

## **Opinion Editorial**

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### **Understanding First Nation and Mi'kmaq Governance**

by Don MacKenzie, October 28, 2014

#### **Charlottetown PE --**

Throughout the month of October, the Mi'kmaq Confederacy of PEI is trying to promote a greater understanding of the indigenous people of Epekwitk (Prince Edward Island); including their history, culture and governance structures. Governance and the nature of Aboriginal Organizations, in particular, are not well understood by the general public, other orders of government or the media. So, we believe that it is essential to set out some basic facts in order to establish a better understanding of this topic.

Prince Edward Island and Nova Scotia are the only provinces in Canada with a homogeneous Aboriginal population - meaning that the Mi'kmaq are the only indigenous people of those provinces. The land mass in both provinces is exclusively Mi'kmaq territory, and the Aboriginal and treaty rights are held solely by the Mi'kmaq.

On PEI, there are only two Mi'kmaq or Aboriginal Governments: Lennox Island First Nation and Abegweit First Nation. These are the historical, traditional and legal representatives of their community members, on- and off- Reserve, and all citizens of the Mi'kmaq Nation on PEI.

Each First Nation is governed by an elected Band Council comprised of a Chief and Councillors, who represent their on- and off-Reserve Band members. Chief Brian Francis of Abegweit and Chief Matilda Ramjattan of Lennox Island, and their respective Band Councils, are responsible for all of their community members - regardless of where they live - and strive to ensure that adequate programs and services are provided, even though they are chronically underfunded.

In addition to the historical and traditional First Nation governance structure, the Supreme Court of Canada has clearly established that the Band Council represents on-

and off-Reserve Band members to the community-at-large and in negotiations with other orders of government. From time to time there are erroneous statements and reports which suggest that the First Nation Governments do not represent those Mi'kmaq people who live off-Reserve. This has no basis in fact or law.

The Mi'kmaq Governments - the Band Councils - are entrusted with the critically important role of advancing constitutionally entrenched Mi'kmaq Aboriginal and treaty rights with the Provincial and Federal Governments. The advancement of these collective rights is essential as the Mi'kmaq seek to return to self-reliance, self-determination and the prosperous life that they once knew.

To accomplish this common goal, Abegweit First Nation and Lennox Island First Nation created an Aboriginal and treaty rights forum to allow the two First Nations to speak with one unified voice on behalf of all the Mi'kmaq on PEI in relation to rights based issues. The entity they created is the Mi'kmaq Confederacy of PEI (MCPEI), which is owned and directed by the two First Nations. MCPEI is not a rights holding or governance body unto itself; it is an entity that acts as the shared civil service for the Mi'kmaq Governments on PEI. MCPEI is a multi-functioning organization. In addition to serving as an Aboriginal and treaty rights forum, it is also a Tribal Council and a Provincial-Territorial Organization. MCPEI assists the First Nation Governments to provide common programs and services in areas such as health, education, child & family services, Aboriginal justice, resource management and economic development.

Aboriginal people living on Prince Edward Island - not just Mi'kmaq people - also benefit from the service and support of various other associations and groups. These organizations – such as the Aboriginal Women's Association of PEI, the Native Council of PEI and the Mi'kmaq Family Resource Centre - play an important role in advocating for those who choose to join their organizations based on a common interest or service need. These organizations do good work and serve important purposes; however, they are not governmental in nature.

These are important times in the advancement of Aboriginal and treaty rights on Prince Edward Island. Various Supreme Court of Canada decisions; including *Sparrow*,

*Marshall, Haida, Behn* and now, *Tsilhqot'in* have brought a great deal of clarity related to existing rights as protected under the *Constitution*. The Decisions deal with fishing and resource rights, the duty of both the Federal and Provincial Government to consult with the First Nation Governments on activities that might impact on rights issues, Aboriginal title to land, and the role and responsibilities of First Nation governments in representing their members.

To summarize, on Prince Edward Island the traditional, historical and legal responsibility and obligation of governing the Mi'kmaq people of Epekwitk, both on- and off-Reserve, is the exclusive role and purview of the Mi'kmaq Governments of the Abegweit and Lennox Island First Nations. The governments created the Mi'kmaq Confederacy of PEI to serve them and their membership in advancing Aboriginal and treaty rights, and for program and service delivery. Aboriginal people living on Prince Edward Island also benefit from the service of a number of voluntary membership based associations and advocacy groups.

It is critical, for the purpose of clear communication, that the role and authority of First Nation Governments and Aboriginal associations on Prince Edward Island is understood by all parties, whether the general public, other orders of government or the media.

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