



RATIFICATION INFORMATION BOOKLET

AGREEMENT-IN-PRINCIPLE FOR THE RECOGNITION OF THE QALIPU MI'KMAQ FIRST NATION BAND

PREPARED BY THE FEDERATION OF NEWFOUNDLAND INDIANS · JANUARY 2008

CONTENTS

Ratification of the Agreement-in-Principle will give new opportunities and a brighter future to the Mi'kmaq of Newfoundland.

INTRODUCTION.....	2
MESSAGE FROM THE FNI PRESIDENT.....	3
MESSAGE FROM THE FNI NEGOTIATING TEAM	5
FINDING A NAME FOR A NEW BAND	6
SUMMARY OF THE AGREEMENT-IN-PRINCIPLE	7
SOME OF THE BENEFITS OF RATIFICATION.....	11
WHY A LANDLESS BAND MAKES SENSE	13
RATIFICATION VOTE	14
POLLING STATIONS	15
STEPS IN THE PROCESS	16
FREQUENTLY ASKED QUESTIONS (FAQs).....	17
COMMUNITY LISTS.....	23
INFORMATION SESSIONS	24
TO FIND OUT MORE.....	24
AGREEMENT-IN-PRINCIPLE (on CD)	inside back cover

INTRODUCTION

On November 30, 2007, Canada and the Federation of Newfoundland Indians (FNI) announced that they had completed negotiations to create a new band of Mi'kmaq: the Qalipu Mi'kmaq First Nation Band. An official Agreement-in-Principle outlines the agreed-on terms for creating this new band.

The FNI has created this booklet to present and explain the terms of the Agreement-in-Principle and their implications. **Please read this material carefully, bring your questions to an information session, and vote on March 29, 2008.**

Information is also available on the FNI website, www.fni.nf.ca



MESSAGE FROM THE FNI PRESIDENT

I am pleased to present—and recommend for ratification by the members of the Federation of Newfoundland Indians—this Agreement-in-Principle to form the Qalipu Mi’kmaq First Nation Band.

The FNI and our Negotiating Team have been working to create this historic Agreement-in-Principle with Canada since 2002. Our negotiators were guided by the objectives that FNI members set for the FNI when it formed in 1972. Of key importance were these two goals:

- official federal recognition of the FNI’s Mi’kmaq, so that members might take advantage of programs and benefits available from the Department of Indian and Northern Affairs
- registration of the FNI’s Mi’kmaq as Status Indians, so that members could enjoy this status if they desired

I am happy to tell you that the negotiated Agreement-in-Principle allows us to achieve our objectives. When it’s created, the new Qalipu Mi’kmaq First Nation Band and its members will be able to access federal programs that are available to non-reserve Status Indians—including post-secondary student support, non-insured health benefits, and community economic development opportunities.

This booklet presents information about the contents of the Agreement-in-Principle, and describes the steps that must occur to create the new band. The full Agreement-in-Principle is on the enclosed CD. I urge you to read everything carefully, bring your questions to an information session, and take part in the Ratification Vote on March 29, 2008.

You will notice that one of the characteristics of the new band is that it will be “landless.” Before negotiations began in earnest, the FNI team explored with Canada the best way to ensure that Newfoundland Mi’kmaq who wanted Status Indian recognition would be able to acquire it. These discussions led to negotiations for the creation of a landless band under the *Indian Act*. This means that if the Agreement-in-Principle is ratified and enough Founding Members are enrolled to form the Qalipu Mi’kmaq First Nation Band, the new band will not have an associated reserve.



photo: courtesy of the Government of Canada

Brendan Sheppard
President, FNI

I am happy to tell you that the negotiated Agreement-in-Principle allows us to achieve our objectives.



The creation of the Qalipu Mi'kmaq First Nation Band will provide advantages going forward. For example, it will be able to pursue land claims—as this Agreement-in-Principle does not affect any aboriginal rights. Forming this new band in fact provides a better way for Mi'kmaq to pursue potential land claims and other aboriginal rights: as an organized, united, and effective group.

...creating the Qalipu Mi'kmaq First Nation Band will... be a great benefit to our people.

Our people have struggled for a long time to gain recognition from the Government of Canada. I believe creating the Qalipu Mi'kmaq First Nation Band will honour all who have worked for this goal, and be a great benefit to our people. It will allow us to bring stronger focus to developing opportunities for Mi'kmaq in Newfoundland, so that we can improve our education, obtain greater access to health benefits, and take advantage of employment opportunities.

I see this Agreement-in-Principle as a tremendous opportunity to improve the quality of life of our people, and I hope you will share this vision. This moment would have been even more meaningful only if all the Elders who worked for this goal were still here to realize it with us.

The Ratification Vote takes place on March 29, 2008. I urge you again to carefully read the material here, participate in the discussions and ask questions, and vote “Yes” on March 29, 2008.

– Brendan Sheppard
President, Federation of Newfoundland Indians



The signing of this Agreement-in-Principle between the Federal Government and the Mi'kmaq people on the island of Newfoundland was indeed a historic and momentous occasion for the aboriginals of this province. FNI President Brendan Sheppard and his negotiating staff are to be commended for their foresight and steadfastness throughout the lengthy and arduous negotiating process.

