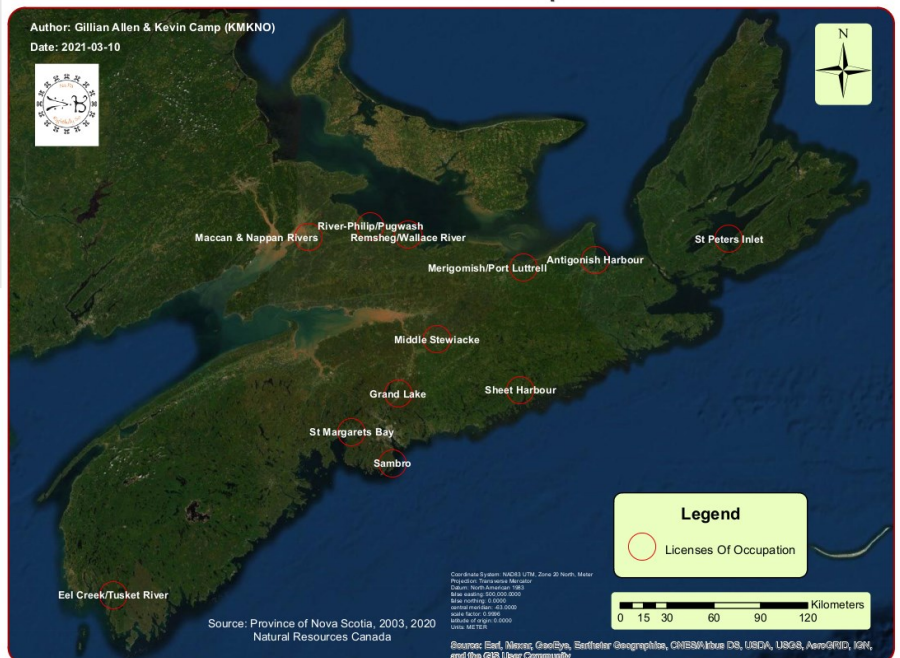
1783: The only Licence of Occupation on Cape Breton was awarded to "Lemable Janot Chief of the Cape Breton Tribe of Indians", to occupy their settlements in the West Bay area, together "with a Right to Hunt in the Country Round & to Fish in all the Rivers & Lakes near the Hunting Ground," particularly in the Bras d'Or.

1783: " Joseph Copp Chief over the Tribe of Indians of Sheet Harbour for himself and his Tribe" was awarded a Licence of Occupation to Fish and Hunt over 11,520 acres around Sheet Harbour and provided that "all persons ... Abstain from interrupting or disturbing the said Tribe in Fishing and hunting on said Tract of land." While a draft of this Licence of Occupation also stated the Mi'kmaq of Sheet Harbour were to have a right to occupy the tract of land, the version recorded in the Crown Lands office did not specify a right to occupy as well as a right to harvest.

1783: In the Antigonish area, a Licence of Occupation was awarded to Anthony Barnard, Chief of the Antigonish Mi'kmaq, "to Occupy Undisturbed the several Villages and Tracts, they have improved and settled upon" along Antigonish Harbour and St. Georges Bay, "with Liberty of Hunting and fishing as Customary".

1783: Erne Courtes, Chief of the "KezousKebougwacke," and the River Philip Mi'kmaq were granted a Licence of Occupation to the lands "they have settled upon and been accustomed to Occupy" on the southwest shore of River Philip, "with Liberty of Fishing and Hunting as Usual".

Licenses of Occupation



More on the back page!

Highlights from your KMK departments

Cultural Tourism

Thanks to those of you who joined us in last month's Virtual Community Engagement Session which focused on the work done to date to advance Cultural Tourism. Attendees learned about some of the challenges with drafting Authenticity Guidelines, especially in terms of clearly defining what this means and how to value the culture without exploitation. Key findings from the interviews reiterated the diversity of community stories and experiences and the importance of connecting experiences and products directly to community. The session raised some important questions that still need to be explored and which will be added to both the draft guidelines and the community survey that will be coming out very soon. This included discussions about Mi'kmaq and non-Mi'kmaq collaborations, along with the opportunity to engage with the province and municipalities to ensure Mi'kmaq are visible and reflected across the geographical and cultural landscape of the province. It also included an approach to dealing with cultural appropriation and having mechanisms in place to address this. Many of those who participated in the community session were inspired by the possibilities that Cultural Tourism provides to our communities and eager to move this important work forward.

