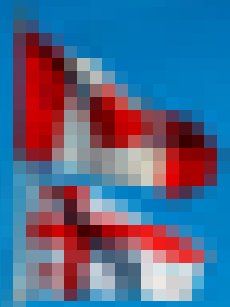




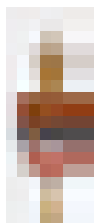
ReconciliACTION



Prepared by

Office of the Hon. PJ Prosper,
Nova Scotia - Mi'kma'ki

October 1, 2024



Office of Senator Paul “PJ” Prosper
Nova Scotia/Mi'kma'ki

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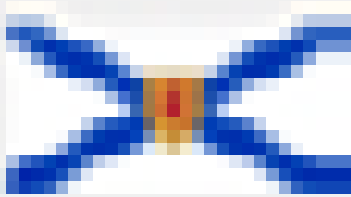
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Senator Paul "PJ" Prosper is a Mi'kmaq Senator and lawyer representing Nova Scotia/Mi'kma'ki.

He has spent his entire professional life working in service to his community and Mi'kmaq by working as a technical legal advisor for Mi'kmaq organizations and later as a political representative. He has served as Chief of his home community of Paqtnkek Mi'kmaw Nation, AFN Regional Chief for Nova Scotia and Newfoundland (prior to those positions being split), and now as Senator.

Personal Statement

When I served as a Chief and then later as Regional Chief, I worked hard to address the concerns of the communities I represented and to improve the lives of the people who chose me to be a leader.

The Mi'kmaq have a teaching that all Indigenous peoples are tied together by a common ribbon and, collectively, we are all known as "L'nu".

I see this role of Senator as an evolution of my work in the communities; I see this as an opportunity to work hard on behalf of all L'nu and all Canadians, while always letting my words and actions be grounded by and rooted in the 7 Sacred Teachings: Love, Respect, Courage, Honesty, Wisdom, Humility and Truth.

I pledge to do my best with the opportunities given to me and to remain true to my Mi'kmaq identity.



A message from the Senator

October 1, 2024

I was appointed to the Senate on July 6, 2023, and was officially sworn in on September 19, 2023. At the start of my term, someone asked me, “What kind of Senator do you want to be?” I had never considered the different types of Senators before, so I did some research. There are those who focus on special issues. Those who take a more national or global approach to the job, working on parliamentary and interparliamentary committees and friendship groups. And others who use their platform to advocate for their region’s interests. No manual exists for how to be a Senator in Canada. We have core duties such as introducing and reviewing legislation and participating in Senate committee work. But ultimately, each Senator is free to choose how they spend their time and resources.

The more I thought about it, the clearer the answer became. As a Mi’kmaq, I want everything that I do as a Senator to be focused on the best interests of my People—I want to serve the Mi’kmaq. Yes, I am a Senator for Nova Scotia, and, yes, I am a Senator for all Canadians. However, I will always be first and foremost Mi’kmaq or, as we call ourselves, L’nu.

That is why when the idea was suggested to me to embark on a listening tour throughout our territory Mi’kma’ki, I jumped at the chance. Despite being a Chief and a Regional Chief prior to my work as a Senator, I did not want to presume that I knew all the issues and priorities. Since February 2024, I have been on a listening tour of our Territory, which stretches from Newfoundland to the Gaspé region of Québec. It includes Nova Scotia, Prince Edward Island, Newfoundland, and parts of New Brunswick and Québec. I met with the Grand Council, Chiefs and Councils, Mi’kmaq organizations, Tribal councils, individuals, youth, and Elders. I have attended conferences, large events, and gatherings and engaged with 1,701 people. In total, my team and I spent 184 hours in meetings.

This report, and the issues and priorities listed within it, will guide my work in the Senate. Already, the items raised have directly influenced every speech, statement, and question that I have asked in the Senate Chamber.



During my tenure as Senator, I intend to write a report each year to remain accountable to the Mi'kmaw People. These reports will address my actions toward resolving the issues and advancing the priorities contained in this report. That is why the theme of this report is "Reconcili-action." We have spent far too much time, energy, and resources in Canada talking about and studying the issues. It is time to move forward together toward a brighter, more inclusive future where Mi'kmaq and all Indigenous Peoples in Canada are recognized and respected.

My connection to the spirit of the land and to my People has fueled me throughout my working life, and it has continuously driven me to find ways to be of service. This is how I connect to the Mi'kmaw concept "*Msit No'kmaq*" or "all my relations."

I want to thank everyone who took the time to share their thoughts, stories, and concerns with me throughout this tour. Thank you for placing your trust in me. I pledge to continue my service for the L'nu People.

Wela'liog. Thank you. Merci.

Paul "PJ" Prosper,
Senator for Nova Scotia/Mi'kma'ki

Executive Summary

From February to September, 2024, Senator Prosper and his team conducted a “listening tour” of the Mi’kmaq territory known as Mi’kma’ki. This territory stretches from Newfoundland to the Gaspé region of Québec. It includes the entirety of Newfoundland, Nova Scotia, and Prince Edward Island, as well as parts of New Brunswick and Québec. Throughout this time, the Senator and his office met with 1,701 people over 44 meetings and 5 conferences or large events. They spent 184 hours actively engaged with meeting and event participants, learning about their achievements, stories, issues and priorities.

The number seven is of particular significance to the Mi’kmaq or “L’nu”: there are seven teachings (love, respect, courage, honesty, wisdom, humility and truth) that serve as guiding principles for L’nu and other First Nations and there are seven districts within Mi’kma’ki. As such, this report organizes the various priorities raised into seven broad categories. The number of times issues were raised by participants was noted in order to help the Senator discern which priorities were of most concern to those engaged with. Based on this methodology, the categories in order of most to least discussed is:

1. Governance
2. Health and Social Issues
3. Economic Development, Lands and Resources
4. Justice
5. Infrastructure
6. Citizenship
7. Language, Culture and History

This alone seems to tell a story. It is not that language, culture and history is not important to L’nu. In fact, language is a means of connection that many seek to revitalize and preserve. The story that the Senator has seen emerge is that it is vital for L’nu to take control of their own affairs (Governance) in order to ensure that their people are strong and healthy enough to go to school, work and be productive members of society (Health and Social Issues). Once that is done, they can then focus on generating their own-source revenues to break the reliance on government funding imposed on Mi’kmaq through a series of colonial, paternalistic and blatantly racist policies and laws (Economic Development, Lands and Resources) and have the resources to tackle other after-effects of intergenerational trauma (Justice) as well as to build and repair culturally-appropriate spaces to work, learn and play in (Infrastructure). In this brighter future, L’nu would have the ability to reconnect with and support one another using their own definition for who belongs to their nation (Citizenship) and finally be able to focus on living as opposed to just surviving (Language, Culture and History).

Every part of Mi'kma'ki faces the same issues, to varying degrees. Some regions have been fortunate to have better access to services and more infrastructure and/or industry, whether that be due to location or the foresight of leadership, while others are more remote and struggle to provide the same opportunities other communities have. Some communities have large councils and corporations that are focused on generating wealth for that community and its members, while others have a Chief and very few councilors – if any – who all wear multiple hats.

While these differences often influenced which topics were raised and how much time was spent discussing each, there were common points that were touched on in every meeting and every event. The overarching theme for all these points was a general lack of accountability in rights recognition by successive governments. Regardless of political stripe, these issues have persisted through the years and continue to this day. Despite the rhetoric espoused by some and the multitude of reports, commissions and parliamentary recommendations, systemic racism and discrimination persist in Canada's institutions at a provincial and federal level. Many complained of a lack of respect or being offered lip service when trying to address key concerns and every single meeting referenced a lack of recognition of First Nation sovereignty in some capacity. Various people linked this to frustration over, what appears to be, stalled efforts to implement the United Nations Declaration Act (UNDA) Action Plan, which was released on June 21, 2023.

L'nu have also expressed feeling as though they are caught in a jurisdictional battle between the provincial and federal governments where no one seems to want "the headache". This is exacerbated by a seeming lack of understanding of Mi'kmaq culture and traditions amongst departments, key staff, RCMP officers and politicians alike. There were those who surmised that this lack of understanding is the result of a myriad of factors such as, but not limited to: an unwillingness to understand how tradition and culture relates to the successful delivery of modern services; a high turnover in departmental staff, leading to the inability to form consistent and stable relationships with decision makers; and federal and provincial governments working in silos, resulting in a disjointed and often piecemeal approach to Mi'kmaq issues.

While an ideal solution to this would see Mi'kmaq take control over the creation and delivery of core programs and services such as education, health, justice, child welfare and so forth, a lack of access to funding – especially core funding – coupled with discriminatory funding models block the ability of L'nu organizations and institutions to grow. This ideal assumption of responsibility and exercise of sovereignty is further stymied by the lack of Mi'kmaq capacity, red tape and arduous reporting requirements. In the Gaspé, despite the geographical proximity of communities to their English-speaking New Brunswick counterparts, the settler-drawn boundaries impose French language requirements that hinder the ability to staff key positions including nursing roles at the newly-built elders care facility. Despite the patients only speaking English and Mi'kmaq, these language requirements cannot be waived within the province of Québec.

These types of burdens and restrictions are not limited to provincial governments. The federal government is also guilty of creating unnecessary barriers to the health, prosperity and overall well-being of Mi'kmaq communities, as is evident in the meeting summaries contained in this report.

This report provides a summary of the various meetings that Senator Prosper and his team participated in. The priorities and issues contained have guided – and will continue to guide – the work of the Senator in the Chamber and beyond. Evidence of how the Senator's work has already been influenced by the Mi'kma'ki tour can be found in the Hansard and recordings of his interventions during Statements and Question Period, as well as in various speeches and committee questions.

Reconcili-ACTION: A Plan to Move Forward

Of the many issues raised to the Senator, some can be fixed quickly and efficiently (should the political will exist), while others are more medium to long-term projects. It is, then, ideal that these types of projects be led by a Senator who is appointed until 75 and is not beholden to election cycles; though heavily criticized for being an appointed position, it is exactly this quality that enables a Senator to provide stable and consistent leadership on various issues. Senators often become the keepers of institutional memory on Parliament Hill and are able to build strong relationships with key departmental staff and Ministers due to the built-in longevity of their position. As new MPs are sworn in, House of Commons committees can sometimes lack the background and depth of knowledge that Senators who have been serving in the roles for years and sometimes decades have. This leads to certain topics and issues, such as housing and food security, being studied several times over with little to no actual progress being made.

The issues are many and deep-rooted. As such, two questions arise as the Senator considers how best to spend his limited resources in moving the dial forward: How does one choose which priorities to take up first, and how does one go about addressing these issues?

For the first question, the goal will be to identify short, medium and long-term actions that can be taken to address issues. For instance, the Senator could address an issue by simply seeking a meeting with a Minister to garner a response to something raised by a constituent or raise an issue during Question Period. A medium-term solution could include launching an inquiry or organizing an event aimed at raising awareness about a particular concern. Long-term actions could include proposing a committee study or legislation to address a deeper-rooted issue.

While the second question could, at first, seem overwhelming, it is important to remember that time, energy and hundreds of millions (if not billions) of dollars have gone toward studying these very issues for decades. According to Library and Archives Canada,

The Royal Commission on Aboriginal Peoples (RCAP) was established by Order in Council on August 26, 1991, and it submitted in October 1996 the Report of the Royal Commission on Aboriginal Peoples. The RCAP was mandated to investigate and propose solutions to the challenges affecting the relationship between Aboriginal peoples (First Nations, Inuit, Métis Nation), the Canadian government and Canadian society as a whole.[1]

[1] Library and Archives Canada. "Royal Commission on Aboriginal Peoples". Government of Canada Body
Last updated: 2021.01.19

The RCAP report proposed 440 recommendations over 5 volumes[2]. Since then, dozens of parliamentary reports and studies, as well as national commissions and inquiries have been undertaken, generating thousands of recommendations. The Truth and Reconciliation Commission (TRC), led by former Senator Murray Sinclair, spent eight years (from 2007 to 2015) studying a path forward following the historic Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian history. Schedule “N” of the Agreement outlines the mandate of the TRC and opens with the following,

There is an emerging and compelling desire to put the events of the past behind us so that we can work towards a stronger and healthier future. The truth telling and reconciliation process as part of an overall holistic and comprehensive response to the Indian Residential School legacy is a sincere indication and acknowledgement of the injustices and harms experienced by Aboriginal people and the need for continued healing. This is a profound commitment to establishing new relationships embedded in mutual recognition and respect that will forge a brighter future. The truth of our common experiences will help set our spirits free and pave the way to reconciliation.[3]

After \$72 million in government funding, six years of travelling throughout the country and hearing from more than 6,500 witnesses, the TRC issued their comprehensive report with 94 Calls to Action[4].

In a similar fashion, the National Inquiry into Missing and Murdered Indigenous Women and Girls was launched in June of 2018 by the Government of Canada. The Inquiry tabled its two-volume report, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls” on June 30, 2019. The report concluded that, “persistent and deliberate human and Indigenous rights violations and abuses are the root cause behind Canada’s staggering rates of violence against Indigenous women, girls and 2SLGBTQQIA people.”[5] The report is the result of engagement with “more than 2,380 family members, survivors of violence, experts and Knowledge Keepers shared over two years of cross-country public hearings and evidence gathering.”[6]

[2] Library and Archives Canada. “Report of the Royal Commission on Aboriginal Peoples”. Government of Canada. [1] Library and Archives Canada. “Royal Commission on Aboriginal Peoples”. Government of Canada Body Last updated: 2021.01.19 Last updated: 2016.11.02

[3] Indian and Residential Schools Settlement Agreement. Schedule “N”. May 8, 2006. https://www.residentialschoolsettlement.ca/SCHEDULE_N.pdf

[4] Crown Indigenous Relations and Northern Affairs Canada. “Truth and Reconciliation Commission of Canada”. Government of Canada. <https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>. Last Updated: 2024.05.28

[5] National Inquiry into Missing and Murdered Indigenous Women and Girls. “Reclaiming Power and Place”. <https://www.mmiwg-ffada.ca/final-report/>

[6] Ibid.

Simultaneously, the Inquiry released a report specific to Québec “in order to give particular attention to the issue of violence against Indigenous women and girls in that province. The report outlines specific issues such as language barriers, health and social services provide by religious congregations and interaction with Indigenous and provincial police forces.”[7] The report put forward 231 Calls for Justice “directed at governments, institutions, social service providers, industries and all Canadians.”[8]

In 2021, Canada passed the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)[9], which committed the federal government to ensuring that all laws, policies and federal practices in Canada are consistent with the articles included in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)[10].