– Terry Downey
Indian Head First Nations Band

photo: Shelley Garnier



MESSAGE FROM THE FNI NEGOTIATING TEAM



photo: Indian and Northern Affairs Canada, Halifax staff

We are pleased to present this Agreement-in-Principle to FNI members, and to outline a few of the steps that have brought us to this moment.

The Federation of Newfoundland Indians (FNI) was formed in 1972. In 1989, the organization and the Chiefs of the six bands who were then FNI members undertook an action in the Federal Court of Canada. Their goal was to have Canada recognize the six Chiefs as Status Indians under the *Indian Act*. In 2003, the FNI made an application to turn that claim into a class action and add new plaintiffs (representing bands that had joined the FNI after the first case was launched).

Subsequent to the filing of this application, Canada and the FNI agreed to begin negotiations on an Agreement that could resolve the claims another way. The Agreement-in-Principle we have negotiated and now present here is the result. It outlines a path to creating a new band—the Qalipu Mi'kmaq First Nation Band—for Newfoundland Mi'kmaq, provides parameters for creating a Founding Members list, and also specifies what happens to the existing Court case.

The official Agreement-in-Principle uses legal terminology; this booklet outlines its key components in more common terms. We strongly encourage you to read both the booklet and the full Agreement-in-Principle, attend an information session (see page 24) to increase your understanding, and ask questions. Most important, we urge you to vote in the Ratification Vote on March 29, 2008.

FNI NEGOTIATING TEAM

*on left side of the table
(back to front):*

Stephen May
FNI Legal Advisor

Brendan Sheppard
President FNI

Annie Randell
Executive Assistant FNI

Shayne MacDonald
Team Member

and two FNI observers:

Hayward Young
Western Vice President

Randy Drover
Central Vice President

FEDERAL GOVERNMENT NEGOTIATING TEAM

*on right side of the table
(back to front):*

Roy Gray
Indian and Northern Affairs Canada

Martin Reiher
Legal Counsel, Indian and Northern Affairs Canada

Kevin Stamp
Chief Federal Negotiator

not shown:

Wilf Attwood
Indian and Northern Affairs Canada



We believe that ratifying the Agreement-in-Principle will be a positive step for the Mi'kmaq of Newfoundland. It will mark a negotiated resolution of historic claims and legal challenges. It will achieve as much as a Court action could have, more quickly than a trial and its potential appeals. It offers opportunities to pursue economic, social, and cultural development that can benefit current members, and our children, grandchildren, and future generations. We are proud to present it for your approval.

– Respectfully submitted
The FNI Negotiating Team



FINDING A NAME FOR A NEW BAND

This Agreement-in-Principle speaks about the creation of the Qalipu Mi'kmaq First Nation Band. William P. Duggan of Corner Brook supplied the name *qalipu*, which is the Mi'kmaq word for caribou. In his words, this is why it is fitting:

The caribou were a staple of the Mi'kmaq people and were essential to their survival in Newfoundland. They were used for food, tools, clothing, wigwam covering and floor blankets, caribou-skin canoes, moccasins, snowshoes, caribou-hide packsacks. Mi'kmaq used looms to make caribou hair wool, which was used in straps for the packsacks. So the Mi'kmaq used the caribou for food, clothing, shelter, and transportation.

The caribou were always available for the use of the Mi'kmaq, who knew their migratory paths and followed the caribou through the seasons. Using a name that is linked to wandering and migration makes sense for a landless band, because the native people lived a lifestyle similar to the caribou. They were not tied down to surveyed and fenced-in land, and they travelled the length and breadth of Newfoundland in their wanderings.

The caribou, even in early times, were considered noble and dignified. Their uses are woven into the lifestyle and history of Newfoundland Mi'kmaq.

*Qalipu
(pronounced
hal-lay-boo)
is the
Mi'kmaq word
for caribou.*



SUMMARY OF THE AGREEMENT-IN-PRINCIPLE

This section summarizes the key provisions of the “Agreement-in-Principle for the Recognition of the Qalipu Mi’kmaq First Nation Band.” Discussion of many of the Agreement’s details is in the Frequently Asked Questions (FAQs) section (pages 17-22).

To prepare for the Ratification Vote, you are urged to read this summary, the FAQs, and the entire Agreement-in-Principle (on the enclosed CD or the FNI web site: www.fni.nf.ca), and attend an information session (see page 24).

The Ratification Vote takes place on March 29, 2008. For details about the Vote, see page 14.

The Three Purposes of the Agreement-in-Principle

- Create a process that leads to the establishment of the Qalipu Mi’kmaq First Nation Band
- Recognize members of the new band as Status Indians under the *Indian Act*
- Settle legal claims made by the FNI and its members who sought recognition as Status Indians under the *Indian Act*

Membership in the New Band: Timing and Numbers

The initial members of the Qalipu Mi’kmaq First Nation Band will be called “Founding Members.”

Once the Agreement-in-Principle is ratified, a five-person Enrolment Committee will determine who is eligible to become a Founding Member of the Qalipu Mi’kmaq First Nation Band. Canada will appoint two members of the Enrolment Committee, and the FNI will appoint two. The fifth committee member is the Chair: a legally trained and well-respected person from the Newfoundland legal community, who is approved by both Canada and the FNI. The committee will follow guidelines outlined in the Agreement-in-Principle (Annex A).

