

To his Majesty the King in Prussia

and

To the most Honourable Members of the Tribunal greetings

As the Grand Chief of the Mi'kmaq and the Chief of the Holy Gathering Sante Mawio'mi authorized by said Gathering, I, Agoiuda Membertou, offer greetings to this Honourable Tribunal assembled to settle a dispute regarding the land of Acadia. It has indeed come to our attention that Mlle Bellefontaine is seeking compensation for her losses caused by the British. We, the Mi'kmaq, wish to intervene in this dispute and we submit to this Tribunal that the land subject of the controversy, which the British tried to conquer with muskets and fire, belongs to our people.

Honourable Tribunal, please note that the most Christian King of France could not have ceded Acadia to Great Britain under the Treaty of Utrecht as well as the Treaty of Paris in the first place, because it never belonged to him. Acadia was and will forever be our sacred territory. We, the Mi'kmaq, own it still.

Time after time, the British called upon us to make peace with them. Time after time, through ministers and interpreters, they forced their treaties upon us. Time after time, it was all a vile trickery. When they called us subjects of his Britannick Majesty in the treaties of 1725, 1752 and 1760/61, we did not know what these words meant. We understood from them that it was a solemn promise of friendship. Honourable Tribunal, we were not the only ones that were fooled by the British and their interpreters with their pretty words. When the Eastern Abenakis signed the Treaty of Portsmouth in 1713 and called themselves subjects of the Queen, they also did not understand the meaning of such words. Moreover, we must point out that when the Treaty of Portsmouth was signed, the Mi'kmaq solemnly declared that the Acadian territory belonged to them and could therefore not be transferred to his Britannick Majesty.

As God is my witness, I swear that the land is ours and we never willingly ceded it to anyone. God the Holy Father teaches us such principle in the Holy Scripture when he proclaims “cursed is he who moves his neighbour's boundary mark.”

Our claim to the lands is more than legitimate. The lands of Mi'kmaq are held by us all. Honourable Tribunal must know that chiefs have no power in their hands to alienate these lands without the consent of their people. We did not wish to part with our territory because we hold it in trust for our children, to whom this country belongs.

The Honourable Tribunal shall consider this a noble mission to protect those most vulnerable. Me and my people have suffered immensely, being treated by the English borderers less like men and more like vicious and dangerous animals. Not so long ago, the British Governor at Halifax issued a Proclamation “authorizing the military and all British subjects to kill or capture any Mi'kmaq found, and offering a reward.”¹ This – only a drop in the grand stream of evil-doing – is against God's commandments and the fundamental laws of all nations.

The laws of all nations include the earnest principle of self-determination, on which we rely today. Article 1 of the United Nations Charter pronounces its goal “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”² These truths that we hold to be self-evident were also proclaimed in the UN Declaration on the Rights of Indigenous Peoples.³ The British actively participated in the negotiations of the Declaration alongside other nations.

We therefore urge this Honourable Tribunal to uphold this principle giving us the right to freely define our status as well as to protect our lands, territories and plentiful resources. Great Britain was not so quick in denying us the right to self-determination when they desired our allegiance and sought our friendship as a sovereign and powerful force in

¹ Proclamation of the British Governor at Halifax (1749).

² Article 1 of the UN Charter.

³ Articles 3 and 26 of the UN Declaration on the Rights of Indigenous Peoples.

the land. They acted as our friends only to seize our lands in a manner appalling to God and men.

In the name of the Mi'kmaq, I therefore ask for damages for the wrongful occupation of our lands.

In witness whereof I have hereunto put my mark and seal in Mniku this day of third of November in the year of our lord one thousand seven hundred sixty-five.

Agoiuda Membertou