Per the legislation, an action plan on the path forward to implement UNDA was published two years after royal assent in 2023. The 5-year plan includes 5 chapters of priorities: Shared priorities, First Nations priorities; Inuit priorities, Métis priorities, and Indigenous Modern Treaty Partner priorities. For the purposes of this report, the focus was to count the number of shared priorities (111) and First Nations priorities (19)[11].

The Government commitment to implementing all 94 Calls to Action as well as all 231 Calls for Justice in addition to the UNDA Action Plan created a clear, measurable path forward toward true reconciliation.

However, the implementation of these initiatives has been underwhelming and progress on many of the recommendations and action plan items have stalled. According to a review of progress on the Calls for Justice by CBC, only two have been completed over the past four years.[12]

[7] Ibid.

[8] Ibid.

[9] United Nations Declaration on the Rights of Indigenous Peoples Act

[10] United Nations Declaration on the Rights of Indigenous Peoples

[11] UNDA Action Plan 2023-2028

[12] Carreiro, Donna. “Mother.Sister.Daughter.” CBC. <https://www.cbc.ca/newsinteractives/features/mother-sister-daughter>. 05.06.23

The Yellowhead Institute's report, "Calls to Action Accountability: A 2023 Status Update on Reconciliation" found that, after eight years, 81 Calls to Action remain unfulfilled. Report authors Eva Jewell and Ian Mosby are quoted as saying,

In the short time we have been annually observing Canada's record on its supposed progress, we've held the tension of the promise of reconciliation with the actual reality – exacerbated by the deep chasm between the two and frustrated by the discrepancy between inaction and Canada's fantastical myths of benevolence.

From 1996, when RCAP was published, to present, there have been many parliamentary reports undertaken in both the House of Commons and the Senate that are directly related to First Nations issues, resulting in 1,468 recommendations over the past 28 years. A cursory analysis of these recommendations showed that several were repetitive. For instance, over the years, Parliament has made 463 recommendations related to economic development and resource management, 402 related to fisheries and 263 related to housing/operations and management (O&M). Yet the issues these recommendations targeted persist today.

Additionally, over that same timeframe, there have been 11 Parliamentary Budget Officer reports as well as over 50 Auditor General reports that have outlined the amount of money necessary to address some of these concerns and the failures of successive governments to deliver on promises respectively. With close to three decades of studies, analyses and recommendations related to the same issues contained in this report, the Senator intends to revive the good work of previous parliamentarians, commissioners, and their respective staff to not "reinvent the wheel" but to follow through on the path to reconciliation that has already been charted for Canada.

The time to study these issues is over. This report is not meant to duplicate the work that has already been done, but to document that these issues continue to persist, despite all the resources that have been spent to try and address them. Instead, the goal of this report is to document the issues currently being faced by Mi'kmaq throughout Mi'kma'ki and to spur the federal government into action in order to build forward momentum so that L'nu can finally have the future they have been working toward and dreaming of since colonialism divided their once thriving and self-sufficient Nation.

Report Highlights



People Engaged
1,701

Meeting Hours
184



Meetings/Conferences
49

Pages of Notes
1,321

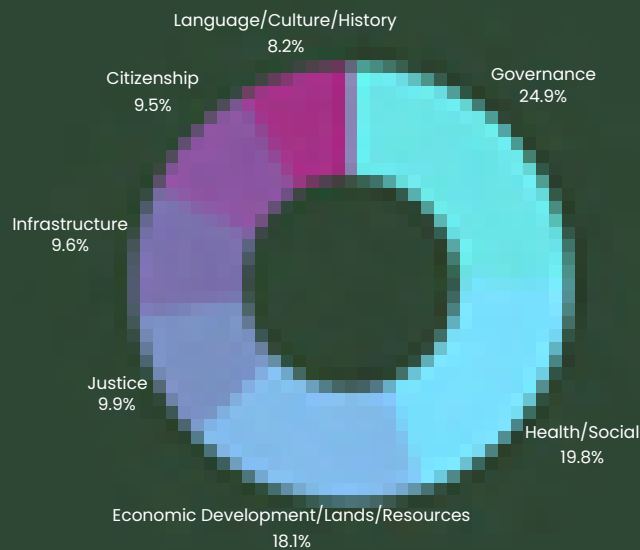


KM Travelled By Car
7,718

KM Travelled by Plane
17,226

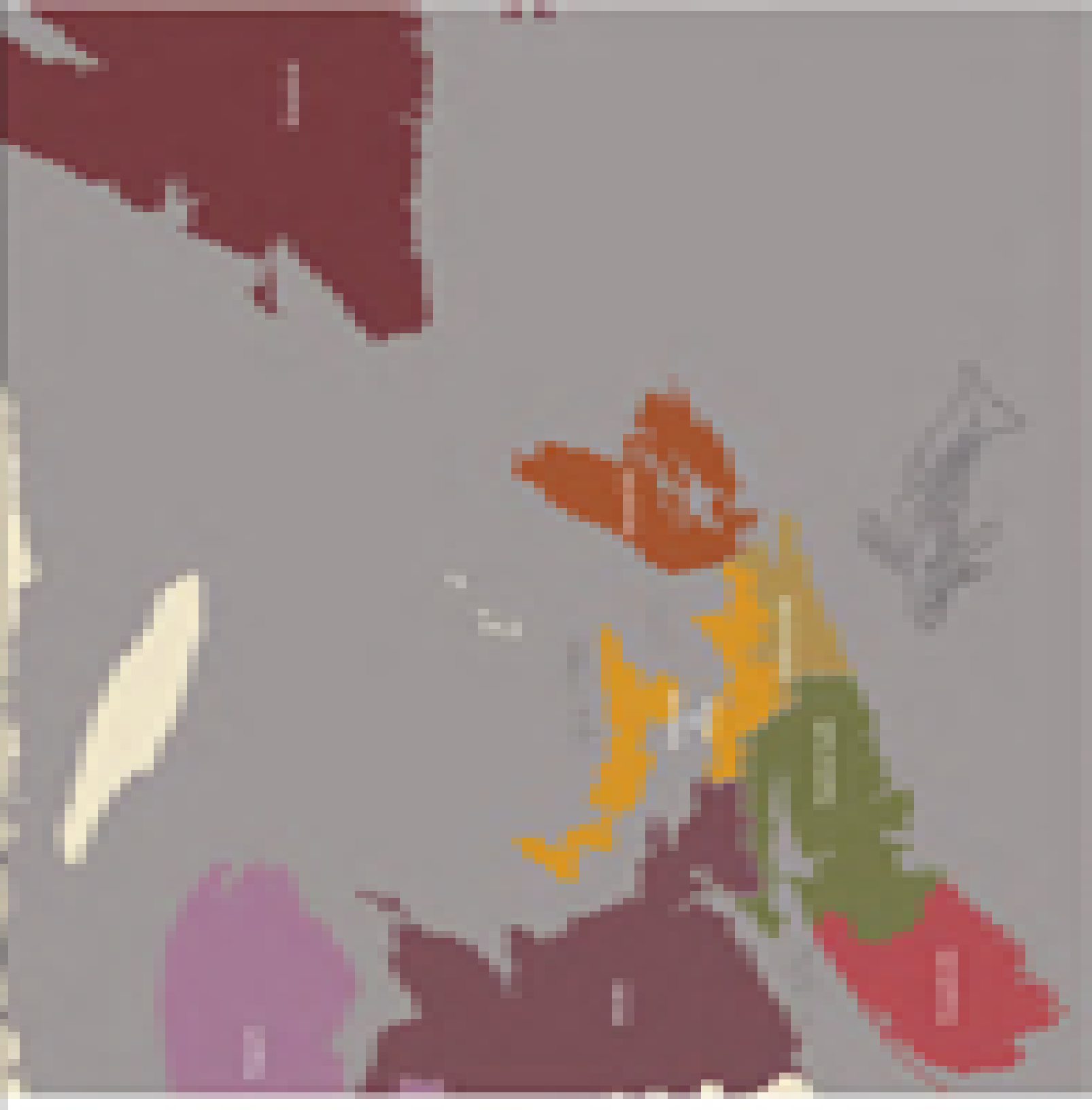


Priorities by frequency of mention



Key Words:





MI'KMAQ GRAND COUNCIL - MI'KMAQ SANTE' MAWIO'MI

Overview

The Grand Council is the historic government of the Mi'kmaq. It consists of three executive members – the *Kji Saqmaw* (Grand Chief), the *Kji Keptin* (Grand Keptin), and the *Putus*. Each district then has a certain number of Keptins assigned. The Kji Saqmaw represents the Mi'kmaq Nation at various events and, historically, is the main voice of the Mi'kmaq when interfacing with other governments. The Kji Keptin advises on political affairs and takes a coordinating role of all the Keptins, ensuring they perform their duties well and uphold the principles of the Grand Council or *Sante Mawio'mi*. He also takes on the responsibility of war time chief when needed. The Putus is the keeper of the treaties, a counselor, and is trained to read the various wampum belts. Keptins support their communities in a variety of ways, including by presiding over important events such as deaths, weddings, births and so forth; and by representing their community and/or region's interests at Grand Council meetings. These meetings help determine policy stances and areas of priority for the Grand Council.

On June 24, 1610, Grand Chief Membertou was converted to Catholicism and willingly baptized, alongside 20 of his immediate family members.¹ Over the next 70 years, Mi'kmaq leaders and community members would convert to Catholicism and the first Treaty signed between Mi'kmaq Nation and a foreign power was with the Vatican and the Holy See.² As a result of this conversion, and given the hereditary nature of the Grand Council executive roles, the Catholic faith is a central tenet of the Grand Council role, though present day roles include both secular and religious duties and responsibilities. This is the history behind the Grand Council motto, "Protect the Nation and keep the faith."

Summary of Discussions and Issues Raised

Over two different meetings, Senator Prosper and his team were able to connect with Grand Council members to discuss the many issues, concerns and priorities that they had for their nation. These meetings occurred on Chapel Island and in Moncton, NB.

¹ Treaty Education Resources. "Activity 2 – Membertou: Conversion or Culture?".

<https://treatyeducationresources.ca/g5-activity-2-membertou-conversion-or-culture/>

² Cape Breton University. "The Mi'kmaq". <https://www.cbu.ca/indigenous-initiatives/lnu-resource-centre/the-mikmaq/>

Chapel Island, or *Mniku*, is a small island off of Potlotek First Nation, which hosts a small church, several small cabins, a meeting space, and a graveyard; it is a traditional meeting space during Pentecost Sunday and during the Feast of St. Anne, the mother of Mary and grandmother to Jesus. St. Anne's Feast Day, July 26, is the central event in a week-long celebration known as "mission". The Senator and his team traveled to Chapel Island during Pentecost Sunday and attended mass followed by the meeting. They also met with a larger group of Grand Council members in Moncton, NB during a weekend retreat of Grand Council members.

Many of the issues raised centred around the key principle of jurisdiction; the Grand Council has consistently asserted that it never ceded its jurisdiction or rights, but instead entered into documented and affirmed treaties with the British Crown, the French, and the Vatican and Holy See as a sovereign nation entreating with other sovereign nations. This belief is at the core of every issue raised by Grand Council members, whether it relates to taxation, fisheries, resource development, language preservation, and so forth.

While the seven districts cross over several modern-day provincial boundaries, the Grand Council still looks to Mi'kma'ki as one nation. With this view, it is hard for Grand Council members to tolerate various restrictions placed on Mi'kmaq; laws, policies and borders are all things being imposed on a sovereign nation with treaties guaranteeing rights and entitlements that predate the settler nation. These impositions are seen as racist and discriminatory by Grand Council, who feels that it is Mi'kmaq who should have control over Mi'kmaq affairs. This includes, but is not limited to: land and resource management, education, child welfare, language and culture revitalization, governance structure and citizenship.

Grand Council members spoke of the need to be able to determine who is a Mi'kmaq as family connections are knowledge held by them. They spoke of the Mi'kmaq's resistance to the Chief and Council system, despite it being imposed by the *Indian Act* in 1876, holding to the historical form of governance with the Grand Council, until the system was undermined and substantively weakened by a succession of laws and policies that divided communities (see the Nova Scotia section on centralization) and forced the change. Something else Mi'kmaq were forced into was to live on small reserves in order to have their inherent rights recognized. Income tax exemptions, for example, are only available to those status First Nation community members who live and work on reserve. However, if a community member is asked to teach at a school servicing status First Nation children, but the

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classroom is outside of the reserve area, that teacher is made to pay income tax. If a community member takes the opportunity to work with Indigenous inmates in an effort to rehabilitate them, because they travel off-reserve for work, they are charged income tax.

What results from this is a disincentive for status Mi'kmaq to leave the reserve, thus, in a way, trapping them on-reserve.

There was frustration amongst Grand Council members when it came to wildlife management. On July 19, 2024, the Nova Scotia government officially cancelled the annual Cape Breton moose hunt for the next three years due to concerns about the moose population despite the objections of Mi'kmaq. Earlier in the year, on March 11, 2024, federal Fisheries Minister, Diane Lebovitch, closed the lucrative elver fishery without consideration for Mi'kmaq fishers. And even though it is 25 years after the landmark *Marshall* decision, which saw the Supreme Court affirm the inherent rights to fish and hunt and gather in order to provide a moderate livelihood as described in the Peace and Friendship Treaties, violent confrontations still occur between Mi'kmaq fishers and either DFO or non-Indigenous fishers.

In response to these examples, which were raised by various Grand Council members, Grand Chief Norman Sylliboy shared the example of a Mi'kmaq-led wildlife program in the Kespe'k district, where a Grand Council meeting in Listuguj saw the establishment of hunting and fishing protocols on Mi'kmaw territory. Mi'kmaq patrol and enforce the protocol and conservation decisions are made by using a blend of western science and the Indigenous principle of *m'sit no'kmaq*, or "all my relations"; this principle focuses on the interconnectedness of all living creatures with the world they live in and with each other and teaches followers of this principle to take only what they need while respecting the land and water.

Given the vast traumas that have been inflicted on Mi'kmaq through various government policies and legislation, as well as the resulting intergenerational trauma, the Grand Council was clear in its calls for Mi'kmaq-led and tradition-centric healing. Outside of funding to right their historic wrongs, Grand Council members saw little space for federal intervention in this healing space. They preferred, instead, to rely on the capabilities and expertise of Mi'kmaq.

The Grand Council is seeking funding to support their increased capacity to re-establish themselves as a central pillar in Mi'kmaq governance so that they can work with Chiefs and Councils to push for progress and change.