Consultation - Parks Canada

We have been coordinating on a number of Parks management plans, and management statements. Based on our recommendation for Mi'kmaq involvement on the Sable Island Sweat Bee recovery/action plan, discussions are now taken place. There is also a chance for youth involvement, which may result in some youth being able to visit Sable Island.

Both Parks Advisory Committees met-up virtually in January. We discussed matters which affect the Mi'kmaq, and provided advice on Park site planning and operational processes. Right now, Fortress of Louisbourg National Historic Site is looking at the possibility of a non-personal media exhibit on enslavement. There is no evidence that suggest the slaves at the Fortress were Mi'kmaq, but there is documentation of Indigenous slaves being brought in over ships.

Nova Scotia Power Update

The Gaspereau Working Group got started back up this month as the Capacity agreement with Glooscap was accepted and approved. A day of Archaeology is in the plans to provide a cultural perspective on archaeology to the staff within NSP that work on the files. We are still moving forward on the Tusket and Mersey files and hope that an agreement can be reached soon with respect to security and other issues of concern. The Wreck Cove Hydro Penstock Project has been deferred until 2022 as permits have not been received to date and the Annapolis Generating Station will be decommissioned in the upcoming future.

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VIRTUAL COMMUNITY SESSION

WEDNESDAY, MARCH 31, 2021
6:30pm - 7:30pm

In-person gatherings have been heavily impacted by COVID-19 and we want to keep community members informed about our work.

We will be hosting a virtual community session each month featuring a different department.

Sessions are recorded for viewing at a later time.



Kwilmu'kw Maw-klusnaqn
Mi'kmaq Rights Initiative

<https://www.youtube.com/watch?v=TbHVwP3EWEE>

www.mikmaqrights.com

GIS Update

This month our team met with CMM to discuss Indigenous Protected and Conservation areas and data. Currently, the GIS discussions have been focused on a harvest block being harvested and georeferencing an image detailing a harvesting area. A table was created showing archaeological sites containing past settlement information and historical use points with proximity and directions to certain archeological sites. Also, the team has been conducting research on wetlands data, and the 2015 Ecological Land Classification.

Energy and Mining

This past month, we have had a new Energy Advisor take over responsibilities for this department! Patrick Butler moved from the Consultation Department to the Energy Department when our former Energy Advisor, Derek, moved onto a new organization. So far Patrick has been busy learning the ropes and has had meetings with communities to hear from them.

Currently Patrick is working with Paqtnkek on Highway 104, as well as with Acadia on the Mersey area. He has also been in touch with NFSolar to learn more about their recent work installing solar farms in several Mi'kmaw communities in Nova Scotia.

One of the other major items that we are working is the potential exploratory testing in the Cape Breton Highlands. The Assembly of Nova Scotia Mi'kmaw Chiefs has informed the province that they are opposed to exploration in the Cape Breton Highlands as they are concerned about the impact to moose and Atlantic salmon in connected bodies of water. The Department of Energy and Mines has informed KMK that they will go back to regulators with this information and follow up with the Mi'kmaq of Nova Scotia.



Above: Our Youth Coordinators have been holding “On the Land” sessions with youth from our communities. Here they talk about Governance as well as receive some land-based teachings!

MKK Update

The MKK Assessments and Foster Care Working Groups have wrapped up for this fiscal year, and the MKK team is happy with the progress that was achieved this year. We’ve had many good discussions about the issues for assessments for child protection and foster care, and we’re hoping to continue these discussions next fiscal.

These working groups are actively helping to write the policy manual for the Mi'kmaw Child Welfare Regime, and the topics discussed in these working groups are helping us to think outside the box to support Mi'kmaw children and families.

MKK’s final Systemic and Structural Barriers working group meetings also wrapped up for the fiscal year. The goal of these meetings was to narrow the focus to the short-term as well as the long-term with an emphasis on prevention and utilizing community resources.

We appreciate the input of our working groups tremendously!

MEDIA RELEASE

FOR IMMEDIATE RELEASE
March 28, 2021



Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaw Chiefs

Communities Working to Revive Ancient Mi'kmaw Customs

Members of the Assembly of Nova Scotia Mi'kmaw Chiefs (Assembly) will be working with their communities to revive traditional and ancient Mi'kmaw customs by looking to our language for guidance. The Assembly is exploring Mi'kmaw concepts found in *Wmitkik* and *Nmitiknen*.

Wmitkik is an old Mi'kmaq word, not commonly used today, that may hold the Mi'kmaw concept of how the lands and waters that we are connected to (the territory from which we are from and live) is to be harvested (hunted, fished and gathered) in a manner that respects the resources and all our relations who live or harvest there (*Msit No'Kmaq*). *Nmitiknen* holds the concept of territory and the process of how we make decisions together, and much more.