The Enrolment Committee is responsible for creating two lists of people who are eligible to become Founding Members of the new band. The first list is supposed to be completed 12 months after the Enrolment Committee is established. The number of applicants on this list must equal or exceed 50% of the total FNI membership on November 30, 2007. If this number is achieved, the Qalipu Mi’kmaq First Nation Band will be established with members from the first Founding Members list.

Once both the FNI and Canada ratify the Agreement-in-Principle, it becomes the official Agreement for the establishment of the Qalipu Mi’kmaq First Nation Band.

This process is outlined in graphic form on page 16.



SUMMARY

If fewer than 50% of FNI members have successfully applied, the enrolment period can be extended by another six months—but *only if there are more names on the list than 40% of the FNI membership*. If, after this six-month extension, the number of people on the first list still does not equal or exceed 50% of the FNI's membership, the Qalipu Mi'kmaq First Nation Band will not be established and Canada will have no further obligation to negotiate.

If, however, there are sufficient numbers of eligible applicants, the Enrolment Committee will work for three more years to create the second (and final) list of Founding Members. At the end of this period, the people on this second list will become Qalipu Mi'kmaq First Nation Band members.

Canada and the FNI may agree to extend any of the time limits in the Agreement-in-Principle. However, once time has expired for creating the second list of Founding Members, no further applications to be a Founding Member of the Qalipu Mi'kmaq First Nation Band will be considered.

Founding Members: Eligibility and Enrolment

To be eligible to be a Founding Member of the Qalipu Mi'kmaq First Nation Band, you must document that you:

- a) **have Canadian Indian ancestry, either by birth or adoption.** You must prove through genealogy that you are a descendent of a person who is recognized to have been an aboriginal person. Applicants who claim Canadian Indian ancestry through Mi'kmaq-custom adoption must show that they were adopted before the age of 9, and that they were raised according to Mi'kmaq values, customs, and traditions.
- b) **have been a member of a recognized Newfoundland Mi'kmaq community** (see “Pre-1949” list on page 23) on or before March 31, 1949, the date on which Newfoundland joined Canada—or be a descendant of such a person by birth or adoption. Other communities may be added to this list with proof that there was a Mi'kmaq Indian group there on or before March 31, 1949.
- c) **not be already registered as a Status Indian under the *Indian Act*.**
- d) **identify yourself as Mi'kmaq** and have substantial connection to other Mi'kmaq on the island of Newfoundland. “Substantial connection” can be established either with proof that:

Clerks will be hired to advise you about completing your application and the documents you may need to include with it.



- you live in or near one of the communities listed on page 23 (other Mi'kmaq communities may be added to this list).

OR

- you frequently visit and/or communicate with Mi'kmaq who live in those communities, and that you have sought to maintain Mi'kmaq culture or ways of life.

The Enrolment Committee reviews the applications and votes to accept or deny each application for enrolment on the list of Founding Members. The committee's Chair will vote in case of a tie. An application will be denied if Canada's representatives are not satisfied that the applicant meets these three criteria:

- Canadian Indian ancestry
- descendant of a person who was a member of one of the Pre-1949 communities
- not already registered under the *Indian Act*

Applicants can appeal any decision of the Enrolment Committee to the Appeal Master appointed by the FNI and Canada (or by the Supreme Court of Newfoundland and Labrador, if they can't agree). The Appeal Master will be legally trained and well-respected in the province's legal community.

Founding Members of the Qalipu Mi'kmaq First Nation Band must be living when Canada establishes the band.

No additional proof can be offered in an appeal, so it is critical to be thorough in your initial application.

Access to Federal Programs

The Qalipu Mi'kmaq First Nation Band and its members will be eligible for certain federal programs. These programs currently include:

- Post-secondary Student Support
- Band Support Funding
- Band Employee Benefits
- Community Economic Development Organizations
- Community Support Services
- Community Economic Opportunities
- Non-insured Health Benefits

For information about some of these programs, see pages 11-12.

The band and its members may also be eligible to participate in various future federal programs to assist aboriginal peoples.



SUMMARY

Band Governance and Leadership Selection

The Qalipu Mi'kmaq First Nation Band will be governed by a band council made up of a Chief, two Vice-chiefs, and nine Councilors. Nine electoral wards will be established, each with one elected Councilor.

Until the first elections are held, the FNI's board of directors will serve as the band council. The date of the first Qalipu Council election must be announced within six months of the establishment of the Qalipu Mi'kmaq First Nation Band; the election itself must take place no later than one year from the date the new band is created.

Litigation Release

Every person who applies to enrol as a Founding Member of the Qalipu Mi'kmaq First Nation Band must give up any personal legal claims against Canada (past, present, or future) that seek either recognition as an Indian under the *Indian Act*, or damages caused by Canada's past failure to provide benefits comparable to those available to Indians. The signed Release also requires you to opt out of any class action suit regarding Canada's past failure to provide those benefits.

The Release becomes operative when and if the band is established and you are enrolled as a Founding Member in the Qalipu Mi'kmaq First Nation Band.

The existing legal case by the FNI and former and current band Chiefs (referenced on page 5) must also be dismissed by the Federal Court before the Qalipu Mi'kmaq First Nation Band can be established. When the number of people required to form the Qalipu Mi'kmaq First Nation Band is reached, the FNI and its lawyers will begin work to secure this dismissal.

Information sessions about the Agreement-in-Principle will be held. For details see page 24.