Governance

- Need to determine who sits at the negotiation tables for Mi'kmaq
- Who has the authority to make decisions about lands and resources in Mi'kma'ki?
- We are one territory not subject to provincial boundaries
- We deserve free access without tolls/impediments across our territory
- Look at a Mi'kma'ki land claim?
- Capacity development support for the Grand Council
 - Office, administrative support, communications (website, social media, etc.)
- Working together to push back on Canada's laws and policies
 - E.g. – Income tax – full exemption regardless of working on or off community
 - Looking at collecting a percentage of the tax collected from Mi'kma'ki back?
 - Colonial approach to resolving land issues
- Want support building inclusion of Grand Council into Mi'kmaq organizations and initiatives
 - Advisory committees, mentoring with Chiefs, etc.
- Seeking official recognition through the courts or other mechanisms
- Exercising our jurisdiction beyond our community boundaries
- Question of consultation vs engagement and ensuring we have a real opportunity for feeding

into decisions at beginning rather than perfunctory inclusion at the end

Health and Social Issues

- Want inclusion in international fora like UN
- Not giving a second chance to our women – need to help them move past trauma/harm
- Children services – need wrap-around services (addictions, mental health, etc.)

Economic Development, Lands and Resources

- Elver fishery – decisions being made without us
- Moose hunt – decisions being made without us
- Can we issue quotas? Implement conservation strategies? What jurisdiction do we have and how do we exercise it?
- Need support preserving our archeological sites
- Want to get back to concept of *m'sit no'kmaq*

Justice

- Restitution for those who were abused/harmed in residential schools/day schools/foster care/in the healthcare system/other government institution

Citizenship

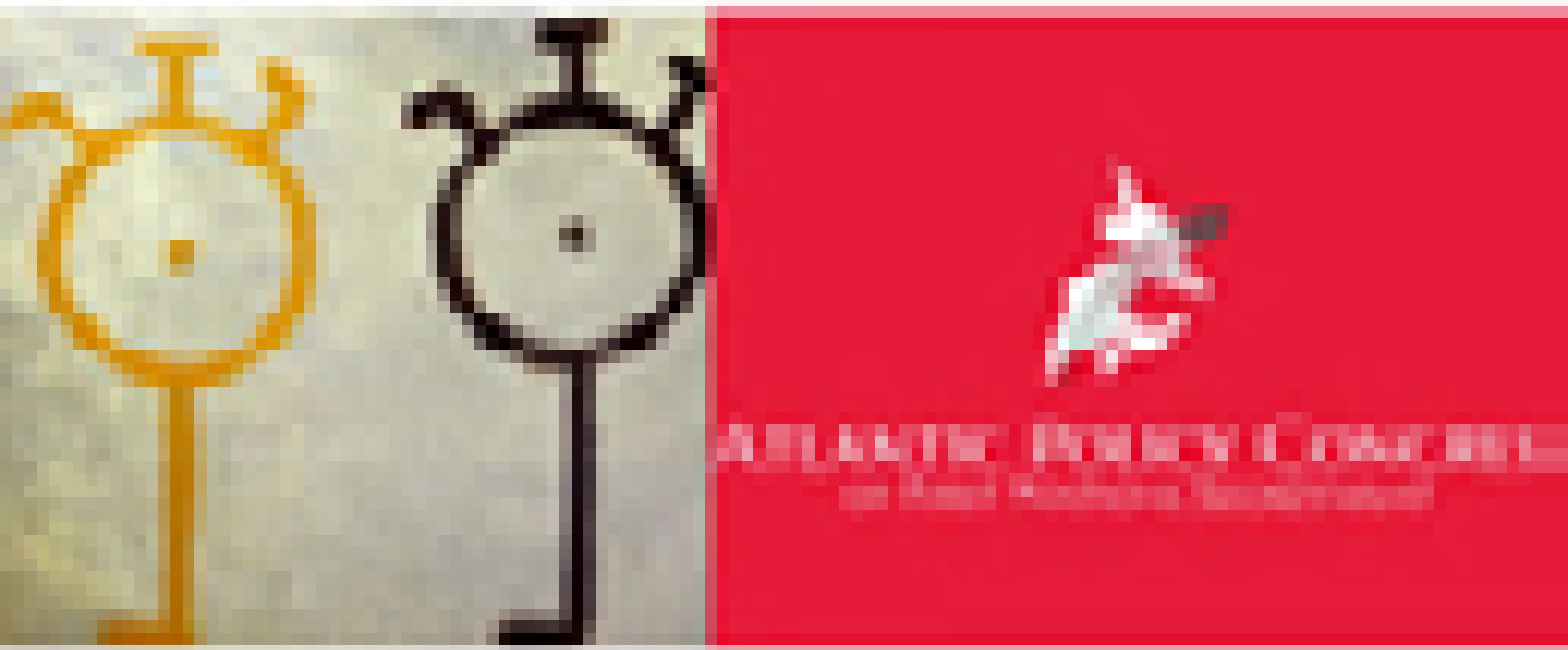
- Mi'kmaq should determine who is Mi'kmaq
- Status is a colonial construct

Language, Culture and History

- Support for the revitalization of the language and traditional practices
- Funding support for events to aid in remembering our history and culture
- Funding for archiving the knowledge of elders
- Funding for materials to share knowledge and history of Mi'kmaq throughout Mi'kma'ki
- Support for educational materials aimed at passing on information on treaties – rights and obligations
- Support to curb cultural appropriation that affects all Mi'kmaq people including, but not limited to:

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- Jobs, education, falsifying information to obtain funding, stealing our culture for their own financial gain
- Pushing for restitution of past harms including centralization



ORGANIZATIONS SUPPORTING MI'KMAQ NATION

Atlantic Policy Congress of First Nations Chiefs Secretariat

Organization Overview

According to its website, the [Atlantic Policy Congress \(APC\) of First Nations Chiefs Secretariat](#),

...was federally incorporated in 1995 and is a policy research and advocacy Secretariat for 33 Mi'kmaq, Maliseet, Passamaquoddy and Innu Chiefs, Nations and Communities. APC is governed by a board of directors comprised of the Chiefs.

The APC holds regular fora and produces publications, reports, and position papers aimed at aiding member Chiefs with policy decisions and discussions. Its policy expertise spans topics such as health, fisheries, economics, housing and water. On the direction of Chiefs, the Secretariat undertakes various initiatives related to these files such as conducting engagement with member communities, hosting informative Atlantic-wide conferences, or drafting Atlantic First Nation policies.

Summary of Discussions and Issues Raised

Senator Prosper met with APC Executive Director, John G. Paul, to discuss the key priorities and current areas of focus of APC. The Senator also attended the All Chiefs Forum in an effort to understand the priorities of member communities.

There are many competing priorities facing First Nations. Housing, in the Atlantic, remains a crisis, with 12,799 units required to address the current backlog and immediate needs. This would cost an estimated \$3.4B and requiring all communities to build 38 houses per year in order to address the current gap within the next 10 years. This would only address new applications, housing waitlists, overcrowding and homelessness. It does not, however, include transitional, long-term and continuing care housing requirements to support other vulnerable demographics such as the Two-Spirited community, elders and those who are differently abled. Resolution #2023-01 allows APC to be the intermediary that receives and then distributes housing funding received for Atlantic Canada.

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On the healthcare side, First Nations struggle against the systemic racism and bias they face within healthcare systems. This has led to poorer health outcomes and a higher incidence of suicide. Many know that mental health and addictions are exacerbated by a lack of access to culturally-appropriate programming, but less know about the prevalence of diabetes, cancer and other chronic diseases within First Nation communities. As such, increased education for preventative measures, the incorporation of Indigenous approaches to health, and better access to safe and culturally-appropriate spaces for treatment are all required to address the rising incidence rates.

Youth, elders and those who are differently abled are often overlooked in policy. In March, APC Chiefs received a briefing from various organizations including the Atlantic First Nations Health Partnership, the Wabanaki Council on Disability, Mawita'mk Society, the Midwifery Project, and the Wabanaki Two-Spirit Alliance on projects, research and engagement updates, and recommendations for change to address these various sectors in society. The Atlantic Health Partnership discussed several issues including an update on the Indigenous Health Equity Fund with a breakdown of the 2024-25 funding being provided and targeted initiatives for that funding. They also highlighted key focus areas such as wholistic long-term and continuing care, improved access to mental health and addictions services, better emergency preparedness and increasing the number of Indigenous healthcare workers, among other issues.

The Wabanaki Council on Disability put forward four "Calls to Action", which were to:

- Eliminate the Jordan's Principle "aging out" federal policy requirement for those with intellectual disabilities;
- Increase services for the adult population'
- Create and fund Youth Transition Coordinator Positions; and
- Develop and deliver First Nations led culturally safe programming for all service providers.

The Midwifery Project's presentation brought forward the perspectives of several elders from Wagmatcook First Nation that focused on elders care and the different needs they and their peers are facing. This included loneliness, feeling "abandoned and isolated" if they need to go to a long-term care facility as they lose regular access to other community members and ceremonies, poor nutrition, no support for 2SLGBTQIA+ elders as well as sexual harassment and assault. They also raised the

RECONCILI-ACTION

importance of decreasing wait times to access mental health and addictions services and providing more supports for first responders within the community. Often times, elders are called to provide grief support in difficult situations but are left with no mental health supports to assist them with that emotional burden.

This report covers the concerns of Mawita'mk Society and the Wabanaki Two-Spirit Alliance in greater detail.

Economic development balanced with conservation and respect for the environment were both raised during the All Chiefs Forum and in the discussion with Mr. Paul. During the meeting, Chiefs discussed the importance of conserving the wild Atlantic salmon, which Atlantic First Nations rely on as a food source and for moderate livelihood. Meanwhile, Mr. Paul raised the importance of increasing Indigenous participation both economically and academically. The latter could be achieved by ensuring universities are welcoming and safe space for Indigenous students, so that they could go on to use that education to attain more skilled positions. He estimated that these efforts could result in a potential increase of \$2.4B to the Atlantic economy. In addition to the net benefit to the Atlantic economy, being able to capitalize on economic development opportunities is important to First Nation independence and generates much needed own-source revenue to fill the gaps left by government funding.

Another area that Mr. Paul identified as providing economic development opportunities was in climate change mitigation. He pointed to the wind energy project being led by Lennox Island in PEI.

Mr. Paul acknowledged that there is a wide diversity of issues and priorities that face First Nations, with some being more short-term and other issues being constants. He suggested that solutions be focused on addressing the constant and consistent concerns and priorities first. As an example, he pointed to the many federal and provincial agreements that impact Indigenous communities in areas such as education, health, economic development, infrastructure and so on. He questioned whether First Nations were receiving the maximum benefit from these agreements. Arguably, the Health Accord has not led to First Nations being supported, despite First Nation people being counted toward the total population that determines funding transfer size.

These issues, he felt, could be highlighted and addressed if a greater effort was put into incorporating Indigenous perspectives across all government departments. In

the Senate, for instance, he pointed to Indigenous perspectives often being siloed into the Indigenous Peoples Committee and the Fisheries Committee; these seemed to be the only two committees that have dedicated time to studying Indigenous issues.

Governance

- Need to include Indigenous perspective on policy and major investments, not just legislation
- Need more capacity development support
- Need to work with various level of governments to ensure Indigenous people are getting maximum benefits of federal provincial agreements that impact First Nation communities

Health and
Social Issues

- Need more support for mental health and addictions
- Seeing a high occurrence of chronic diseases and cancer throughout communities
- Need more culturally-appropriate long-term and continuing care facilities to support elders and the differently abled
- Need better emergency preparedness
- Need capacity funding to support Indigenous healthcare workers
- Need to address systemic racism in healthcare systems
- Working on enhancing community-based care
- Need to incorporate Indigenous approaches and knowledge in healthcare policies
- Need additional supports for children and youth
- Recommendations of the Wabanaki Council on Disability:
 - Eliminate the Jordan's Principle "aging out" federal policy for those with intellectual disabilities

RECONCILIATION

- Increase services to the adult population of differently abled Canadians
 - Create and fund Youth Transition Coordinator Positions
 - Develop and deliver First Nations led culturally safe programming for all service providers
 - Need to reduce the wait times to access addictions treatment
 - Develop a support circle for first responders within communities
 - Calling on DFO to support the conservation of wild Atlantic salmon and to allocate \$40M for consultation on the strategy
 - Support of Indigenous participation in the economy and in post-secondary education would add an estimated \$2.4B to the Atlantic economy
 - Support for Indigenous initiatives to mitigate climate change
 - Working on distinctions-based approaches to homelessness
 - 12,799 units required to address the housing backlog & immediate need in Atlantic Canada; each community would need to build 38 new houses per year to address the backlog in 10 years
- Economic Development, Lands and Resources
- Infrastructure

Wabanaki Two-Spirit Alliance

Organization Overview

The [Wabanaki Two-Spirit Alliance \(W2SA\)](#) is a “group of volunteers, researchers, academics, knowledge holders, youth and Elders, and Wabanaki Two-Spirited people and Allies.”

They describe their mission as,

[representing] the emotional, spiritual, mental and physical well-being and interests of Two Spirits and Indigenous LGBTQQIA+ individuals and groups in Wabanaki Territory (Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland/Labrador, Gaspé region of Quebec, and Maine (northern areas in Passamaquoddy and Penobscot Tribal territories) based on our beliefs and values in the framework within the Peace and Friendship Treaty.

Some of the ways they accomplish this goal are through education initiatives, the development of programs and events geared at supporting Two Spirits and Indigenous LGBTQQIA+ community members, advocacy efforts, and conducting research through community engagement and consultation.

In 2011, Two-Spirited people gathered at Liscombe Lodge, NS to establish the Alliance with an Advisory of Elders, youth, volunteers, academics, and knowledge-holders. It was the first regional gathering in 15 years and was attended by 50+ 2S participants who shared their stories of survival, resiliency, and the celebration of life. It was at this gathering that the Mission and Vision were born for the Alliance, and also the Eagle Head Staff. It was also at the Liscombe gathering that the name of the Wabanaki Two-Spirit Alliance was approved.

The term “Two-Spirit” is a pan-Indigenous term, translated from the Anishinaabemowin term *niizh manidoowag*, which refers to

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A contemporary pan-Indigenous term used by some Indigenous LGBTQQIA+ people that honours male/female, and other gendered or non-gendered spirits, as well as spiritual and cultural expressions. The term may also be used interchangeably to express one's sexuality, gender, and spirituality as separate terms for each or together as an interrelated identity that captures the wholeness of their gender and sexuality with their spirituality¹

It was adopted in 1990 at the Indigenous Lesbian/Gay international gathering in Winnipeg.

Summary of Discussions and Issues Raised

W2SA was founded by John R. Sylliboy and Tuma Young. Mr. Sylliboy remains as the Executive Director and Mr. Young sits as the Board Chair. In this meeting, what became clear is that W2SA is a leader in the 2SLGBTQIAA+ movement nationally and internationally. It was Mr. Sylliboy and W2SA that worked with national advocacy groups to have "2S" recognized and added to official policy documentation regarding the queer community.

