

# Registration & Recognition for Mi'kmaq of Newfoundland



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The Federation of Newfoundland Indians (FNI) has been a strong advocate for the recognition of Newfoundland Mi'kmaq since the early 1970's. After years of discussion and exploratory talks the FNI has been successful in entering into formal negotiations with the Government of Canada with the objective of concluding an Agreement-in-principle (A.I.P) to address the longstanding issue of recognition of Mi'kmaq on the island of Newfoundland outside of Conne River. These negotiations have recently commenced. The purpose of this release is to inform you and bring you up to date on the progress achieved to date.

## MESSAGE FROM THE PRESIDENT

It is with great pleasure, as President of the FNI, that I bring this initial newsletter to inform you about the current negotiation process for the Mi'kmaq people of Newfoundland to become status Indians under the Indian Act through a landless band. We wish to detail for you, the people involved, the items to be negotiated, negotiating schedule and opportunity for comments and feedback. For those of you that has been a member of the organization since its conception, we realize that this has been an extremely long wait, but we are optimistic that we are on the road to what our people have long awaited, that is to be registered Indians under the Indian Act.

To this end, there is no guarantee that negotiations will result in a successful conclusion (i.e status and recognition), however we are closer now then ever before in the history of this organization. The Federal Government has certainly maintained their promise to work with the FNI to settle this issue outside of court and negotiations are proceeding well.

As you are aware, the FNI has been through two phases of discussions with the federal government over the past two years that has lead to this current stage in the process. The following will briefly remind you of the outcomes of the earlier discussions.

**Exploratory Discussions:** To outline options for Canada to respond to the claims for Mi'kmaq recognition.

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**Preliminary Negotiations:** To assess whether the establishment of a landless band would be supported by Newfoundland Mi'kmaq.

**Current Negotiations:** To prepare an Agreement-in-Principle to established a landless band and the registration of eligible Newfoundland Mi'kmaq.

Details of this phase to follow. I assure you, that you will receive information as this process unfolds.

**Respectfully yours,  
Brendan Sheppard  
President FNI**

## Federation of Newfoundland Indians Negotiating Team

The FNI negotiating team is comprised of Brendan Sheppard, Annie Randell and Shayne McDonald. This is the same team that represented the FNI in the previous exploratory discussions and preliminary negotiations phases. In addition to the aforementioned negotiating team members, Mr. Stephen May, a lawyer with Patterson Palmer Law firm provides legal advise and support to the negotiating team. As well, both vice presidents of the FNI, Tony John and Hayward Young have been invited to the committee as observers.

**Mr. Sheppard** has been President of the Federation of Newfoundland Indians since 1994.

**Mr. John** is Vice-President of the Federation of Newfoundland Indians since June 2004 and Chief of Glenwood 1st Nations.

**Mr. Young** is the Western Vice President of the Federation of Newfoundland Indians since 2004 and Chief of Indian Head First Nations.

**Ms. Randell** is the Executive Assistant of the Federation of Newfoundland Indians since 1988.

**Mr. McDonald** is an Aboriginal Lawyer and a member of the Miawpukek Band at Conne River.

**Mr. Stephen May** is a Partner with the St. John's office of Patterson Palmer, he is legal advisor for the FNI.

## Canada's Negotiating Team

November 23, 2005, **Mr. Kevin Stamp**, Q.C. was appointed as Chief Federal Negotiator. Mr. Stamp is supported by a team of dedicated officials from the Ottawa and Atlantic offices of the department of Indian Affairs and the Department of Justice. Further information on Mr. Stamp is available at <http://www.mwhslaw.com>

# Items to be negotiated for The Agreement in Principle (AIP)

Canada and the FNI are in the process of negotiating the details of an A.I.P for the purpose of creating a landless band on the island of Newfoundland for the eligible Mi'kmaq population. Successful negotiations will lead to the establishment of an Indian Act Band with no-reserve base and the registration of its founding members who will then be able to access certain federal programs and services. It should be noted that in the event that A.I.P negotiations are successful, no final agreement will be reached until members of the FNI and other potentially eligible Mi'kmaq ratify the A.I.P.