SOME OF THE BENEFITS OF RATIFICATION

Recognition as Status Indians

Status Indians have rights and benefits that are not available to non-registered Indians. Ratification of the Agreement-in-Principle is the next step in gaining registered status for all eligible Newfoundland Mi'kmaq—a negotiated resolution of both historic claims and the legal challenges that have been launched for this purpose. With this recognition, we can improve our education, gain greater access to health benefits, take advantage of employment opportunities, and put a stronger focus on developing opportunities for the Mi'kmaq of Newfoundland.

Access to Federal Programs

With recognition as Status Indians, members of the Qalipu Mi'kmaq First Nation Band will be able to participate in many federal programs (current and future) designed to enhance the lives of non-reserve Status Indians. Outlined below are some of the programs members will have access to once the new band is formed:

Better Educational Opportunities

- **Post-secondary Education Program.** Delivered by the band and supported by the Department of Indian and Northern Affairs, this program can help eligible First Nation students with the cost of tuition fees, books, travel, and living allowances for college or university. It is designed to increase the participation and success of students, which can enhance their future job opportunities.

Greater Access to Health Care

- **Non-insured Health Benefits.** Health Canada's Non-Insured Health Benefits Program provides coverage for a range of goods and services that are not insured elsewhere, including a specified range of drugs, dental care, vision care, medical supplies and equipment, short-term crisis intervention, mental health counseling, and medical transportation.

For more information about this program, see www.itk.ca/health/nihb.php

Members of the Qalipu Mi'kmaq First Nation Band will be able to participate in many federal programs.

continued on the next page....



BENEFITS

More information about these programs is available on the Indian and Northern Affairs website, www.ainc-inac.gc.ca.

Brighter Economic Future

- **Community Economic Development Program.** The Community Economic Development Program provides core financial support to non-self-governing First Nation communities for community economic-development planning and capacity-development initiatives, developing proposals, leveraging financial resources, and carrying out economic-development activities.
- **Community Economic Opportunities Program.** This program provides project-based support to First Nation communities to increase their participation in the economy. Funding can support economic and employment opportunities, business development, development of land and resources under community control, access to resource opportunities, and promotion of investment in communities.

Stronger Communities

- **Community Support Services Program.** This program gives support to national and regional plans that deliver support services to First Nation community economic-development organizations. The goal is to increase the economic capacity of community organizations to carry out one-time projects and ongoing activities related to economic development.

Stable and Improved Funding

- **Band Support Funding Program.** This program is designed to help First Nations bands meet the costs that come with local government and the administration of services funded by the Department of Indian and Northern Affairs. It is formula-based grant funding that allows First Nations to determine for themselves how they organize their council operations. By providing a stable funding base, it facilitates effective community governance and efficient delivery of services.



It has been a long, difficult struggle for many, many years to finally reach this stage. Many of those who began this journey are no longer with us. I strongly urge all members of the FNI to ratify this Agreement-in-Principle, because I firmly believe it is the best Agreement that we will receive. I also believe it is this Agreement or no Agreement, so we need to support it.

– Dorothy George
Elmastogoeg (Benoit's Cove) First Nations Band

WHY A LANDLESS BAND MAKES SENSE

Once it's created, the Qalipu Mi'kmaq First Nation Band will be "landless"—no land will be set aside to establish a reserve. This path was followed based on consultations with Mi'kmaq communities about their priorities. It does not compromise any of the FNI's original objectives, and does not mean that the Mi'kmaq can never pursue creating a reserve. For now, it offers many advantages; it also enabled the negotiating process to move forward.

Creating a landless band means that—once the Agreement is ratified—we will realize our two main objectives: recognition by Indian and Northern Affairs, and registration as Status Indians. It avoids further delays and the uncertainties of lengthy legal cases. And it allows the new band to be more inclusive: because all band members will be considered on an equal basis for available programs and benefits, without having to make a distinction as to whether they live on or off a reserve.

Newfoundland Mi'kmaq have diverse interests and are spread over a large area. By creating a landless band, this diversity can be accommodated without potential divisive decisions, such as where to establish a reserve and whether members of the new band can live on the reserve. Creating a reserve, in contrast, could result in members having to make the complicated decision of whether or not to move onto the reserve, and a number of concerns surround that decision. For example, property on reserves is not owned, so you may not have any control over where you live, business owners would lose the ability to use their land as security for loans, and families would lose rights under matrimonial property laws. This is why, when Newfoundland Mi'kmaq have the opportunity to achieve their long-standing goal to be recognized as Status Indians, a landless band makes sense.

*[Through]
creating a
landless band...
Newfoundland
Mi'kmaq have
the opportunity
to achieve their
longstanding
goal to be
recognized as
Status Indians.*

It's a dream come true for me to witness the opportunity provided by the Federal Government for the remainder of my people to be recognized as Status Mi'kmaq people. The road should never have been this long, but I'm pleased with what has been offered in the Agreement-in-Principle. March 29, 2008, is your opportunity to say "Yes" to the establishment of a landless band and official recognition by Indian and Northern Affairs Canada.



– Tony John

Glenwood Mi'kmaq First Nations Band

RATIFICATION VOTE

IMPORTANT

Ratification Vote

March 29, 2008
8 a.m. to 8 p.m.

Advance Vote

March 25, 2008
8 a.m. to 8 p.m.

Poll Locations

See chart on
page 15.

Voters List

The Voters List
will be publicly
posted prior to
the Vote.