Given his background as a researcher and policy analyst, Mr. Sylliboy is currently pursuing his PhD at McGill University, in an attempt to better understand what health and education supports Two-Spirited youth need. Through his work at W2SA, Mr. Sylliboy has worked hard to fill the gaps that he finds, including approaching public and private partners to fund a transitional house and shelter to help address the gender based violence and home security that Two-Spirited community members face. He also wants to develop cultural supports and literacy on how to be a homeowner to help people transition into different types of housing.

The Alliance is in negotiations with various sectors of government to access resources for architectural designs, program needs, and land assessments.

¹ Lezard, P., Prefontaine, Z., Cedarwall, D. M., Sparrow, C., Maracle, S., Beck, A., & McLeod, A. (2021). MMIW2SLGBTQQIA+ National Action Plan: Final Report. <https://mmiwg2splus-nationalactionplan.ca/wpcontent/uploads/2021/06/2SLGBTQQIA-Report-Final.pdf>.

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His organization has secured land in Bedford, NS. However, due to the funding terms and conditions, all construction would need to be completed by March, 2026. While an ambitious timeline, Mr. Sylliboy is pushing hard to meet it as this would be the first transitional housing and shelter for Two-Spirited people by Two-Spirited people in the Atlantic region and east of Toronto. He asserts that, while women's organizations and friendship centres are successfully applying for shelter funding within the Two-Spirit stream, W2SA research shows that Two-Spirited people are generally not being properly supported in the public housing market. He elaborated that many people are living with family members out of desperation and giving up their privacy, safety and dignity in order to stay off the streets.

W2SA has done exceptional work on gathering the data and research required to inform good policy. For instance, they worked on researching the impacts of COVID on the Two-Spirited community. They saw that the denial of access to gender-affirming care, the lack of gatherings, and so forth severely impacted the mental health of Two-Spirited community members, leading to a significant spike in addictions and negative impacts on their mental health. W2SA is also working with community health directors and health centres to learn more about the gaps in providing HIV testing, appropriate STI education, and gender-affirming care.

While the organization does receive some funding from CIRNA for data and knowledge gathering within the Two-Spirited community, the funding is proposal-based, piecemeal, and relatively low. Other national organizations add "2S" to their applications and receive millions of dollars, but the key point Mr. Sylliboy made is that the term "Two-Spirit" is inherently Indigenous. Thus, he argues, any funding for Two-Spirit-related research should flow to Indigenous organizations directly, instead of funding others to do the work for them. He posits that some of the reasons behind these decisions is that Two-Spirit organizations are relatively new and lack the office infrastructure, established fiscal practices and audit experience that more established non-Indigenous and national advocacy groups have.

RECONCILI-ACTION

Stable funding for W2SA would help increase the capacity of the organization and build on the organization's proven success in identifying solutions to issues and barriers faced by Two-Spirited people.

Two-Spirited people face various health and social crises including addictions, mental health deterioration, suicide and homelessness. The data is often underreported as many Indigenous communities do not identify Two-Spirited people in their health data. This is why work by Indigenous organizations to fill the research gap is so integral; it would help to support policy development that is responsive, data-drive, evidence-based and that integrated traditional knowledge.

Mr. Sylliboy and W2SA continue to conduct research on a variety of topics including a housing survey to identify needs and gaps within the Two-Spirited community as well as health research into the correlation between properly identifying and addressing the pain of Indigenous children and how early intervention impacts their long-term mental health issues. Mr. Sylliboy is exploring the question of whether early intervention and addressing the fact that many Indigenous children go undiagnosed or improperly diagnosed would lead to a decrease in mental health issues and, potentially, less interactions with the justice system. He also is working with the Canadian government and Canadian embassies to explore avenues to advocate for Two-Spirited people around the world.

Governance

- Need to ensure that money for research and programming related to Indigenous Two-Spirit and LGBTQ+ issues flows directly to Indigenous organizations

Health and Social Issues

- Need core funding for W2SA
- Need to address the addictions, mental health, homelessness and other social ills facing 2SLGBTQIAA+
- Need to redesign shelters to provide gender-affirming care

RECONCILI-ACTION

- Believes Canada should support efforts to bring awareness and protection to 2S-Indigenousqueer people throughout the world
 - Indigenous youth are not being diagnosed properly
 - The government should act on the 32 Calls for Justice that relate to Two-Spirited people
 - Need an increase in transitional housing and shelters to provide safe spaces for homeless 2SLGBTQQIA+
 - Need funding to create cultural supports and literacy on how to be a homeowner
 - Need to integrate traditional knowledge into policy
- Infrastructure
- Language, Culture and History

Wabanaki Two-Spirit Alliance Youth Council

Organization Overview

Following the Pride Gathering at Mount Saint Vincent University in July, 2017, the concept of establishing a Wabanaki Youth Council was discussed at subsequent Wabanaki Two-Spirit Alliance (W2SA) Annual General Meetings and it was agreed that it should be pursued. The council was formed several years after with the inaugural Wabanaki Two-Spirit Youth Gathering taking place on October 6-9, 2023. Currently, youth council members are volunteers whose meetings and activities are resourced through the Wabanaki Two-Spirit Alliance. Cassidy Bernard serves as the Youth Engagement and Development Coordinator for W2SA.

Summary of Discussions and Issues Raised

The W2SA Youth Council is relatively new, and builds on the success of its parent organization. Youth are focused on grassroots outreach and community-building, while contributing to important policy discussions.

The Youth Council is growing exponentially, due in large part to their outreach efforts in schools, workplaces, health centres and to the larger gatherings that they host and attend. They have identified the importance of a generational transfer of traditional knowledge and are seeking support for a safe space that they would be able to hold ceremonies in or use as a central gathering space for Two-Spirited youth. Youth Council members identified various priorities that included adapting ceremonies so that they are less exclusive and gender-based such as creating safe spaces for sweats and cedar brushes; being able to travel nationally to connect with community members in other parts of Canada; and looking for funding and capacity to host longer gatherings. The realization of these priorities is constrained by a lack of core, stable funding.

Youth provided the Senator with clear criteria for a permanent space including that it be open and flexible with access to fresh water for

ceremonies and traditional activities. They wanted the ability to build lodges or wigwams and space to garden and harvest food and traditional medicines. Yet seeking the funding for this is complicated as much of the funding made available for Two-Spirited people does not take into account the ceremony or traditional aspects of their needs. It is important to remember that the term "Two-Spirited" is inherently Indigenous and non-Indigenous people cannot identify themselves under this term. Ceremony, the youth said, was central to their mental, emotional and spiritual healing process and helped ground youth as they prepare to take on leadership roles within their communities.

Council members shared their perspectives on topics from justice to housing and shared their lived experiences to help provide context. For instance, when discussing homelessness, one Council member shared that they currently live with an abusive family member, but they do not press charges in order to avoid becoming homeless. Another shared their story of being sex trafficked by their own mother. This underscored the importance of the transitional housing centre being developed by W2SA and the need for additional transitional housing units throughout Wabanaki. On justice, everyone was in agreement that there is a need for more support services close to Indigenous communities.

While the general lack of funding is a major issue, the funding models and terms and conditions associated with funding are also burdensome and constraining. The reporting requirements for many government funding streams are onerous and taxing on smaller organizations with strained capacity, while the terms and conditions of that funding limit programming to youth that are 18 and over. This, Council members argued, leaves out a large segment of youth. They went on to say that research shows that early access to safe spaces that are sexuality and gender-affirming spaces for youth that are Two-Spirit, queer, trans and questioning is an effective form of suicide prevention.

Council members ended with a discussion about the importance of rediscovering the proud and prominent role that Two-Spirited people had

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within Indigenous communities. They felt strongly that it is important to confront and discuss sexuality in a safe space as early as possible so as to avoid the confusion, shame, and negative mental health impacts that come of not being comfortable in one's identity or one's own body.

- | | |
|-------------------------------|---|
| Governance | <ul style="list-style-type: none">• Want funding support for youth to be able to travel and connect with other youth nationally• Need more flexible funding options that are responsive to Indigenous realities and have less onerous reporting requirements |
| Health and Social Issues | <ul style="list-style-type: none">• Need more transitional housing and safe spaces to help avoid homelessness• Not enough programming to support youth under 18 |
| Justice | <ul style="list-style-type: none">• Need more support services closer to communities |
| Infrastructure | <ul style="list-style-type: none">• Want a plot of land for youth to be able to build on and use |
| Language, Culture and History | <ul style="list-style-type: none">• Want support in facilitating a generational transfer of knowledge• Want support researching and reconnecting with history |

Wabanaki Youth Council

Organization Overview

Funded and organized through the Atlantic Policy Congress,

The [Wabanaki Youth Council \(WYC\)](#) is a two-year term leadership opportunity for ten elected youth. WYC's vision is for Atlantic First Nations youth to achieve their potential and thrive socially, emotionally, mentally, physically, and spiritually. Its mission is to create a voice for the youth. To this end, WYC's purpose is to support its vision and to provide respected counsel to community leaders, government, and Assembly of First Nations (AFN) by relaying information about the issues facing youth and advocating on their behalf to strengthen and advance the goals of youth, to, in turn, result in greater self-identity and independence through strategies that balance traditional values and modern practices. APC provides secretariat support to WYC.

The current iteration of WYC is a reboot of a previous youth council effort and represents 10 regions throughout Wabanaki, a historic Indigenous territory in what is now Atlantic Canada.

The Wabanaki Confederacy (Waponahki) — translated as “People of the First Light” or “Dawnland” — currently comprises five principal nations: the Mi'kmaq, Maliseet, Passamaquoddy, Penobscot, and Abenaki, and stretches from Newfoundland in the north, to mid-Maine in the south, and parts of Quebec in the west. Historically, the confederacy united five Algonquin language-speaking Indian tribes.¹

There are representatives for each of the seven Mi'kmaq regions.

¹ Four Directions Development Corporation. “About the Wabanaki”. <https://fourdirectionsmaine.org/about-four-directions/wabanaki-tribes/>

Summary of Discussions and Issues Raised

Funding, as with every other discussion had on this tour, was central to the issues and challenges faced by WYC. The lack of core funding means that they are reliant on a parent organization for administrative support and requires Council members to volunteer their time and talents. As one Council member pointed out, the lack of remuneration is doubly felt when they are required to use sick days or vacation days to attend to Council business.

In addition to this, funding is often made available by Canada on a community or regional level. As such, when funding for youth activities in Atlantic Canada is made available, it excludes the participation of Council members in Kespe'k (Québec) who, while a region in Wabanaki and Mi'kma'ki, would not be eligible for travel or per diem support as a member outside of the Atlantic. This led to a call to create funding opportunities that go beyond the confines of Canada's settler borders in recognition of traditional and historic Indigenous nations.

Another major issue raised by the WYC members was the danger of "tokenizing" the voice of youth. Members were adamant that youth voices must be at the forefront of policy engagement and that youth must be directly engaged by policy makers.

They hold a unique perspective as they are at the ground-level, seeing the direct impact of policy gaps on youth and young adults. Mental health supports, for instance, were universally labeled inadequate by Council members, who felt that not enough is being done on suicide prevention or supporting young Indigenous men. They called on the government to support the creation of more culturally-appropriate programming.

This dovetailed into a passionate discussion about the deleterious effects of the "second-generation cut-off", which is the result of Canada's convoluted and discriminatory "status" scheme under the *Indian Act*. Youth called on the government to "reframe 'status'" and to move toward a citizenship-based approach to First Nations. According to the [ISC website](#),

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Since 1985, the second-generation cut-off has continued to have deep impacts on First Nation individuals, communities and families.

The second-generation cut-off prevents many First Nations people with status under the Indian Act from passing entitlement on to their children and grandchildren simply because of the person with whom they chose to parent.

The practical fallout of the second-generation cut-off is that many people are not entitled to financial support and coverage afforded to those with "status". Yet communities try hard to extend coverage to all community members through various means, including own-source revenue. This then results in a healthcare system that is stressed and over-stretched.

Many spoke about the grounding and restorative nature of ceremonies and opportunities to connect with elders. Being able to learn traditional games, what it means to be Indigenous, and of the seven circles of healing from Elders has become foundational for these future Indigenous leaders. "Today's youth are tomorrow's elders," stated Youth Council President, Isaiah Bernard. He went on to call for more mentorship opportunities and capacity development support funding to enable youth to reach their full potential.

Governance

- Need core funding
- Need capacity development support
 - Creation of mentorship opportunities
- Youth need a voice that is at the forefront of policy engagement
- Need to move away from Tribal Councils and toward true nation rebuilding
- Need to ensure that funding is made available at an Indigenous nation-wide level

Health and Social Issues

- Need additional mental health supports, particularly those targeted at male youth
- More suicide prevention programming
- Need more culturally-appropriate programming

