

July 5, 2017

**Submission to the United Nations Committee on the Elimination of Racial Discrimination
93rd Session, July 31-August 25, 2017**

On behalf of the Mothers and Grandmothers of the Maliseet Nation

How does one start to describe the horrific conduct of Canada in their relentless efforts to extinguish the rights of Indigenous peoples within their ancestral homelands? Our true history is hidden deep within the numerous policies and legislation enforced upon our nations by Canada. This year, Canada is celebrating the 150th anniversary of Confederation. For us, 150 years of colonial legislation aimed at our dispossession, dependency, and oppression, is nothing to celebrate.

The Wolastoqiyik (Maliseet) Nation are Indigenous peoples of the Wolastoq River (Saint John River) watershed. We are an Algonquian-speaking Nation, and belong to the Wabanaki Confederacy, along with our neighbours and allies, the Mi'kmaq, Passamaquoddy, Abenaki, and Penobscot. Since time immemorial, we have lived off of the land and waters of the Wolastoq River valley and its tributaries. Our territory stretches across New Brunswick and into Quebec, all the way to the St Lawrence River, and through parts of Maine in the United States. As the mothers and grandmothers of the Maliseet Nation, we have the honour and the responsibility to protect our traditional territory for all future generations.

Successive governments have violated our international Peace and Friendship Treaties, signed between the British Crown and the Maliseet peoples between 1726 and 1779. These treaties laid out the mutual obligations of the Crown and our people, and set the terms of a relationship based on cooperation and mutual benefit. They did not cede or surrender our rights or title to the lands and resources we have used and occupied since time immemorial. Consistent with our Peace and Friendship Treaties, the Royal Proclamation of 1763 was meant to protect our lands and bountiful resources from the exploitation settlers and disallow their settlements from expanding without our consent. In 1982, section 35 of the Canadian Constitution recognized and affirmed the existing Aboriginal and treaty rights of the Aboriginal people of Canada, including the Peace and Friendship Treaties we signed. Since then, successive decisions made by the Supreme Court of Canada continue to affirm the rights of Indigenous peoples. Nevertheless, successive governments have continuously undermined the Peace and Friendship Treaties, the Royal Proclamation, the Constitution of Canada, and the Supreme Court of Canada.

While the Supreme Court of Canada has determined that the Canadian and provincial governments have a duty to consult, negotiate, and accommodate Indigenous rights, the

governments use these consultation and negotiation processes to coerce, terrorize, terminate, extinguish, and discriminate against Indigenous peoples and our rights.

The governments of today are ignoring, undermining, and disrespecting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and violating the International Convention on the Elimination of All Forms of Racial Discrimination.

Canada consistently lies to the various branches, committees, commissions, and expert bodies of the United Nations. As a member state, Canada's unscrupulous conduct towards not only Indigenous nations but also the United Nations cannot and should not be tolerated nor overlooked, and consequences are warranted in any form suitable for a member state.

The list of injustices break every article within UNDRIP, and weaken the International Convention on Elimination of All Forms of Racial Discrimination, because Canada, as a member state, has not changed its intentions to extinguish the title and rights of Indigenous peoples, regardless of what they report to the UN Human Rights Council and the UN Committee on the Elimination of Racial Discrimination.

The Mothers and Grandmothers of the Maliseet Nation are standing up against the Sisson mine project, which was approved by the Canadian government on June 23, 2017 without our consent. The proposed open pit mine is situated in the heart of our Aboriginal title lands, in a traditional area where we hunt, fish, and harvest our food and medicine. The mining operation for molybdenum and tungsten would include one of the world's largest tailings ponds to hold mining waste. This is an imminent threat to our ability to exercise our collective rights to hunt and fish, which are protected by the Peace and Friendship Treaties, by the Constitution of Canada, and by the International Convention on the Elimination of All Forms of Racial Discrimination. It would compromise our ability to retain and practice our culture, and would undermine our Aboriginal title and our ability to protect our title lands for future generations. We did not consent to the consultation process, and we were not involved in the negotiations of agreements that have been offered to certain Maliseet band governments. Our title is vested in the Maliseet nation as a whole, and as a nation we have not been consulted and we do not consent.

Therefore, the Mothers and Grandmothers of the Maliseet Nation are standing up against the Sisson mine, and the ongoing injustices committed against our nation by the government of Canada. We shall protect and defend our Mother Earth's survival for the benefit of all people, including our future generations yet unborn. We shall maintain the peace and friendship bestowed upon us by our ancestors, who had honoured and respected the Royal Proclamation. And so, it shall be.

On behalf of the Mothers and Grandmothers of the Maliseet Nation, we ask that you accept this submission and hold Canada to account for the violation of our title and rights, and the ongoing discrimination against our peoples. On this, the 150th year of Canadian Confederation,

it is time to repudiate colonialism, not to celebrate it. It is time to unsettle Canada and lift up our title and rights, as our ancestors so clearly intended.

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