FNI

1-877-647-2007
www.fni.nf.ca

Ratification Officer

Wayne Green
(709) 693-4256

The Ratification Vote on the Agreement-in-Principle for the Recognition of the Qalipu Mi'kmaq First Nation Band will take place by secret ballot on Saturday, March 29, 2008. Polling stations will be set up in 18 locations in the central and western regions of Newfoundland. Polls will be open from 8 a.m. to 8 p.m.

The FNI will draw up an official Voters List from its membership roll. All FNI members who are 18 or older on the day of the vote, are eligible to be on the Voters List and to vote. To check if you are on the list, contact the FNI or the Ratification Officer well in advance of the vote.

If you are not on the list, contact the FNI. On voting day, eligible voters whose names are not on the Voters List may have their names added by producing evidence of FNI membership and be 18 years of age.

Where you vote on March 29 depends on which of the nine FNI member bands you belong to. Details are listed by band in the chart on page 15. If you do not belong to a band, you will vote as per the locations for FNI General Members.

Four advance polls will occur on **Tuesday, March 25, 2008, 8 a.m. to 8 p.m.** in Corner Brook, Gander, Grand Falls, and Stephenville Crossing. Please refer to the chart on page 15 for the Polling Stations.

The ballot question in the Ratification Vote on the Agreement-in-Principle for the Recognition of the Qalipu Mi'kmaq First Nation Band will be:

Do you approve the Agreement-in-Principle
between Canada and the FNI
which, if ratified by both Parties,
provides for the establishment of a landless band and
the registration of its Founding Members as
registered Indians under the *Indian Act*?

YES

NO

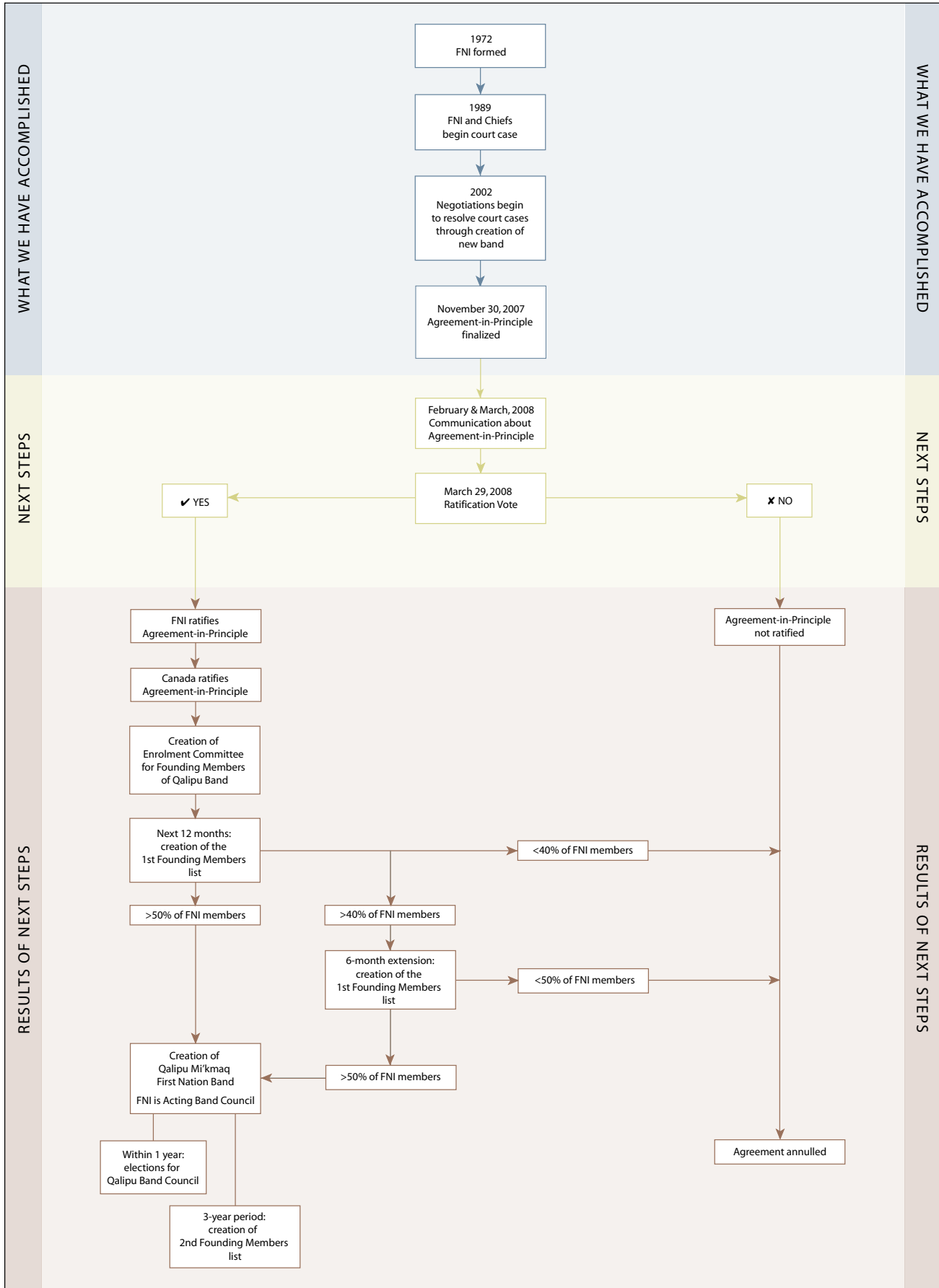


POLLING STATIONS

ADVANCE VOTE Tuesday, March 25 8 a.m. to 8 p.m.	Corner Brook	St. John's The Evangelist Church, Main St, Corner Brook
	Gander	Wing's Point Community Centre (the firehall), Gander Bay
	Grand Falls	United Church Hall, Fraser Rd, Grand Falls
	Stephenville	Stephenville Lion's Club, Woodland Street, Stephenville