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Infrastructure

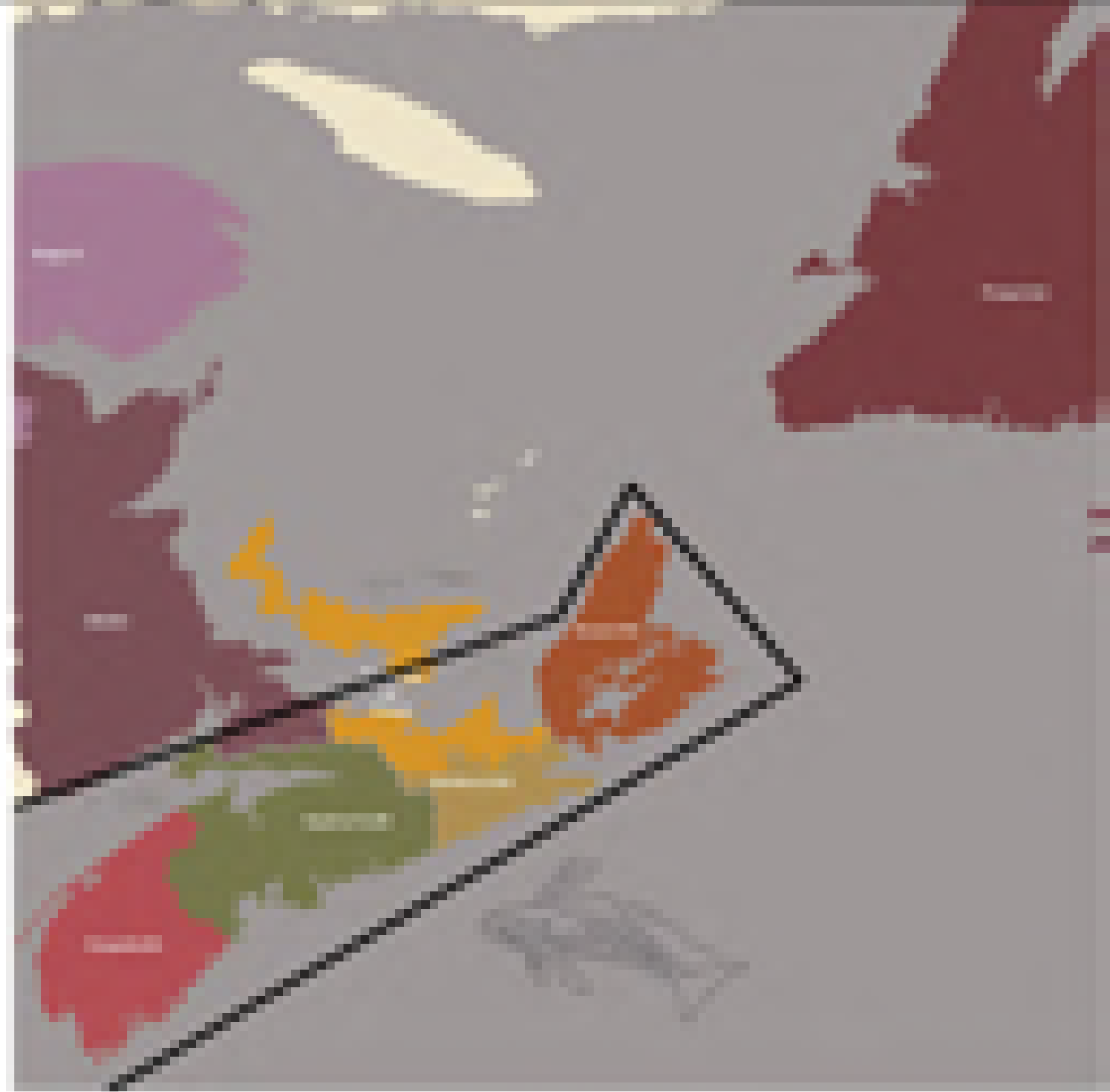
- Need land and a space that is dedicated to youth/Two-Spirited youth

Citizenship

- Need to reframe "status" and move toward citizenship

Language, Culture
and History

- Need support capturing traditional knowledge and transferring that knowledge to youth



NOVA SCOTIA – UNAMA’KIK, PIKTUK, ESKIKEWA’KIK, SIPEKNE’KATIK & KESPUKWITK

Regional Overview

Five of the seven Mi'kmaw districts cross modern-day Nova Scotia: Unama'kik/Unama'ki (which loosely translates as "land of fog" and is the word used to refer to Cape Breton Island); Piktuk ("explosive place", which [Wikipedia](#) states could be "a reference to the river of pitch that was found in the area, or perhaps from methane bubbling up from coal seams below the harbour"); Eskikewa'kik ("skindresser's territory", which the [Mi'kmaqwey Debert Cultural Centre](#) explains refers to "hunting grounds in eastern Halifax and Guysborough counties along the Atlantic coast"); Sipekne'katik ("where the wild potatoes grow"); and Kespukwitk ("land ends" or "end of flow").

In 1752, the [Treaty or Articles of Peace and Friendship Renewed](#) were signed between the Crown and the Nova Scotia Mi'kmaq Chiefs, building on an earlier version signed in 1725. It is the 1752 Treaty and the later [Treaty of Peace and Friendship 1760](#) that are recognized by the Supreme Court in the landmark [Marshall](#) decision.

According to the Crown Indigenous Relations and Northern Affairs Canada [website](#),

Following the Supreme Court of Canada's decision in Marshall, Canada is engaging in negotiations with Mi'kmaq, Maliseet and Passamaquoddy on the basis that they have treaty rights to hunt, fish and gather towards earning a moderate livelihood. These treaty rights must be implemented. Along with these treaty rights, First Nations maintain that they continue to hold Aboriginal rights and title throughout their traditional territory. This creates a special situation unlike any other found in Canada. There is no model or generic approach to follow on how to proceed in these negotiations. All parties must be prepared to consider how to devise a negotiation process which meets everyone's circumstances, needs and interests.

Given this "special situation", Nova Scotia and the Government of Canada have established various distinct processes aimed at enabling both the provincial and federal governments to fulfill their constitutional and treaty

obligations to consult with Mi'kmaq, while affording Mi'kmaq leadership some comfort and recourse should government fail to meet those obligations. The [Mi'kmaq-Nova Scotia-Canada Framework Agreement](#), which was signed on February 23, 2007, is the result of an Umbrella Agreement from June 7, 2002 that sought to address outstanding issues regarding constitutional obligations and rights including "the inherent right to self-government, Aboriginal rights, including assertions of title, and treaty rights."

Later, in 2010, all three parties signed a tripartite agreement named the ["Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference"](#), which established "a consultation process for the parties to follow when governments are making decisions that have the potential to adversely impact asserted Mi'kmaq Aboriginal and treaty rights."¹ The Terms of Reference also flowed from the 2002 Umbrella Agreement and were formalized after a three-year pilot project. In October of 2012, all three parties signed a ["Memorandum of Understanding \(MOU\) on Cooperation Regarding Duty to Consult"](#), the first of its kind in Canada. The MOU sought to,

[strengthen] the cooperative working relationship that has developed in the past several years between Nova Scotia and Canada regarding consultation with the Mi'kmaq. The MOU outlines three areas of ongoing work: coordination of consultation; information sharing; and capacity building.²

This initiative was followed by a provincial initiative in 2015 entitled ["The Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia"](#), which the provincial website says,

reflects current Aboriginal law and consultation best practices, and outlines a consistent consultation process that respects the established and asserted rights of the Mi'kmaq of Nova Scotia. The Policy and Guidelines provide detailed direction to Nova Scotia government departments that may have a duty to consult with the Mi'kmaq of Nova

¹ Nova Scotia Government. "Consultation". <https://novascotia.ca/abor/office/what-we-do/consultation/> Last updated: 12.10.2017

² Ibid.

Scotia. This document outlines why and when consultation may be required, and how to proceed with consultation. Key elements of the Policy include clear principles for consultation, the legal and policy considerations for consultation, the clarification of roles and responsibilities of all participants in consultation, and a full description of Nova Scotia's six steps of consultation.³

In 2009, "[The Proponents' Guide: Engagement with the Mi'kmaq of Nova Scotia](#)" was released to "outline how proponents can fulfill the important role they have in the consultation process with the Mi'kmaq of Nova Scotia"⁴. This document was later updated in November of 2012.

There are thirteen Mi'kmaq communities throughout Nova Scotia. Twelve of those communities form the Assembly of Nova Scotia Mi'kmaw Chiefs (the "Assembly"), which in [a 2021 brief](#) submitted to the Nova Scotia Law Amendments Committee, described itself by stating,

It meets monthly to deliberate on issues common to all their Mi'kmaw communities and is the aggregate governance institution for the Mi'kmaq in the Province. Its work includes providing direction to the Mi'kmaw Negotiating Team in the "Made in-Nova Scotia" negotiation process concerning Mi'kmaw Aboriginal and treaty rights governed by the Framework Agreement entered into by Canada, Nova Scotia and the Mi'kmaq on February 23, 2007. The Assembly also has delegated authority from their respective Chiefs and Councils to conduct formal consultation with the Crowns under the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process entered into by Canada, the Province and the Mi'kmaq on August 31, 2010.

The Assembly is supported by the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNNO), which provides technical advice and expertise for, and engages in negotiations and initiatives on the direction of the Assembly. Membertou First Nation is currently the only non-member of the Assembly.

³ Ibid.

⁴ Ibid.

According to [Statistics Canada's 2021 Census findings](#), there are 28,055 Mi'kmaq living in Nova Scotia. Of that, 56.9% (15,860) were considered "status Indians" under the *Indian Act*, while 43.1% (12,100) did not have status. Other key findings included that the large majority of Nova Scotia's Indigenous population (49.3%) live in rural settings, while 24% live in larger, urban settings within the top five metropolitan areas and census agglomerations by Indigenous population included (in order of highest number of Indigenous community members to lowest): Halifax, Cape Breton, Truro, New Glasgow and Kentville. The census results showed that 23% live in small population centres while roughly 4% were reported to live in communities classified as a medium population centre. The data also showed that 59% of "status" Mi'kmaq live on reserve. The Indigenous population in Nova Scotia is also younger, with the average age of the Indigenous population being 37 years old, compared to the 44 years for the non-Indigenous population.

Key References in this Chapter

As Nova Scotia is the region Senator Prosper represents, a brief overview of each community and organization that the Senator met with is included at the beginning of each meeting summary.

However, there are key issues and references that will recur throughout that should be explained in this general overview to help provide context for readers.

Additions to Reserve (ATR): The [ISC website](#) provides a clear and concise summary of ATR:

A reserve is a parcel of land where legal title is held by the Crown (Government of Canada), for the use and benefit of a particular First Nation. An addition to reserve is a parcel of land added to the existing reserve land of a First Nation or that creates a new reserve.

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Land can be added adjacent to the existing reserve land (contiguous) or separated from the existing reserve land (non-contiguous). An addition to reserve can be added in rural or urban settings.

An addition to reserve:

- contributes directly to advancing reconciliation and improving the treaty relationship
- can improve community access to land and resources
- can support community and economic development initiatives for First Nations
- enables Canada to fulfill legal obligations established by specific claim settlement agreements

There are 3 categories of additions to reserve:

- Legal obligations and agreements: where there is a legal obligation or a legal commitment by the Government of Canada to add lands to reserve
- Community additions: where a First Nation with an existing reserve needs additional reserve land for purposes such as to accommodate community growth or to use/protect culturally significant sites
- Tribunal decisions: where a First Nation is awarded compensation by the [Specific Claims Tribunal](#) for the purchase of lands

ATR can take years or even decades to be completed and the specific claims process is a difficult and costly process to engage in as it requires a large amount of research in order to establish a pre-existing claim to land.

Centralization: Until 1942, Mi'kmaq lived in 45 reserves and settlements spread throughout Nova Scotia. In an effort for non-Indigenous residents to claim fertile and choice land owned by the Mi'kmaq, Indian Affairs "enacted a policy to relocate the Mi'kmaq to just two reserves – Eskasoni and

Shubenacadie, known today as Sipekne'katik."⁵ The APTN story, "Uprooted: The little-known story about Mi'kmaw history of forced relocation", published on April 10, 2020, explains that "though centralization wasn't officially forced, records show Indian Affairs used "our powers of persuasion," and threatened enfranchisement, so Mi'kmaq who didn't move might lose Indian status and services."⁶ Elders have shared stories of houses being burnt so as to discourage families from returning. Lisa Patterson, a researcher and analyst specializing in Indigenous issues and history, wrote a masters thesis in 1980 on this topic. Her work used memos, documents, correspondence and field reports from Indian Affairs to reach the conclusion that, "By collecting them at two central locations, the government expected to reduce costs for Indian welfare, education and health care; ease local complaints; and give Indian Affairs, the clergy and the RCMP greater control over Indian life."⁷

Child welfare: [Mi'kmaw Family and Children's Services of Nova Scotia](#) (MFCS or "Mi'kmaw Family") describe themselves as,

...[an] agency that offers child welfare services to children and families in our community. Our services are guided by our culture and traditions with the goal of making sure our Mi'kmaw families and children are supported in a way that heals and strengthens family ties. Our families are strongest and safest when they are together and supported by their community. With a passionate and experienced staff, a commitment to building safe and trusted relationships, and the guidance of our Mi'kmaw culture and teachings, we are reclaiming our right to decide how we provide family and children's services to our communities.

MFCS works in cooperation with the provincial child and youth protection agency. Currently, there is an initiative being worked on jointly between MFCS and KMKNO to establish a Mi'kmaw Child Welfare law. Notably, this process seeks to establish the law under the inherent right to self-government, which

⁵ APTN News. "Uprooted: The little-known story about Mi'kmaw history of forced relocation." <https://www.aptnnews.ca/national-news/uprooted-the-little-known-story-about-mikmaw-history-of-forced-relocation/> April 10, 2020

⁶ Ibid.

⁷ Ibid.

is a process separate of coordination agreements that are contemplated under [An Act respecting First Nations, Inuit and Métis children, youth and families](#).

Jordan's Principle: According to the [ISC website](#),

Jordan's Principle makes sure all First Nations children living in Canada can access the products, services and supports they need, when they need them. Funding can help with a wide range of health, social and educational needs, including the unique needs that First Nations Two-Spirit and LGBTQIA children and youth and those with disabilities may have.

Jordan's Principle is named in memory of Jordan River Anderson, a young boy from Norway House Cree Nation in Manitoba. Jordan had multiple disabilities and lived in hospital from birth. He had the ability to move into a specialized home at the age of two but he stayed in and passed in hospital at the age of 5 in 2004. This denial of service and requirement to stay in hospital his entire life was due to a payment dispute between the provincial and federal governments. The province argued that the federal government should pay for the services as Indigenous peoples, particularly those living on-reserve, fall within their mandate, while the federal government argued that social programs such as health, education, and child welfare are typically provincial jurisdiction.

However, coverage under Jordan's Principle ends once a child reaches 18; this is referred to as "aging out".

Issues around education and healthcare: While education is generally a provincial responsibility (such as health and child services), recent decisions, such as the [Supreme Court of Canada's unanimous decision regarding Indigenous jurisdiction over child welfare](#), have affirmed that policies and actions that wholly affect Indigenous people are within the mandate of the federal government even in these areas. After the passage of the [United Nations Declaration on the Rights of Indigenous Peoples Act](#) (UNDA) in 2021, Canada is bound to ensure that "the laws of Canada" are in line with the

[“United Nations Declaration on the Rights of Indigenous Peoples”](#) (UNDRIP) , an international human rights instrument, and to take all steps necessary to address the injustices, discrimination and racism experienced by Indigenous peoples as well as to engage in educational activities to help promote “mutual respect and understanding as well as good relations.”⁸ The Government of Canada must also create “measures related to monitoring, oversight, recourse or remedy or other accountability measures with respect to the implementation of the Declaration.”⁹

Key Reports: Several documents or sets of recommendations that are referenced throughout include the [Truth and Reconciliation Commission’s \(TRC\) 94 Calls to Action \(CTAs\)](#), the [Missing and Murdered Indigenous Women and Girls \(MMIWG\) Calls for Justice](#), and the [United Nations Declaration on the Rights of Indigenous Peoples Act \(UNDA\) Action Plan](#).

***M’sit no’kmaq*:** “all my relations”; this principle focuses on the interconnectedness of all living creatures with the world they live in and with each other and teaches followers of this principle to take only what they need while respecting the land and water.

