



HONOURING RIGHTS TODAY: A MOCK CONSULTATION (RR3)

OVERVIEW

In this mock consultation, learners will learn the basics of what treaty implementation looks like today. Using a fictionalized case study on moose management from Una'ma'ki (Cape Breton), which is based on a real consultation example, students will see how the Mi'kmaq and the Crown reach agreement on treaty implementation in a modern context. The learning experience strengthens students' understanding of modern treaty implementation and allows them to see how *"We Are All Treaty People."*

LEARNERS WILL...

- ▶ Be introduced to the modern treaty implementation process.
- ▶ Understand treaty implementation through a concrete example based on real experience.
- ▶ See continuity of Mi'kmaw priorities between the 18th century treaties and contemporary treaty implementation.
- ▶ Understand themselves as part of treaty implementation, as a "treaty person."
- ▶ Grasp some of the complexity in contemporary treaty implementation.

FOCUS

An introduction to share with the learners is provided as part of the supplementary materials. The class should be divided into two groups, the Crown and the Mi'kmaq. The one-page case study is provided to the students, based on moose management in Una'ma'ki (Cape Breton).

As an initial step, learners are asked to read the case study and individually make some inferences about what they believe the outcomes of the negotiation might be.

Learners within each group will be assigned roles: a lead negotiator, associate negotiators (2), researchers, and community members (Mi'kmaq and non-Mi'kmaq). Then working in groups the learners are asked to negotiate a solution as described in the provided case study.

Ultimately, learners should see that accommodations to treaty rights must 1) involve the Mi'kmaq in a meaningful dialogue and 2) create an accommodation that addresses the concerns of the Mi'kmaq. The case study is designed for there to be no right answer—just creative solutions that must address the concerns of both parties.

PE!

It is important that students engaging in this unit have a clear understanding of the following content:

- The Mi'kmaq as the Indigenous people of Nova Scotia and the Atlantic region.
- Mi'kma'ki as the ancestral homeland of the Mi'kmaq.
- Mi'kmaw core cultural values.
- Understand the concepts of *netukulimk* and *ms-ít no'kmaq*. The concept of *netukulimk* is included in the script as well.
- The oral traditions inherent in Mi'kmaw culture and practice.
- The basics of treaty renewal.

ADDITIONAL RESOURCES

The Unama'ki Institute of Natural Resources has wonderful resources for this learning experience: <http://www.uinr.ca/programs/moose/>



TEACHER TIP

This unit demands good listening and respect for a range of opinions and ideas. It is important to set some expectations for dialogue at the outset!

MOCK CONSULTATION: MOOSE MANAGEMENT IN UNAMA'KI

Introduction for Teachers

When treaty rights are affected by decisions the government makes, they must *consult* with the Mi'kmaw Nation. To *consult* means to talk with the Mi'kmaw about any concerns the Mi'kmaw might have. The goal of *consultation* is figure out what changes will address any concerns the Mi'kmaw have. Changes that address Mi'kmaw concerns are called *accommodations*.

For example, in Debert, Nova Scotia, there are a series of very old (more than 11,000 years old) ancestral archaeological sites. When the government wanted to give land that was nearby away (to Colchester County), they entered into a *consultation* process with the Mi'kmaq before giving the land away. The Mi'kmaq didn't mind the land being given away, but they did not want any ancestral sites to be destroyed as a result of developing the land once it was given to the County. The solution the government and the Mi'kmaq worked out was to have archaeologists test the land for ancestral sites before it is developed. This special testing for ancestral sites in Debert is more than ten years old, and during that time the archaeologists have found and protected more than four additional ancestral sites that date back to this early time period. The solution, in this case archaeological testing, is called an *accommodation* in the treaty-rights process.

In this fictionalized scenario, students are asked to role-play a consultation process about the care and protection of moose in Mi'kma'ki. Clifford Paul, the Moose Management Coordinator at the Unama'ki Institute of Natural Resources (UINR) helped to put this scenario together. You can read more about Moose Management at <http://www.uinr.ca/programs/moose/>. In addition, as part of the learning experience, students are asked to read the *Tiam Fact Sheet* that is available on the UINR website, <http://www.uinr.ca/tiam-facts-from-the-mikmaw-point-of-view/>, to view the Land and Sea episode, A Tale of Two Moose, <https://www.cbc.ca/player/play/2651378999>, and/or to read the Tiam book, <http://www.uinr.ca/wp-content/uploads/2014/05/Tiam-This-is-our-Story-WEB-1.pdf>

Working together, students will negotiate the attached case study. Solutions they might reach include:

- ✓ Track the new mainland moose and monitor their behaviour and actions
- ✓ Gather additional information such as illness, overall health, genetics, etc.
- ✓ Establish regular gatherings to let all groups discuss the progress and outcomes
- ✓ Establish a co-management agreement that is based on:
 - Shared values
 - Common goals
 - Ways to solve future disagreements

MOOSE MANAGEMENT IN UNAMA'KI

Background (*true information*)

Nova Scotia has two different populations of moose, one in the mainland and one in Unama'ki, or Cape Breton. The mainland moose population (*Alces alces americana*) has been in Mi'kma'ki for thousands of years. It is a special species that is "at risk," meaning that its numbers are so low, it could go extinct. The second group is in Unama'ki (*Alces alces andersoni*). It was introduced from Alberta more recently. The Unama'ki group is hyper-abundant and is not at risk.

In preparation for your consultation discussion, please read the *Tiam Fact Sheet*, view the Land and Sea episode, "A Tale of Two Moose," and/or read the Tiam book

Problem: Moose Defectors! (*fictionalized, but could happen!*)

Some of the Unama'ki moose (*Alces alces andersoni*) have swam across the Gut of Canso (the water area between Unama'ki and Eskikewa'kik, see map). The question is whether this creates problems: will mainland moose become further at risk by the Unama'ki moose coming to the mainland? Will there be other habitat or animal impacts? Will people or their lives (businesses, etc.) be impacted? Because decisions about what to do about this situation impact the Mi'kmaq, this is a consultation issue. The government must talk with the Mi'kmaq about what to do.

Each team is assigned the following roles: lead negotiator, assistant negotiators (2), researchers (2-4) and community members.

| Mi'kmaq | Government of Nova Scotia and Canada, called "the Crown" |
|---|--|
| <p>The Mi'kmaq view this consultation through the perspective of respecting relationships. Think of it this way:</p> <ul style="list-style-type: none"> ✓ The Mi'kmaq have rights ✓ The Mi'kmaq have responsibilities ✓ The moose have rights ✓ The food of the moose have rights ✓ The food of that food has rights <p>= ecosystem has rights and any decisions must protect the ecosystem</p> | <p>The government seeks to balance the interests of all its citizens as well as its own laws. It understands that it must listen carefully to the concerns of the Mi'kmaq in the consultation process. Some of the other interests they must consider are:</p> <ul style="list-style-type: none"> ✓ Provincial hunters ✓ Provincial habitat protection ✓ Impacts to other animals ✓ Any industry or business that is affected by decisions |

The Discussion

Remind learners that the goal is a pathway forward for everyone—that’s “winning” in this situation. Healthy relationships for everyone is part of the desired outcome. The following sentence starters may help students:

- “I feel like...”
- “It’s o.k. for me to change my mind...”
- “I don’t understand how...”
- “I don’t understand why...”
- “What if we think about...”
- “What if we...”

Exit ticket suggestion would be: “What did it take to create a win-win outcome?”