Chiefs in the Kespukwitk District and their respective communities - Acadia, Bear River and Annapolis Valley First Nations – will begin the development of a Nmitiknen approach to the stewardship of the Kespukwitk district of Mi'kma'ki. These three communities will be working together, alongside the Mi'kmaq Grand Council and other Mi'kmaw communities on this important work. Together they will be looking into developing a traditional approach to managing the resources and recognizing conservation and protection of all the resources.

As recognized and affirmed by s.35 of the *Constitution Act, 1982*, the Mi'kmaq have inherent rights of self-determination and self-government, including the right to self-regulation and to manage our internal affairs and relationships.

“Working together as a district is not meant to exclude anyone, but to empower our people. As we share the waters and resources of this area, it was important for us to come together on how we should exercise and manage our Treaty Rights to harvesting. Working as a collective will be best for our communities, the environment, and the Mi'kmaw Nation,” said Chief Gerald Toney, Annapolis Valley First Nation.

“Relying on ancient and traditional concepts to work together and respectfully share our territory is important for all of us. We are doing this so that we can collectively exercise our right to govern our territory, in accordance with traditional systems of law and governance,” stated Chief Carol Dee Potter, Bear River First Nation.

“The communities of Acadia, Bear River and Annapolis Valley are looking forward to working together with our community members and the various levels of Mi'kmaw government – Band Councils, Grand Council and the Assembly – to manage the resources in our traditional district,” said Chief Deborah Robinson, Acadia First Nation.

By working through a Nmitiknen approach, these three communities will be able to have a broader understanding of what is being harvested in their region and how the resources are being used by the members of each individual community. The Chiefs in Kespukwitk will be working to implement Nmitiknen to better understand how their members are exercising their collective right to a moderate livelihood for a variety of species.

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History Matters: Before There Were Reserves...

(continued from the front page)

1783: In Halifax County on Shubenacadie Grand Lake, a Licence was granted to Jack Pemmenwick, Chief of the Shubenacadie of "Land sufficient for Nine families (being his Children)". The land was not the present Shubenacadie Grand Lake IR13 but at the "Northern side the River shubenaccadie, at The Point where the Great Lake, Discharges itself & Extending on the Great Lake and the said River". The Pemmenwicks were also assured they would have "Liberty of Hunting & Fishing in the Woods, Lakes & Rivers of that Vicinity".



1784: Paul Morris was awarded a Licence of Occupancy lands at Sambro and "Also to Fish and Hunt, not interfering with any Inhabitant; and no person to molest him." This land became the Sambro Reserve which surrendered in 1919 and became part of the 1919 Surrender Claim of Millbrook and Sipekne'katik Specific Claim which was settled in 2020.

1786: In an unusually brief and un-descriptive Licence of Occupation, Charles Alexis and the Mi'kmaq of Cape Sable (SWNS) were awarded "A Licence for the Indians Bearers to occupy their lands and usual Hunting Grounds unmolested".

1783: On the other side of Cumberland County, a Licence of Occupation was granted to "John Baptist of Pitch Bourn, Chief of the Macan Tribe" for Baptist and his people to "Occupy the lands they have settled on the West side the River Macan Towards the Head of the River, nearly where the Tides Meets and stops the Fresh Waters of the River", together with "free Liberty of Fishing in the said River and the River Napan & to Hunt in the Woods Adjacent these Rivers."

1783: In Pictou County, Chief Paul Chachegonouet and the Pictou Mi'kmaq were awarded a Licence of Occupation for lands they occupied on Sutherlands River and around Merigomish Harbour "with Liberty of Hunting & Fishing the Woods, Rivers and Lakes of that District."

1783: In Colchester County, Paul Pemmenwick and the Mi'kmaq of "Cobequid & Shubenacadie" received a Licence of Occupation in Middle Stewiacke "with free Liberty of Fishing and Hunting in that District". When CMM and the TARR Centre filed a Specific Claim with the federal government for compensation for this lost land on behalf of Millbrook and Sipekne'katik Bands, the claim was rejected – with no reasons given.



Unfortunately, virtually none of these lands remained protected for Mi'kmaq to use and occupy. With little government will to enforce the Licences, Mi'kmaq were ultimately driven from their settlements and from their hunting grounds and fishing stations. It was not until 1820 that first reserves, as we know them today, were designated. From the 1780s until the 1820s Mi'kmaq were increasingly denied use of their own lands and waters. Even after the Crown began designating reserves in Nova Scotia, Mi'kmaq were denied access to resources and faced immense hardship.