Non-Insured Health Benefits (NIHB): The NIHB program is administered by Indigenous Services Canada (ISC). [According to their website](#) ,

The Non-Insured Health Benefits (NIHB) program provides eligible First Nations and Inuit clients with coverage for a range of health benefits that are not covered through other:

- social programs
- private insurance plans
- provincial or territorial health insurance

It covers areas such as vision care, dental care, mental health counselling, medical supplies and equipment, prescription drugs and select over the

⁸ *United Nations Declaration on Rights of Indigenous Peoples Act*. S.C. 2021 <https://laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>

⁹ Ibid.

counter products, and medical transportation. It is, however, limited to “status Indians” under the *Indian Act*.

Point-of-Sale Taxation: A taxation scheme that enables eligible Indigenous people to have the items they buy exempted from taxes at the point of purchase, as opposed to needing it to be delivered to the reserve (which can be more than an inconvenience and costly) as required under section [87 of the *Indian Act*](#). In Nova Scotia, there was a Point-of-Sale system in place until the program was cancelled in 1987.

Second-generation cut-off: Second-generation cut-off is Canada’s convoluted and discriminatory “status” scheme under the *Indian Act*. Most participants actively voiced their belief that “status” is a colonial construct and called for a shift toward a citizenship-based approach to First Nations. According to the [ISC website](#),

Since 1985, the second-generation cut-off has continued to have deep impacts on First Nation individuals, communities and families.

The second-generation cut-off prevents many First Nations people with status under the Indian Act from passing entitlement on to their children and grandchildren simply because of the person with whom they chose to parent.

The practical fallout of the second-generation cut-off is that many people are not entitled to financial support and coverage afforded to those with “status”. Yet communities try hard to extend coverage to all community members through various means, including own-source revenue. This then results in social services that are stressed and over-stretched, leaving community members at risk of having their basic needs unmet or inadequately met. It also places additional stress on Chief and Council as many communities face capacity and funding constraints.

For many of these meetings, Senator Prosper and his team were accompanied by Regional Chief Andrea Paul and her team and/or KMKNO Executive Director Janice Maloney and her staff as both the Regional Chief’s

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office and KMKNO travel regularly to hear community perspectives on a variety of topics. In recognition of the many demands placed on community and organization leaders, Senator Prosper was happy to invite them to listen and participate at his sessions where schedules aligned.



ANNAPOLIS VALLEY FIRST NATION

Community Overview

Annapolis Valley First Nation (AVFN) is a small community located near Cambridge in Kings County. It has a population of 325 people living on and off reserve. The community is led by Chief Gerald B. Toney and owns various plots of land including 300 acres in St. Croix of uninhabited old growth Acadian forests, as well as Webster farm, a 711-acre farm that surrounds the community. The farm generates revenue and jobs for the community and produces strawberries, raspberries, beans and wheat.

The community has several enterprises including a smoke shop, gas bar and gaming facility, in addition to commercial fishery, which all help to generate own-source revenue.

In 1998, the community established the Three Wishes Learning Centre that offers services such as daycare, Kindergarten, an after school program and the Aboriginal Head Start program. It also hosts various cultural programs for children.

Summary of Discussions & Issues Raised

At the time of the meeting, Annapolis Valley First Nation was facing its fourth protest, brought on by frustration regarding housing shortages in the community. While the band was recently successful in accessing \$6.6M for 27 units through the Rapid Housing Initiative, there still exists a lack of funding for capital and O&M. This is exacerbated by constraints on the community's ability to generate own-source revenue, which is another contributing factor to the backlog.

The issue is compounded by the amount of squatters who are occupying band-owned housing in contravention to band policies and by-laws. However, RCMP officers refuse to enforce these by-laws, making it difficult and dangerous to evict those who are squatting. Some have turned the houses into pop-up cannabis shops, not only adding to public safety concerns, but generating major liabilities that community leadership must now manage.

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As previously mentioned, the ability to generate own-source revenues has directly impacted the health and well-being of the community overall.

Own-source revenues help supplement the inadequate social assistance payments of lower-income community members by paying for heating bills, hot lunches for students, and so forth. The community is certified by the [First Nations Financial Management Board](#) and has been leveraging money generated through its commercial fishing ventures to support community members, whether they reside on or off-reserve, and whether they are “status Indians” or non-status. (This is because leadership believe that all Mi’kmaq born to Mi’kmaw parents should receive equal treatment and coverage, and they called on the government to move away from “status” versus non-status and toward citizenship where Mi’kmaq can determine on their own who belongs.)

While the primary source being leveraged is the commercial fisheries, other sources for own-source revenues include various business ventures such as gaming, a smoke shop, the gas bar and Webster farm. Leadership also discussed exciting opportunities that could result from the \$47M interchange that will be coming.

AVFN has a fisheries plan authorized by the Minister of DFO, yet their fishing vessels find it difficult to operate safely; they face racist and heated confrontations by non-Indigenous fishers who have damaged boats, threatened fishers, and cut nets. “Fishing is an inherent right,” explained Chief Toney, “We have an inherent rights-based fishery, which is not for sale.” He went on to discuss how the Peace and Friendship Treaties never extinguished the rights of Mi’kmaq to fish and that their access to the fisheries should be safe and guaranteed. “You can’t put a price on our access.” He lamented how DFO had ignored these basic facts by unilaterally closing down the elver fishery and imposed rules and licensing regulations that have disproportionately impacted Indigenous fishers.

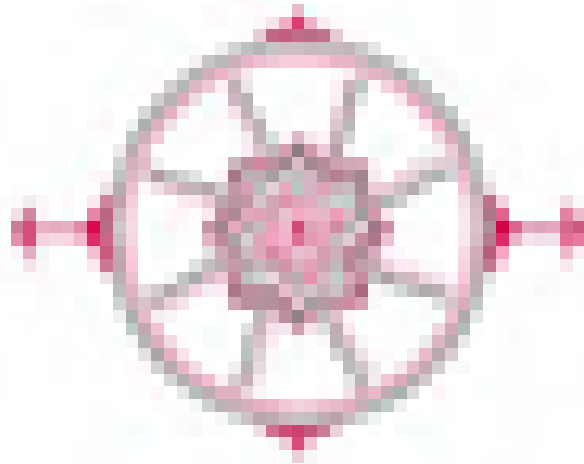
Other issues raised by the Chief and Council were related to social issues faced by the community. NIHB, they argued, was administered poorly and

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had too many barriers to access it. Some services, such as dental care, was amongst the hardest to access and often times providers require up-front payment, forcing the claimant to submit for a reimbursement; many struggle with this. Additionally, mental health supports are lacking within the community and there is no capacity or funding to meet these needs.

Child welfare was also raised with participants asking for any support required to complete the Nova Scotia child welfare law be granted.

- | | |
|---|---|
| Governance | <ul style="list-style-type: none">• By-laws are not being enforced by RCMP• Have capacity issues with the loss of their legal counsel and band manager• Want support for progress on the child welfare law |
| Health and Social Issues | <ul style="list-style-type: none">• Issue with lateral violence in the community that is creating acute mental stress• Need funding to support off-reserve members• NIHB coverage is inadequate• Need greater mental health supports• Need to ensure there are adequate supports for children aging out of Jordan's Principle |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• Want to see ATR process sped up• Want a resolution to the unilateral closing of the elver industry by DFO• Need safe access to fisheries – physical access but perhaps also Indigenous-specific fishing season? |
| Justice | <ul style="list-style-type: none">• Safety concerns due to deficiencies in level of service from RCMP<ul style="list-style-type: none">◦ Have a squatting issue in band-owned homes• Have concerns around people creating pop-up cannabis stores and the resulting liability to the community |
| Citizenship | <ul style="list-style-type: none">• Need to move to citizenship to address the second-generation cut-off |



BEAR RIVER FIRST NATION

Community Overview

According to its profile on the [Annapolis Valley](#) website,

Bear River First Nation, established in 1820, covers 3.34 square kilometres (approx. 1.3 square miles). It serves a population of 108 Mi'kmaq on the reserve and 226 off the reserve.

The services offered by Bear River include:

Mi'kmaq Heritage and Cultural Centre: Opened in 2004, the Heritage and Cultural Centre is the largest building in the community. It houses a gymnasium and a recreation centre. The entrance of the building resembles a traditional Mi'kmaq wigwam and contains a heritage gallery with photos and write-ups of Bear River's Elders and past Chiefs. The first birch bark canoe to be built in Bear River in seven generations using traditional methods is on display inside.

Health Centre: The Health Centre offers healing services, workshops, and monthly doctor visits. It has the capability for video conferencing.

The community also has a learning centre, a gas bar, the Band Hall, and Saint Anne's Church.

The community also has the Muin Sipu Learning Center for Early Childhood Education and spearheaded the 7 Paddles initiative, which the [Bear River website](#) describes as,

A project that was started to re-establish traditional Mi'kmaq canoe routes for ecotourism in Nova Scotia has become a way for people in Bear River First Nation to strengthen their ties with their land and culture. It is also allowing people to learn from their elders and use that knowledge to create new opportunities. We honour seven directions (the Sky, the Earth, the Soul plus North, East, South and West) and live by the Seven Teachings of love, respect, humility, honesty, truth, wisdom and courage.

The community is led by Chief Carol Dee Potter. Major economic development initiatives include the communities 75% ownership of a historic resort, the Digby Pines Golf Resort and Spa (known locally as "[The Pines](#)") as well as aquaculture initiatives.

Summary of Discussions & Issues Raised

For these discussions, Senator Prosper and his team met with Chief Potter, two of her Council members and District Chief Sherry Pictou, who is from Bear River. The meeting was held in the Elders Lodge as the [band office was destroyed by a fire in 2022](#). For 18 months, Chief and Council had to work out of trailers with no ready access to washrooms. Yet, funding from ISC was denied on the basis that their programming does not support capital funding for band administration offices.

Funding was sought through the [Green and Inclusive Community Buildings Program](#), which offered between \$3M and \$25M to either retrofit existing buildings or build new community buildings. Their first application focused a multi-user, multi-purpose building with culturally-sensitive design elements and was an energy-efficient and green design. Yet, red tape and unrealistic timelines being imposed by federal departments led to the "disrespectful" sum of \$1M being the ultimate offer from ISC. Further red tape, delays and additional restrictions and reporting requirements made even that amount inaccessible. The end result has left Bear River without a band office for over two years. Community leadership maintained that a health centre, school and administration office are all basic infrastructure required for a healthy community.

While a new health centre was built, it was built with no Mi'kmaq input into layout or culturally-sensitive design. This led to a call from leadership to ensure that governments and organizations operating across Mi'kmaq Nation incorporate traditional knowledge and Mi'kmaq traditional practices, culture, principles and values. They suggested that cultural training should be required for government department officials who work on issues throughout Mi'kma'ki.

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Without such training, major policy decisions are being undertaken that impact Mi'kmaw rights, such as [the decision to “pause” out-of-season fishing in Digby in response to pressure from commercial fishers](#). Bear River also wants more involvement in conservation decisions that affect ocean health, as that is directly tied to the health of the fisheries. The community is also involved in the development of Pemsik, a National Marine Conservation Area that has also uncovered Mi'kmaq archaeological sites.

Discriminatory policies such as the second-generation cut-off have resulted in a growing divide between the level of services available to “status Indians” versus “non-status” community members, as well as between on-reserve and off-reserve residents. This has made it difficult for Chief and Council to deliver equitable programming and services to community members. Chief Potter noted that this has been particularly difficult on elders who live off-reserve.

Additionally, the Non-Insured Health Benefits (NIHB) have major gaps in the types of services and medications that it covers, putting Bear River in a position where it must use own-source revenues to support their members. Community leaders called for a review and overhaul of the NIHB program.

Mental health is another major issue that faces community members and Bear River is attempting to deal with these issues by creating spaces to allow Mi'kmaq to reconnect with past traditional practices. The 7 Paddles program, described in the Community Overview, is one such program. Other initiatives include the Mi'kmaq Artist Emergence Program and music therapy programs developed using traditional music. Both these initiatives would require federal funding in order to be sustainable.

Perhaps the overarching theme of discussions with Bear River leadership was the need for various levels of government to recognize and respect the inherent authority of First Nations communities to manage and govern their own affairs. Some of the ways that this could be accomplished include providing more stable and flexible funding arrangements to meet community needs; ensuring that adequate time is being given for consultation; and

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empowering communities to take control of topics that are wholly within their mandate such as citizenship.

- | | |
|---|---|
| Governance | <ul style="list-style-type: none">• Government does not give enough time for measured responses during “consultation” efforts• Funding mechanisms are complicated by red tape and heavy reporting requirements; so many restrictions it becomes inaccessible• Difficult to attract and retain talent because are not able to offer competitive wages• Difficult to deliver programs off-reserve• Communities need to be empowered |
| Health and Social Issues | <ul style="list-style-type: none">• Seeing major decline in NIHB coverage• Mental health a major issue• Looking for support for Mi'kmaq artist emergence program and music therapy with traditional music |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• Have a good relationship with industry but upset with DFO for their scallop policy decision that disadvantaged Mi'kmaq fishers• Want more involvement in conservation projects such as Pemsik, a national Marine Conservation Area and in decisions related to ocean health, which is tied to the overall health of fisheries |
| Infrastructure | <ul style="list-style-type: none">• Infrastructure design should include Mi'kmaq input to ensure it is culturally-sensitive• Need funding to build a new administration building – health centre, school and administration office are all required for a healthy community |
| Citizenship | <ul style="list-style-type: none">• Concerns over people falsely claiming Indigeneity• Frustrations over second-generation cut-off |

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Language, Culture
and History

- Need to ensure that governance structure and organizations across Mi'kmaq Nation incorporate traditional knowledge and Mi'kmaq traditional practices, culture, principles and values



CONFEDERACY OF MAINLAND MI'KMAQ

Organization Overview

The Confederacy of Mainland Mi'kmaq (CMM) is a Tribal Council incorporated in 1986 as a not-for-profit organization in Nova Scotia. CMM supports over 10,000 community members across all eight mainland Mi'kmaq communities and its Board of Directors consists of the Chiefs of those communities. The organization employs over 140 people and is ably led by Executive Director, Angeline Gillis, who succeeded former long-time Executive Director, Dr. Donald Julien, in 2022.

CMM provides services through eight key departments:

1. Health and Social Services
2. Environment and Natural Resources
3. Community Services and Infrastructure
4. Mainland Mi'kmaw Development Inc.
5. Governance
6. Finance and Administration
7. Aquatic Resources and Fisheries Management
8. Mi'kmawey Debert Cultural Centre

Their website lists multiple [resources, publications and links](#) in order to centralize information important to Mi'kmaq. According to their most recent strategic plan at the time of writing, CMM identified four strategic directions to guide their decisions and investments over the next five years:

- The Honour of Service to Community – Improving CMM visibility in communities; enhancing the quality of life in communities, improving communication with communities; and providing adaptable service delivery.
- Striving for Organizational Excellence – Enhancing organizational collaboration and integration through improved internal communication and awareness; focusing on scope management and priority setting; redefining the CMM identity; and pursuing organizational excellence.