RATIFICATION VOTE			Saturday, March 29, 2008 8 a.m. to 8 p.m.
	MEMBERSHIP	RESIDENCE	POLLING STATION
Western Region	Flat Bay Indian Band		Flat Bay Band Council building, Flat Bay
	St. George's Indian Band		St. Joseph's Parish Hall, St. George's
	Indian Head First Nations Band	Matis Point	St. George's polling station
		Black Duck, Gallants, or Stephenville Crossing	50+ Club, Stephenville Crossing
		Cold Brook, Noels Pond or Stephenville	Stephenville Lion's Club Woodland Street, Stephenville
	Port au Port Indian Band		Twilight Seniors Club, Port au Port polling station
	Elmastogoeg (Benoit's Cove) First Nations Band	Blow Me Down, Lark Harbour or York Harbour	York Harbour Community Hall, York Harbour
		All other members	Benoit's Cove Community Hall, Benoit's Cove
	Corner Brook Indian Band	Pasadena or Steady Brook	Pasadena Community Centre, Pasadena
		the North Shore of the Bay of Islands (Hughes Brook to Cox's Cove)	Meadows Community Hall
All other members		St. John's The Evangelist church Main Street, Corner Brook	
Central Region	Sple'tk First Nations (Exploits) Band	Buchans or Millertown	James Hornell Boys & Girls Club 1 Williams Turnpike, Buchans
		Badger	Community Centre 17C Maple Street, Badger
		Botwood, Leading Tickles, Northern Arm, Point Leamington, or Peterview	50+ Club, Airbase Road, Botwood
		All other members	Royal Canadian Legion on Queen Street, Grand Falls-Windsor
	Glenwood Mi'kmaq First Nations Band		Glenwood Fire Hall 5 Station Road, Glenwood
Gander Bay Indian Band		Wing's Point Community Centre (the firehall), Gander Bay	
Other	FNI General Members	Burgeo	Anglican Church Parish Hall, Burgeo polling station
		White Bay	Pentecostal Church Parish Hall, Sops Arm polling station
		Other	Your polling station will be the one for the local band that is closest to where you live. A general member who lives in McKays, for example, will vote in Flat Bay. All general members will be notified of their polling station.

STEPS IN THE PROCESS



FREQUENTLY ASKED QUESTIONS

Now that an Agreement-in-Principle has been reached, is the plan to create a new band a done deal?

1

No. The FNI membership must vote to ratify the Agreement, and then the number of people entitled to become Founding Members in the new band must be equivalent to 50% of the FNI membership before it can be formed.

Who can vote to approve or reject the Agreement-in-Principle in the March 29, 2008, Ratification Vote?

2

Anyone who is a member of the FNI—and who will be 18 years of age or older on March 29, 2008—is entitled to vote. See details on page 14.

Must a certain number of people qualify for membership in the Qalipu Mi'kmaq First Nation Band before it can be formed?

3

The Agreement-in-Principle specifies that the first Founding Members list must have a number of names equivalent to at least 50% of the FNI membership (as of November 30, 2007) before the federal Cabinet will order the formation of the new band.

What happens if the Agreement-in-Principle is not ratified?

4

The Qalipu Mi'kmaq First Nation Band will not be established, and FNI members and the proposed Band Council will not gain access to the benefits and programs of Status Indians. Canada will have no further obligation to negotiate with the Mi'kmaq of Newfoundland.

After 30 years of seeking an agreement with Government to register our people, the ultimate has finally happened: an Agreement-in-Principle. However, to seal the deal, we must ratify it. Please, brothers and sisters—don't let 30 years of effort go down the drain. Vote "Yes" on polling day.

– Chief Calvin Francis
Gander Bay Indian Band



5 What benefits will I receive as a Qalipu Mi'kmaq First Nation Band member?

Once members of the FNI vote to ratify the Agreement-in-Principle, Newfoundland Mi'kmaq who meet the enrolment criteria will gain access to many federal programs that are dedicated to Status Indians and recognized Inuit, such as post-secondary education and non-insured health benefits programs. Collectively, the band will receive stable and predictable funding and programs will be consistent and more readily available, such as direct core funding through Indian Government Support programs and economic development funding, and other programs as they become available.

For decades, the Mi'kmaq of Newfoundland have struggled to maintain our culture and lifestyle. The ratified Agreement would support and sustain the important Mi'kmaq culture of Newfoundland and Canada, building on centuries of history.

6 Who will represent me in the Qalipu Mi'kmaq First Nation Band?

A band council will govern the Qalipu Mi'kmaq First Nation Band. The FNI board of directors will act as the band council until the first band council election occurs, which must be within one year of the band's formation. The band council will be made up of a Chief, a western region Vice-chief, a central region Vice-chief, and nine electoral ward Councilors.

