



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

Kwilmu'kw Maw-klusuaqn
75 Treaty Trail
Millbrook, NS B6L 1W3

Tel: 902.843.3880
Fax: 902.843.3882
Toll Free: 1.888.803.3880

June 17, 2025

The Right Honourable Mark Carney, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
Via E-mail: Media@pmo-cpm.gc.ca

Prime Minister,

Re: Bill C-5: An Act to enact the Free Trade and Labour Mobility in Canada Act and the Building Canada Act

On May 23, 2025, the Kwilmu'kw Maw-klusuaqn (KMK) received a letter from the Government of Canada's Privy Council Office regarding another piece of legislation that is being rushed through the House of Commons. This letter requested feedback from our staff within a mere seven calendar days, which was insufficient time for our technical and legal team to conduct a comprehensive review of this proposed Act. Canada's "backgrounder" then included the statement:

The legislation has undergone consultation and engagement... Consultation and cooperation will continue during the Parliamentary process and its subsequent implementation.

We strongly disagree with this statement. Such a short time frame does not constitute good faith consultation, and as this week unfolds, we are seeing Indigenous voices sidelined at both the House of Commons committee process and the Senate pre-study. The overall impression is that this government is actively preventing Indigenous peoples of Canada from providing meaningful feedback on this Bill.

The government's background document for Indigenous audiences then claimed "[w]e have heard from Provinces, Territories and Indigenous Peoples that they want to see projects like mines, nuclear facilities, ports and other infrastructure prioritized." We see this statement as misleading, as it casts Indigenous Peoples in a singular light and certainly fails to capture *our* interests, since no advance discussions were held with us. Unfortunately, this is not the first time

our Mi'kmaw leadership has been put in a compromised position when bills are rushed through the legislative process. It is becoming an alarming pattern at both the federal and provincial level. We are not being given opportunities to have our voices heard before the introduction, or during the passage of bills.

When legislation unsurprisingly fails to address our interests, we are being given broken promises that our concerns will be addressed after-the-fact in regulations. Some of these examples include:

- *Bill C-49: An Act to amend the Canada-Newfoundland and Labrador Atlantic Accord Implementation Act and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* – This Act has serious potential to impact the section 35 rights of the Mi'kmaq of Nova Scotia. Despite having meetings specifically dedicated to emerging developments in the energy sector, this Bill was never put on the agenda nor raised by the Crown. We sit at several tables with the Provincial and Federal Governments where this Bill should have been discussed but was never raised or flagged for us. From a relationship perspective, these types of omissions are highly erosive. Throughout the legislative process, our team was repeatedly assured that our concerns would be addressed in the regulations, but the proposed regulations make zero mention of Indigenous consultation or Aboriginal and Treaty Rights under s. 35 of the *Constitution Act, 1982* and in no way address any of our feedback.
- *Bill 471: Advancing Nova Scotia Opportunities Act* – In this instance, there seemed to be a purposeful intention to limit opportunities for our input on this Bill, by “informing” us of Bill 471 only after its introduction, then scheduling a *single day* for submissions before the Law Amendments Committee on the day before the Maw-lukutijik Saqmaq and KMK were scheduled to present to the Standing Senate Committee on Bill C-49, making it logistically impossible for us to appear before both Committees.
- *Bill 6: An Act Respecting Agriculture, Energy and Natural Resources* – Most recently, Premier Tim Houston's government introduced Bill 6: *An Act Respecting Agriculture, Energy and Natural Resources*. Once again, we learned about the introduction of this Bill on the evening news, despite the dramatic changes it contained regarding uranium mining and fracking. The priority being placed on extracting our natural resources from our unceded territory without adequate consultation is an alarming pattern from both the federal and provincial government.

We are not opposed to ethical, environmentally-protective developments, but in Canada's rush to counter the imposition of American tariffs it should not sacrifice the lands upon which our future generations will rely, nor the constitutional obligations which are at the heart of this country's democracy. This American administration may be in power for another three and a half years, but the environmental impacts left by these “national interest” developments will last for generations.

Canada has endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), and its *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) requires the federal government to, “in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” Further, its 2023-2028 UNDA Action Plan commits the government to the following:

- Action 32: Guidance on engaging with Indigenous peoples on natural resources projects should align with Article 32(2) of UNDRIP, which calls for consultation and cooperation in good faith with the Indigenous peoples concerned in order to obtain free, prior and informed consent, prior to the approval of any project affecting their lands or territories and other resources.
- Action 66: Develop coordinated, whole-of-government approaches to the implementation of the right to participate in decision-making related to legislative, policy and program initiatives, consistent with the UN Declaration, including processes that respect and reflect consultation and cooperation with affected Indigenous peoples to obtain their free, prior and informed consent; and identifying and pursuing potential legislative changes and changes to Government of Canada decision making practices and processes to implement the right to participate in decision-making.
- Action 68: Strengthen Indigenous peoples’ participation in decision-making through an improved whole-of-government approach to consultation and accommodation which is aligned with the UN Declaration by co-developing consultation arrangements with Indigenous partners that establish agreed-upon duty to consult and engagement processes, in a manner that is consistent with self-determination objectives and free, prior and informed consent.

Neither the process of introducing and debating this Bill, nor the scheme described within the Bill, honour Canada’s commitments under UNDRIP or UNDA. To the contrary, Canada’s conduct in this and other recent examples signals a step back towards a deeply colonial and paternalistic approach to governance and resource development. Also worrisome is the inclusion of the *Indian Act* in Schedule 2, without any specific sections identified, which calls into question whether Canada will attempt to circumvent the decision-making authorities of Indigenous governments on reserve lands.

Increasingly, the Crown is bypassing the owners of this land, failing to fulfill its Duty to Consult meaningfully with the Mi’kmaq of Nova Scotia, and acting against the UNDRIP and UNDA. As a consequence, the relationship and trust built with the Maw-lukutijik Saqmaq is being eroded. The Mi’kmaq have never surrendered their unceded territory and yet the federal and provincial governments are continually treating us as an afterthought. This trend cannot be allowed to continue.

We recognize the external pressures being placed on this government during these uncertain times, but there will be no timely approvals or heightened investor confidence without Indigenous support. Building *respectful partnerships* with First Nations and creating *meaningful opportunities* for us to participate in this process would strengthen the overall Bill and reduce the likelihood of its implementation being delayed through legal challenges and protests. A healthy Canadian economy depends on the existence of goodwill and genuine collaboration between our nations.

Please contact Twila Gaudet, Director of Consultation at KMK with any questions (tgaudet@mikmaqrights.com / 902-843-3880).

Yours in Recognition of Mi'kmaw Rights and Title,

Original was signed by Chiefs. Signatures were removed for the online version.

Chief Leroy Denny
Co-Chair
Maw-lukutijik Saqmaq

Chief Sidney Peters
Co-Chair
Maw-lukutijik Saqmaq

C.C.:

Jamie Battiste, Member of Parliament & Parliamentary Secretary to the Minister of Crown-Indigenous Relations

Senator Paul Prosper, Canadian Senators Group

Claudine Santos, Director of Parliamentary Affairs

Twila Gaudet, Kwilmu'kw Maw-klusuaqn

Jessica Ginsburg, Kwilmu'kw Maw-klusuaqn