- Strategic Leadership in Building Resilient and Inclusive Communities – strengthening capacity of communities; creating collective impact with partner organizations; contributing to economic sustainability of communities through the work of social enterprises and ventures; and preparing for disruption through strategic foresight.
- Reconciliation Pathways: Reshaping a Sustainable Future – Engaging in policy advocacy, supporting communities and partners in navigating reconciliation, UNDRIP, and MMIWG; supporting communities in pursuing self-governance; and advising on sustainable planning for the future.

Summary of Discussions & Issues Raised

Discussions with CMM occurred over two sessions. The first session focused on priorities and feedback from the Board of Directors, key CMM directors, Executive Director Angeline Gillis, former Executive Director Dr. Don. Julien, and District Chief Dr. Sherry Pictou. The second session was only with the Executive Director, senior directors and technical staff who were able to provide additional context on how several priorities are currently being pursued, and to help provide solution identification as the Senator explores ways to support advancing the priorities in this report. The summary of issues raised in the following chart makes no distinction between the two sessions.

Chief Robert (Bob) Gloade of Millbrook First Nation spoke eloquently and passionately about the need for government to put in place the policies, legislation and funding required to help First Nations be “self-sufficient, self-sustaining and allow us to make valuable contributions to society.” This one sentence succinctly spoke to the issue at the heart of every intervention made during both CMM sessions.

Central to the asks and priorities identified by Chiefs and CMM staff alike, was the unifying concept of inherent Mi'kmaq rights, which are all the rights included in the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#).

Rights, it was argued, must be recognized at the provincial and federal level. This includes the right to self-determination and self-governance. At present,

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consultation can feel more like a “check-box exercise” with no real space for the integration of Mi’kmaq values and principles. In order to conduct real and meaningful consultations, government must treat Mi’kmaq as equal partners in the decision-making process and provide opportunities for the inclusion of Indigenous content. In some instances, provincial and federal governments confuse “consultation”, as contemplated under s.35 of the *Constitution Act, 1982* with “engagement”, which could be technically satisfied by merely writing a letter.

In other instances, neither consultation nor engagement occurs; a recent example of this was the closing of the elver fishery. Staff stated that it was “insulting” for DFO to not have consulted before making a decision that significantly affected Mi’kmaq fishers. CMM is currently looking at a cross-sectoral approach to ensure that a more holistic view is taken when arriving at policy and funding decisions.

One major example provided that highlights the lack of respect for First Nation governance structures is the unwillingness of RCMP to enforce by-laws in communities. Ever since Ministerial oversight of by-law creation on-reserve was removed from the *Indian Act* in 2014, communities across the board report that the RCMP refuses to enforce these by-laws; this creates public safety concerns amongst community members and severely limits the authority of Chief and Council. In the follow-up session with staff, the tragic case of Sheri Sabattis, the sister of Chief Shelley Sabattis of Oromocto First Nation or Welamukotuk. Chief and Council had passed a by-law banning certain non-Indigenous people considered “undesirable” from the community; the man charged with Ms. Sabattis’ murder is among those on the ban list. Chief Sabattis asserts that her sister’s murder could have been prevented if RCMP had enforced the by-law.¹⁰

Several Chiefs called on the government to support a Mi’kmaq Nation and Mi’kmaq national governance system, which would then enable the Nation to

¹⁰ Saltwire. “New Brunswick First Nation chief says she won't rest until murdered sister 'honoured'”. <https://www.saltwire.com/atlantic-canada/news/new-brunswick-first-nation-chief-says-she-wont-rest-until-murdered-sister-honoured-100961447/> 01.05.24

recognize and support community-driven initiatives. This discussion dovetailed into a discussion on the need for the Government of Canada to provide multi-year, stable, flexible funding that could be used as Mi'kmaq Nation saw fit.

[Article 4 of UNDRIP](#) states that,

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Federal funding and transfers often neglect to account for the responsibility that Mi'kmaq leaders have to off-reserve and non-status community members that they recognize and claim as their own. As such, communities must look to own-source revenue and other alternative funding streams in order to provide these communities with the same supports available to "status" community members.

Some of the proposed solutions put forward by Chiefs included looking at a way for Mi'kmaq to collect their "fair share" of taxes from proponents operating on Mi'kmaq land and creating trade agreements with other First Nation communities without interference from the Canada Revenue Agency or other agents of the Crown. While these solutions would take time to negotiate, more immediate solutions could include economic development stimulus support in sectors such as gaming, and ensuring that Nova Scotia Mi'kmaq have legal and safe access to cannabis markets. Currently, cannabis retailers on-reserve operate in a legal gray-area, with increased involvement of organized crime. Cannabis, if legally controlled by communities, would be another source of much-needed own-source revenue.

Increased economic development opportunities also require access to land. Federal funding for land is only provided by ECCC for the purpose of conservation, which is constraining. This means that any land purchased must be done so with own-source revenue. While an investment for the

community, it puts a strain on cashflow. The land will also need to go through a lengthy Additions to Reserve (ATR) process in order to ensure that any people residing or working on the land, as well as any activities that take place, are exempt from taxation as per s.87 of the *Indian Act*. Should the community be purchasing goods such as building materials, for instance, those materials must be delivered on-reserve in order to be tax exempt. This unnecessarily burdensome requirement could be resolved by re-introducing the point-of-sale program, which would enable community members and Chief and Council, to have the tax exemption applied at the register anywhere in the province.

Many activities would also not qualify for federal funding if the land is not considered reserve land, forcing communities to undertake a process that is costly, convoluted and could take several years (if not decades).

One Chief raised the issue of environmental racism and the need to play a more active role in the province's forestry sector. Staff pointed to the Senate Standing Committee on Fisheries and Oceans July 2022 report, "[Peace on the Water: Advancing the Full Implementation of Mi'kmaq, Wolastoqiyik and Peskotomuhkati Rights-Based Fisheries](#)". Spearheaded by former Senator Dan Christmas, who has the distinct honour of being the first Mi'kmaq Senator appointed, there has been little to no action taken on the report's ten recommendations.

Canada has also set a mandatory 5% Indigenous procurement target, meaning all federal departments and agencies must ensure that "a minimum 5% of the total value of contracts are held by Indigenous businesses"¹¹ by 2025. However, it is integral that these businesses be somehow verified in order to ensure that they are, indeed, Indigenous and that the benefits will go directly to Indigenous peoples. More and more "pretendians" – people who falsely claim Indigenous heritage to gain a monetary, work, or academic benefit reserved for Indigenous peoples – have been uncovered in recent years. There were those that suggested falsely claiming Indigeneity should

¹¹ <https://www.sac-isc.gc.ca/eng/1691786841904/1691786863431>

be a criminal offense. CMM is currently working with other organizations on ways to verify Mi'kmaq-owned businesses.

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan, which was published in June of 2023, sets clear goals and priorities related to economic reconciliation, including royalty-revenue sharing. Chiefs would like to see more progress on the UNDA Action Plan, while staff flagged their concerns with the lack of funding attached to the Action Plan. They drew parallels with the lack of movement on the TRC Calls to Action and the MMIWG Calls for Justice.

These reports and their recommendations also speak to other issues such as health, education, justice, language and culture and infrastructure needs.

Chiefs called for federal support of a variety of health and social concerns including addictions treatment, mental health support, chronic disease, cancer and extended care (elder support). Given the documented systemic racism in Canada's healthcare system¹², Chiefs and staff called on the government to support the creation of more addiction treatment centres that are culturally-appropriate, and the creation of treatment programs that incorporate Mi'kmaq traditional practices and are land-based. They highlighted the need for increased access to culturally-safe healthcare providers as a rise in chronic disease and cancer has led to a steep rise in caseloads across the province. While federal funding transfers have increased in recent years¹³, and given the fact that Mi'kmaq count toward the overall per capita funding received by the province, there has been no discernable improvement in Mi'kmaq health outcomes overall (see chapter on **Tajikeimik**).

¹² Canadian Medical Association Journal. "Healing racism in Canadian health care". <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5698028/#:~:text=Racism%20in%20the%20Canadian%20health,one%20tragic%20case%2C%20to%20die>. 20.11.2017

¹³ CBC. "Federal health transfers outpace provincial spending despite premiers' criticisms, analysis shows". <https://www.cbc.ca/news/canada/federal-health-spending-provinces-1.7311340#:~:text=In%202023%2C%20federal%20health%20transfers,increase%20of%20158%20per%20cent.24.09.24>

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Other concerns raised related to health and social issues included the concern of Chiefs that youth are “aging out” of coverage under Jordan’s Principle, leaving them unsupported; they also raised the need to complete a Mi’kmaq Nation-wide child welfare law. One Chief pointed out that there needs to be more programming for young men in community, while others called for support and training for crisis responders. In Mi’kmaq communities, often times it is the Chief or other community members who are first responders.

Non-Insured Health Benefits (NIHB) is a program administered by ISC to pay for medications and health services required by “status” First Nations and Inuit. However, not everything is covered under NIHB, with many calling for a complete overhaul of the program. Other community members who do not have status due to the second-generation cut-off policy are not covered at all, leaving Chief and Council to fill the gaps using own-source revenue. This ties into discussions around the need to move away from “status” to citizenship with Mi’kmaq having access and control to their membership lists. Currently, those lists are held and maintained by Canada and, when Mi’kmaq ask for them, they are told that the information is protected under the *Privacy Act*. This has led to frustration and calls for Mi’kmaq data management and data sovereignty.

The concept of rights was raised again as participants discussed issues and priorities related to justice. Chiefs and staff pointed at the need for more respect to be afforded to Mi’kmaq communities and community members by the RCMP. Given the tenuous relationship between Mi’kmaq and the RCMP, several recommended that alternative forms of justice be sought, ones that centre on Mi’kmaq law as oppose to attempt to “Indigenize” Canadian law. They advocated for an approach centred around restorative justice principles and suggested that Mi’kmaq community safety officers would be more effective as they understand and are aligned with Mi’kmaq values. Staff referenced the Auditor General’s [March 3, 2024 report on First Nations and Inuit Policing Program](#), which found that,

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Although funding of the First Nations and Inuit Policing Program has increased significantly since our last audit in 2014, we again found critical shortcomings in its management. Funds allocated to the program are going unspent, which is concerning in the context of a program intended to support the safety of Indigenous communities—we found that \$13 million of program funds related to the 2022–23 fiscal year went unspent. As of October 2023, Public Safety Canada was at risk of not disbursing over \$45 million of funds for the 2023–24 fiscal year.

In its management of the program, Public Safety Canada did not have an approach to allocate funds equitably to communities. The department told us that it relied on the provinces' or territories' readiness to fund their share of the program and on the past funding received by communities to determine the amounts allocated. We also found a lack of consistent engagement and partnership with communities by the department.

We found that the RCMP did not consistently meet the terms of the community tripartite agreements. For example, in our sample of 26 communities served by the RCMP under the program, we found that only 38% of these communities were served by RCMP detachments that noted that their officers could spend 100% of their time dedicated to the community as required. We also found that because of staffing shortages over the past 5 years, the RCMP has been unable to fully staff the positions for which it receives funding under the program's agreements, leaving First Nations and Inuit communities underserved.

While CMM and communities have a clear sense of how they want and need to improve their communities, staff cited funding and capacity limitations as major barriers. Community safety plans, for instance, should be developed for every community, but there is limited capacity to create them. Canada has recently funded eight new Emergency Management Coordinator positions and they have, in turn, developed Emergency Management Plans for each community. However, staff argue that there is not enough capacity to ensure that they are properly implemented nor is there funding, in some

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instances, to ensure that there are alternative evacuation routes, with some communities only have one way in and out.

Other infrastructure is sorely lacking including housing and the related O&M. CMM staff explained the various programs and resources that they are developing in relation to housing such as policy training, basic home maintenance, training community members to be housing inspectors, and so forth to help build housing capacity.

CMM is looking to undertake an asset and infrastructure inventory in order to enable communities to make more targeted and evidence-based asks; they are also asking for support in asset management planning and asset management overall. There is a general misunderstanding or lack of information related to what asset management is and the important benefits it affords to communities, thus the request for more capacity development support funding for this important task.

Governance

- Need rights to be recognized at the provincial and federal level
- Governments need to conduct real and meaningful consultations – looking at a cross-sectoral approach to be real partners in decision-making
- Need to look at space for Indigenous content inclusion
- Government must support action on the TRC Calls to Action
- Remove s.87 of the *Indian Act*, which requires that goods be delivered to reserve in order to be tax exempt
 - This would support the long-time call to re-establish a Point-of-Sale taxation scheme

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Health and Social Issues

- Need to work as a nation to recognize and support community-driven initiatives
- Need the RCMP to respect and enforce community by-laws; Crown refuses to act to due removal of Ministerial oversight in *Indian Act* over by-law creation in 2014
- Need multi-year, stable funding that is flexible and not siloed
- We need an opportunity to generate our own tax base; need to get our own fair share
- Want support for a Nova Scotia Mi'kmaq Nation government structure
- Government funding formulas must recognize our responsibility to off-reserve and non-status community members that are claimed by us
- Data management – First Nations want control over their own data; there are also hurdles to data-sharing between communities
- Need support for a nation-wide child welfare law in NS
- Need more mental health supports
- Need better access to equitable, culturally-safe healthcare
- Need reforms to NIHB
- Seeing cuts to Jordan's Principle funding and that is negatively affecting our communities
- Need to support young men in communities
- Mental health, addictions, chronic disease, cancer & extended care (elder support) are main priorities for organization
- Need access to treatments that are culturally-appropriate and some should be land-based
- Need support and training for crisis response
- Jordan's Principle – concern with "aging out"

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Economic Development, Lands and Resources

- Dramatic increase in caseloads has seen a need for improved access to culturally-safe providers (systemic racism in healthcare)
- Need to discuss reopening and managing the elver fishery
- Need to see progress on UNDA Action Plan points related to economic development, Indigenous procurement (Government of Canada has a 5% target), and royalty-revenue sharing
- Need economic development stimulus money for sectors such as gaming
- Government should focus on economic reconciliation by identifying and funding participation opportunities
- Need support in legally and safely accessing the cannabis market in order to create own-sourced revenue
- Need flexibility and support in creating agreements between First Nations to create nation-to-nation trade agreements with each other
- Need to have a bigger say in the forestry operations in NS
- Need to confront and resolve environmental racism
- ATR process needs to be streamlined and sped up – Indigenous people need more access to lands to use as they see fit
- Have emergency management plans in every community but lack the capacity to ensure they are properly implemented
- Want to see movement on recommendations in Senate's report, "[Peace on the Water](#)"

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Justice

- Need early consultation on all projects that have a potential impact on Mi'kmaq rights, lands and resources
- Impact Agency of Canada should provide funding to support requisite technical capacity when being consulted on projects
- Lack of respect from police; leads to difficult interactions for community members and leaders with Justice department
- Need alternative justice programs that focus on restorative justice principles and are aligned with Mi'kmaq values
- Need to look at alternatives to RCMP such as community safety offers
- Want to revitalize Mi'kmaw law vs "Indigenizing" Canadian law
- Every community should have community safety plans
- Legalization of cannabis has led to a rise in organized crime in some communities

Infrastructure

- Need support with asset management and asset management planning in communities
- Need funding for housing
- Should have an asset and infrastructure inventory
- Need to build housing capacity – policy training, basic home maintenance, training community members to be housing inspectors, etc.
- Communities should have alternative evacuation routes but some only have one way in and out

Citizenship

- Need O&M funding
- Need to remove the second-generation cut-off
- Need to look at citizenship instead of "status"

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- First Nations should have control of our own enrolment/citizenship lists
- Misrepresenting yourself as Indigenous should be a criminal offense



ESKASONI FIRST NATION

Community Overview

Eskasoni is one of the largest communities in Nova Scotia as it was one of two reserves that Mi'kmaq were forced into during centralization. Their [website](#) describes their community as such:

Nestled alongside the beautiful Bras d'Or Lake in Eastern Cape Breton Island, Eskasoni First Nation is the largest Mi'kmaq community in the world. Deeply rooted here is our Mi'kmaq culture. We are proud to say that we are home to the largest Mi'kmaq speaking community with close ties to traditional culture and beliefs.