Qalipu Mi'kmaq First Nation Band members will vote in the electoral ward in which they live when elections are held. Those living outside an electoral ward will vote in the electoral ward in which they last lived, or to which they were assigned when they became members of the Qalipu Mi'kmaq First Nation Band. Thus all Qalipu Mi'kmaq First Nation Band members will have a place in which to vote. See the full Agreement-in-Principle (Schedule A of Annex C) for the boundaries of the new electoral wards.

Qalipu Mi'kmaq First Nation Band Council elections will be held every three years. Eligible voters can vote for one electoral ward Councilor, one Vice-chief (for their region), and the Qalipu Mi'kmaq First Nation Band Chief.

The ratified Agreement would support and sustain Mi'kmaq culture.



How do I become a member of the Qalipu Mi'kmaq First Nation Band?

7

You must apply to the Enrolment Committee to be added to the list of Founding Members. Successful applicants will be those who:

- **can prove they are of Canadian Indian ancestry**, either by birth or adoption. To do this, all applicants must attach a copy of their Long Form Birth Certificate to their application. You may also be required to show a family tree placing you as a descendant of a person who is identified as an aboriginal person. Documentation to support your family tree should include copies of Long Form Birth Certificates for your ancestors (where available), and also one or more of the following (which would identify your ancestor as an aboriginal person):
 - extracts from census records
 - historical textbooks and writings
 - church or school records
 - affidavits based on personal knowledge or Mi'kmaq oral history
 Genealogical research conducted for the FNI will be available to the Enrolment Committee to help them identify ancestors who are recognized as aboriginal persons.
- **are members (or descendants of a member) of a pre-1949 Newfoundland Mi'kmaq community** (listed on page 23). Proof can include census records, church or school records, historical textbooks and records, personal papers (such as letters), and deeds or bills of sale showing land ownership.
- **are not already registered Indians under the *Indian Act*.**
- **declare in writing that they consider themselves Mi'kmaq.**
- **live in or around a current Newfoundland Mi'kmaq community** (see list on page 23).
 - **Applicants who do not live in one of these Mi'kmaq communities** must show that they often visit or stay in frequent contact with Mi'kmaq who do live in them, and that they try to maintain Mi'kmaq culture and ways of life—evidence of this can include membership in an organization (such as the FNI) that promotes Mi'kmaq interests, or knowledge of or participation in Mi'kmaq ceremonies and traditional activities.
- **are alive** when the Qalipu Mi'kmaq First Nation Band is formed.

Families are encouraged to submit their applications together. This should allow decisions about applications to be made more quickly.



8 Does my FNI membership mean I will automatically be a Qalipu Mi'kmaq First Nation Band member?

No. *Everyone* must prepare an application and submit it to the Enrolment Committee. Membership in the FNI (or other organizations that promote Mi'kmaq interests) does *help* your application, though, as it demonstrates that other Mi'kmaq accept you as a Mi'kmaq person.

9 I don't live in Newfoundland now—can I still become a member of the Qalipu Mi'kmaq First Nation Band?

Yes. Former residents of Newfoundland can become members if they meet the criteria listed in answer 7.

10 Do I need to present proof to the Enrolment Committee if my ancestry has already been documented in an FNI study?

Yes. In considering an application's support material, the Enrolment Committee must give significant weight to ancestry that has been documented by any FNI-sponsored studies. However, you will still be required to fill out an application and to provide a copy of a Long Form Birth Certificate at least for yourself. You may also have to provide Long Form Birth Certificates for your ancestors to establish a genealogical connection to a person recognized in the studies as an aboriginal person or his or her descendant.

11 Do I have to prove beyond a doubt that I am a descendant of an aboriginal person?

No, but the more information you have to prove this, the stronger your application to be included on the Founding Members list—but you are not required to prove it “beyond a doubt.” The Enrolment Committee will be directed to consider whether you are a descendant of an aboriginal person on the balance of probabilities. In other words, the committee must be satisfied that it is “more likely than unlikely” that you are a descendant of such a person.



Should my children apply to become Founding Members of the Qalipu Mi'kmaq First Nation Band?

12

Yes, your children should apply to become Founding Members. This will ensure that their children can be registered as Status Indians. If your children do not apply to become Founding Members, they can still become registered Indians and members of the new band, but the ability of *their* children to be registered as Status Indians may be affected if the other parent of their children is not a Status Indian. As children of a Founding Member can be registered as Status Indians under different provisions of the *Indian Act*, it is strongly recommended that all your descendants born before the second Founding Members list is finalized apply to become Founding Members.

Is there a minimum Indian blood quantum requirement for Founding Members of the Qalipu Mi'kmaq First Nation Band?

13

No. The Agreement-in-Principle specifically states that “no minimum blood quantum requirement” is needed to establish whether you are of Canadian Indian ancestry. It is sufficient to show that you are a descendant of an aboriginal person.

How can I speed up my application process?

14

Families may speed up their application process by applying together using the same documentation to support all their applications.

If the Enrolment Committee denies my application for membership, can I resubmit my application or appeal its decision?

15

Yes. The Enrolment Committee will give written reasons for an application's denial and if, based on these reasons, you wish to submit another application you may do so. You can also appeal the decision of the Enrolment Committee to the Appeal Master. The Appeal Master's decisions will be binding on the Enrolment Committee, unless overturned by a Court decision. Nothing in the Agreement-in-Principle prevents an applicant from challenging a decision of the Appeal Master in Court.