Agreement-in-Principle Framework - The framework of the A.I.P includes provisions for:

## 1. Membership criteria

The membership criteria will be employed to determine who is eligible to be a founding member of the landless band. The goal in the A.I.P is to reach agreement on membership criteria that reflect the ancestral and cultural connection to the Newfoundland Mi'kmaq community. The enrollment committee will be the committee that will apply the membership criteria agreed to by Canada and the FNI in arriving at the list of founding members of the Landless Band.

## 2. Landless band governance issues (i.e. leadership selection code and financial management code).

This item includes the development of draft codes or by-laws that will govern the landless Band's selection of its leaders and govern its financial affairs and accountability to its members and Canada.

## 3. Indian and Northern Affairs (INAC) and other federal departments programs and services.

Canada will advise on the specific programs and services that will be available to the landless band and its members. As well, possible funding mechanisms will be discussed.

## 4. Ratification Process and Implementation

This item includes arriving at the process by which FNI members and other potentially eligible Mi'kmaq will approve the A.I.P for the creation of the Landless Band. Provisions in this section will also be required to put into effect the final agreement which will follow ratification.

## Negotiation Schedule

Canada and the FNI have agreed to a negotiating schedule that involves a series of technical working group committee meetings to support the ongoing Main Table negotiations. Negotiations commenced in November and are expected to conclude in the Spring of 2006. The negotiating team will be meeting with each band chief and councilors during the month of March and April in order to moderate expectations given the tight negotiation timeline under which we are working.

# Steering Committee of the Federation of Newfoundland Indians

The FNI negotiating team reports to a steering committee that provides direction, advice and support. The steering committee, consisting of the directors of the FNI will be the direct link to the community and will be responsible for overseeing the activities of the negotiating team to ensure all interests of the local bands are identified. This committee acts as a catalyst to develop discussion documents to be negotiated with Canada during the negotiation process.



## More information to come as Negotiations Unfold

This newsletter is one of a series of special editions newsletters that will be prepared for the Mi'kmaq of Newfoundland as the negotiation process continues. It is with intent of all involved to ensure the people are fully aware of the on-going process at all times and the best method to accomplish this is through a newsletter. It is important to note that this negotiating process is with respect to concluding an A.I.P. Again no agreement will be reached until FNI members and other potential eligible Mi'kmaq ratify the A.I.P.

The FNI/Canada Representatives negotiating team will be visiting Mi'kmaq communities in June 2006 for information sessions to ensure the people has an opportunity to voice their concerns, provide feedback and comments. In the meantime any individual is welcome to provide comments to the team via mail (P.O. Box 956 Corner Brook, NL A2H 6J3) or email at [adminasst@fni.nf.ca](mailto:adminasst@fni.nf.ca).

This newsletter and further updates, as they become available, can be viewed on the web at [www.fni.nf.ca](http://www.fni.nf.ca).

Or visit INAC web's site at <http://www.ainc.inac.gc.ca> for information on programs and services that may be available to status Indians.

## Name for a potential Landless Band

In the event that recognition proceeds and a landless band is created, we need to arrive at a suitable name. As such, we are welcoming your suggestions as to a suitable name. We hope to develop a short list of potential names. Ideally, the name should capture in some aspect of our identity as Mi'kmaq, our history in NF, our customs, culture, language, etc.

If a name is submitted and selected as the name for the future landless band a reward and recognition of that name will be given to that person. Please submit potential names to the Corner Brook office, P.O. Box 956, Corner Brook, NL, A2H 6J9 or email: [adminasst@fni.nf.ca](mailto:adminasst@fni.nf.ca) Please include your name, address, phone number and band affiliation if you are affiliated with one of the FNI local bands.