16 Will there be anyone to help me complete my application?

The FNI will hire one Enrolment Clerk in central Newfoundland and two in western Newfoundland. They can advise you about completing your application and, if necessary, recommend further documentation you may need to support it.

17 When does the enrolment process begin?

If the FNI membership ratifies the Agreement-in-Principle in the March 29, 2008, vote, the next step is for the Minister of Indian Affairs and Northern Development to sign the Agreement, which ratifies it on behalf of Canada. The FNI cannot predict with certainty when the Minister will be able to do this, but we hope it will happen before the summer of 2008, so that the Enrolment Committee can begin work in the fall of 2008.

18 Are aboriginal land claims or hunting and fishing rights affected by the Agreement-in-Principle?

No. Aboriginal land claims and rights to hunting and fishing are not affected by this Agreement. They can still be negotiated separately with Canada or proven through Court challenges.

19 Does recognition as a Status Indian give me aboriginal hunting and fishing rights?

No. Aboriginal hunting and fishing rights are based on different legal principles and are not based solely on being recognized as a Status Indian.



I now have a daughter of my own and understand more than ever the importance of community, family, and of life. I believe that moving forward with the Agreement will provide her with opportunities that I never had. She will know where she came from, how her family got here, and there will be no one to question who she is as “an aboriginal Status Indian woman from the Qalipu Mi’kmaq First Nation Band.”

– Erica Samms

Elmastogoeg (Benoit’s Cove) First Nations Band



COMMUNITY LISTS

COMMUNITIES PRE-1949

as listed in Clause 1.16

Communities acknowledged as Mi'kmaq on the island of Newfoundland, at or before March 31, 1949. These communities include, but are not limited to:

Badger
 Bay du Nord
 Bay of Islands
 Beachy Cove, Halls Bay
 Black River, Placentia Bay
 Bonavista
 Bonne Bay
 Burgeo
 Clarkes Head, Gander Bay
 Codroy
 Conne River
 Corner Brook
 Deer Lake
 Dock Point
 Doyles
 Flat Bay
 Fogo
 Gambo
 Glenwood
 Grandy Island
 Halls Bay
 La Poile
 Main Gut
 Mattis Point
 Peter's Arm
 Point Leamington
 Port au Port
 Robinson's Station, Bay St. George
 Seal Rocks
 Sops Arm
 South Brook
 St. George's
 St. Teresa's
 St. Albans
 Twillingate
 White Bay

COMMUNITIES CURRENT

as listed in Annex B

Communities on the island of Newfoundland where groups of Mi'kmaq currently reside. These communities include, but are not limited to:

Abrahams Cove	Leading Ticks
Appleton	Lewisporte
Badger	Lourdes
Birchy Bay	Lower Cove
Bishop's Falls	Mainland
Black Duck Brook	Massey Drive
Black Duck Siding	Mattis Point
Boswarlos	Mclvers
Botwood	Meadows
Brown's Arm	Millertown
Buchans	Mount Moriah
Burgeo	Norris Arm
Campbells Creek	Northern Arm
Campbellton	Pasadena
Cape St. George	Peterview
Comfort Cove	Piccadilly
Corner Brook	Point Leamington
Cox's Cove	Port au Port East
Deer Lake	Port au Port West
Flat Bay	Red Island
Fox Island River	Sheaves Cove
Gallants	Ship Cove
Gander	St. Albans
Gander Bay South	St. Fintan's
Gander Bay North	St. George's
Gilliams	St. Teresa's
Glenwood	Steady Brook
Grand Falls-Windsor	Stephenville
Hughes Brook	Stephenville Crossing
Humber Arm South	Three Rock Cove
Irishtown/Summerside	West Bay
Kippens	York Harbour
Lark Harbour	



TO FIND OUT MORE

Information sessions in eleven communities will give FNI members the opportunity to discuss the Agreement-in-Principle, the Ratification Vote, and the creation of the Qalipu Mi'kmaq First Nation Band. Each will be attended by representatives of the FNI Negotiating Team and the Government of Canada, as well as the Ratification Officer (who will supervise the vote). You are encouraged to bring your questions and comments to these sessions.

2008 INFORMATION SESSIONS			
February	25	Sops Arm	River Sea Motel
	26	Benoit's Cove	St. Peters Academy Gymnasium
	27	Corner Brook	Pepsi Centre, Room 2
	28	Burgeo	Fire Hall
March	3	Flat Bay	Community Centre
	4	St. George's	Mi'kmaq Museum
	5	Stephenville	Holiday Inn, Port au Port, Rooms I & II
	6	Port au Port	Recreation Centre
	10	Grand Falls	Mount Peyton Hotel
	11	Glenwood	Appleton Community Centre
	12	Gander Bay	Gander Bay North Community Centre
All meetings take place from 7 – 10 p.m.			

For information about the Agreement, the information sessions, or adding your name to the Voters List, contact:



The Office for the Formation of the Qalipu Mi'kmaq First Nation Band
c/o the Federation of Newfoundland Indians
P O Box 460, St. George's, NL A0N 1Z0

phone (709) 647-2007 toll-free 1-877-647-2007

fax (709) 647- 2090 email Qalipu@fni.nf.ca website www.fni.nf.ca

For information about voting locations and the Voters List, contact:

The Ratification Officer, Wayne Green

phone (709) 693-4256 email waynegreen7@gmail.com