We have made great strides in developing a solid infrastructure on which to grow and prosper including our own community-operated school system from kindergarten to grade 12, supermarket, community rink and cultural centre. We also have a large private-sector base.

The community of Eskasoni has a proud history of supporting its young population with events that promote a healthy and active lifestyle among its 4,000 community members. With a dedication to improving the lives of its future generation, the Eskasoni community strives to be culturally rich and respectful of its ecosystem based on concepts of shared responsibility.

Eskasoni's Chief, Leroy Denny, is known to be a strong language advocate, and his commitment to language preservation and revitalization is evident in his community's strong connection to the Mi'kmaq language.

Summary of Discussions & Issues Raised

Chief Denny and his council focused their comments on highlighting inadequate funding for organizations, citing the significant governance and human resources challenges due to underfunding. They discussed how band councils are also chronically underfunded, leading to the same inability to attract and retain qualified staff.

Community leadership built a narrative around the various competing priorities that are placing a strain on the community's own-source revenue.

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Infrastructure funding is needed for projects such as the building of new roads and preparation of new subdivisions, particularly as the community rushes to build housing to keep children out of care. The pressure is immense when one considers that there are over 300 individuals and families on the waitlist. 1,300 individuals are on social assistance, while a significant number of children are in care due to housing shortages. Additionally, funding for a courthouse project has stalled.

Chief Denny then pointed to the need for a hospital in the community that can offer services such as in-patient care, x-rays, dialysis, and ultrasounds. He cited many community members' experience with systemic discrimination and racial profiling within the healthcare system. Chief Denny then relayed a personal story of his aunt who passed because of (what an independent investigation confirmed was) negligence. He added that a hospital in Eskasoni would help alleviate wait times at off-reserve facilities.

The community also faces a high incidence of autism among children and many community members are at high risk for diabetes and heart disease. In response to the need for a culturally-appropriate elders care facility, that enables elders to receive care in Mi'kmaq, Eskasoni has built [Kiknu](#), a 48-bed facility offering private suites and 24-hour assisted living. Chief and Council explained how a shortage in federal funding has caused community leaders to also use own-source revenue to pave roads, support the crisis centre and pay the wage for 25 community nurses.

Despite there being many demands and community priorities relying on own-source revenue to sustain them, rising costs are straining own-source revenues. The community is running out of space and urgently needs to expedite Additions to Reserve (ATR) processes. There are also ongoing issues related to taxation, and Certificate of Possession (CP) lands that need to be resolved in order to help maximize community revenues.

Police enforcement of by-laws is a pressing issue, contributing to problems like drug dealing and violence. Negotiations concerning policing agreements are ongoing, though nothing has been signed due to concerns such as the

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proposal to include less officers than previously discussed. In the face of faltering negotiations, Chief and Council mused about the possibility to returning to a hybrid model with Mi'kmaq-speaking constables or a return to a tribal force. They also called for more Mi'kmaq representation in higher ranks and training programs for constables by Mi'kmaq constables.

Eskasoni leaders ended by calling for an apology and reparations related to centralization, similar to those issued for other historic harms such as tuberculosis sanitoriums and residential schools.

- | | |
|---|--|
| Governance | <ul style="list-style-type: none">• Looking at child welfare from a sovereignty perspective• Our organizations are inadequately funded• Governance/Human Resources within band are big issues – bands are underfunded, and this leads to capacity issues• Police enforcement of by-laws a major issue |
| Health and Social Issues | <ul style="list-style-type: none">• High incident rate autism amongst children• Been using own-source revenue to pay for crisis centre and mental health staff• Need hospital in community because members are facing systemic discrimination/racial profiling and it is leading to fatalities<ul style="list-style-type: none">◦ We support medical travel from own-source revenues◦ Hospital would also help to alleviate wait times in off-reserve hospitals• Community members at a high risk of diabetes and heart disease• 1300 people are on social and a high number of children are in care due to housing shortages |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• Rising costs are affecting own-source revenue• Running out of space and buying land but ATR needs to speed up• Issues around taxation and CPs |

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Justice

- Lack of by-law enforcement leading to increase in drug dealers, violent people, lateral violence, etc.
- Issues with negotiations around a policing agreement – less officers than discussed
 - Looking at return to hybrid with Mi'kmaq-speaking officers; or return to tribal force
 - Need more Mi'kmaq in higher ranks, not just constables
 - Suggested Mi'kmaq constables start training depot
- Keeping track of homelessness and human trafficking numbers

Infrastructure

- Elders care facility is required
- Large bureaucratic burden associated with housing dollars
- Using own-source revenue to pave roads – need more infrastructure funding to build roads and prep new subdivision
- Rushing housing to try and keep kids out of care – over 300 on the waitlist
- Funding stalled on the courthouse they are building

Language, Culture and History

- Should be an apology and reparations regarding centralization similar to those for TB and residential schools



GLOOSCAP FIRST NATION

Community Overview

One of three communities located in Annapolis Valley, Glooscap First Nation is located approximately an hour northwest of Halifax, just outside of Hantsport in the Hants and Kings Counties, covering 1.82 square kilometres. It has a population of 409 members who live both on and off-reserve.

The community offers health, social and education services, and has proactively sought economic development and partnership opportunities to maximize options and supports for community members. According to [this community description](#):

Glooscap Ventures is an independent corporation governed by a board of directors. It is 100% owned by Glooscap First Nation. Besides managing on-reserve business, Glooscap Ventures is developing the 27-acre Glooscap Landing along Highway 101 for retail purposes. It is also researching opportunities in renewable energy.

In 2017, Glooscap First Nation was named the 2017 Cando Indigenous Community Economic Developer of the Year. This award is presented annually to Canada's top economic-development Indigenous community.

Other services include a youth centre, chapel, variety store, gas bar, and gaming centre.

The website also focuses on an important partnership with Acadia University, stating that,

In 2020, Glooscap First Nation signed a historic [Memorandum of Understanding with Acadia University](#). The aim was to create a one-of-a-kind model to support initiatives on campus important to Indigenous students and their culture, with an emphasis on Mi'kmaq students. This agreement is believed to be the first of its kind in Canada.

The community is led by Chief Sidney Peters, who also serves as the Co-Chair of the Assembly of Nova Scotia Mi'kmaq Chiefs.

Summary of Discussions & Issues Raised

Since 2016, Glooscap has hosted six formal community engagements sessions as part of their innovative Comprehensive Community Plan process, which enables community members to feed into Chief and Council's strategic planning sessions. This has resulted in three comprehensive plans and annual strategic plans. Participants shared key priorities, which included governance, economic development and citizenship.

Federal support for Mi'kmaq governance on a nation level as well as support of the Grand Council was top of mind for Chief Peters. Preliminary work has already been done on these two initiatives and the Chief was keen to see work on them continue to move forward. The discussion on self-government also dovetailed into the discussion on the need for the federal government to devolve jurisdiction on citizenship to Mi'kmaq leadership. Close to 60% of Glooscap's population is considered "non-status", causing lateral violence and discrimination amongst community members, as well as creating strains on community services.

Chief Peters said, "We know our families," yet – while Chief and council recognize who belongs to the community and want to ensure they receive the same level of care as "status" community members – federal transfers are based on the population of registered or "status Indians", leading to massive funding shortfalls. There is also concern about what could happen to the community should the second-generation cut-off rules continue to lower the number of "status" members recognized by Canada closer to zero.

Like all other communities, Glooscap has worked hard to create a profitable and diverse portfolio of business ventures in order to generate much-needed own-source revenues to meet the needs of community members and fill the gaps left by inadequate federal funding. Chief Peters and council members felt strongly that Canada should contribute to "kickstarting" more economic development opportunities to help reduce Glooscap's reliance on third-party funding for key services, day-to-day operations and infrastructure investments.

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Youth-related issues were also discussed at length. Glooscap leaders discussed their concerns around high absenteeism across the three schools community members attend and called for more work to be done in response to the TRC Calls to Action. Intergenerational trauma, for instance, was identified as one of the root causes of absenteeism and they advocated for accommodation of absences for the purpose of cultural practices. As an example, they highlighted how many children accompany family members during fishing season as a means of food security while engaging in traditional practices. Council members are also seeking funding support of programs aimed at making all levels of government more appealing and accessible to youth, as their future participation in decision and policy-making will be integral to the continued progress of First Nations.

A contributing factor to the success of young Glooscap community members, it was argued, is to be educated in the Mi'kmaw language and traditional ways. This would require early childhood education (ECE) funding as well as Elder support dollars.

Jordan's Principle – and child welfare more generally – were also raised as a major issues. Current eligibility guidelines, they argue, encourage people to remain on social assistance in order to maximize the amount that they are able to access for their children. Meanwhile, mental health and addictions, like in many communities, were prevalent issues in Glooscap and the Chief and Council called on the federal government to support prevention programs.

While work is currently being done in the community to support families, there are youth that need to go into protection. Chief Peters acknowledged that they would like to work closer with Mi'kmaw Families to have children placed in community with other family members if they must be removed. However, this is currently stymied by the inadequate housing in community. As such, Chief Peters and his council are seeking support for housing and related O&M on reserve and off. He feels that this funding should go directly to communities or require more coordination between First Nations organizations that receive money for a larger region.

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Recognizing that the bulk of Glooscap community members live off reserve, participants also stressed the importance of working in partnership with other nations and organizations such as [Tawaak](#) (a non-profit housing association that builds and maintains socially assisted rental housing in six urban areas within Nova Scotia) and other communities to build more affordable housing options in urban communities with larger Mi'kmaw populations such as Halifax, Sydney, Truro and Bridgewater.

Health concerns were also raised with an emphasis placed on the higher incidence of diabetes and other chronic diseases. Chief Peters once again stressed the need for better education (including in nutritional education) and early intervention. He felt that the development of tools and programming would result in better health outcomes overall; this, he argued, could be achieved with a more coordinated approach to funding as current funding models seem to operate in silos and lack flexibility or adaptability to the realities of First Nations community members.

Governance

- Need support to pursue Mi'kmaq governance including support of the Grand Council
- Wants support for Mi'kmaq-led child and youth protection initiatives
- Need more holistic and coordinated approach to funding as government departments seem to be working in silos

Health and Social Issues

- Need to approach issues as a nation
- Need more funding for mental health
- Need to focus on prevention
- Want funding for education programs that would make all levels of government more appealing and accessible to youth
- Want progress on TRC Calls to Action
 - Need to address intergenerational trauma from residential schools
 - Need to work on accommodations in schools for cultural practices

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- Need to address high rates of absenteeism and root causes
 - Jordans Principle – issues with implementation and eligibility guidelines
 - High incidence rates of diabetes and other chronic diseases
 - There are addictions issues and high rates of fetal alcohol syndrome
 - Need federal support to help “kickstart” more economic development
- Economic Development, Lands and Resources Infrastructure
- Need funding for housing – capital & O&M
 - Need housing and infrastructure funding to flow directly to First Nations or to have a more coordinated approach by First Nations organizations that receive infrastructure funding
 - Wants to explore more supportive housing and affordable rental options for L’nu living off-reserve
- Citizenship
- Important for Mi’kmaq to be able to determine who is Mi’kmaq as close to 60% in the community are considered “non-status”
 - Second-generation cut-off rules must be removed
- Language, Culture and History
- Need more support for Indigenous language instruction, particularly for young learners



KWILMU'KW MAW- KLUSUAQN NEGOTIATION OFFICE

Organization Overview

The Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) provides technical advice and expertise for, and engages in negotiations and initiatives on the direction of the Assembly of Nova Scotia Mi'kmaw Chiefs. The term "Kwilmu'kw maw-klusuaqn" means "we are seeking consensus", a fitting name for a consultation body.

[KMKNO's Mission Statement](#) states that its focus is,

To address the historic and current imbalances in the relationship between Mi'kmaq and non-Mi'kmaq people in Nova Scotia and secure the basis for an improved quality of Mi'kmaw life. KMK will undertake the necessary research, develop consensus positions on identified issues, and create public and community awareness in a manner that supports the ability of the Assembly to fully guide the negotiations and the implementation and exercise of constitutionally protected Mi'kmaw rights. KMK is committed to moving forward at a pace determined by the Mi'kmaq themselves, and to balancing individual First Nations autonomy with the collective Mi'kmaw identity, governance and decision making required to re-institute Mi'kmaq ways of operating.

Their work is based around [five pillars](#):

1. To achieve recognition, acceptance, implementation and protection of treaty, title, and other rights of the Mi'kmaq in Nova Scotia;
2. To develop systems of Mi'kmaw governance and resource management;
3. To revive, promote and protect a healthy Mi'kmaw identity;
4. To obtain the basis for a shared economy and social development;
and
5. To negotiate toward these goals with community involvement and support.

KMKNO is led by long-time Executive Director Janice Maloney, who oversees a staff of approximately 45; these staff members oversee a variety of consultations, negotiations and initiatives on behalf of the Assembly in areas

including, but not limited to: fisheries, land management, natural resources, energy, justice, citizenship, child welfare, and more.

Summary of Discussions & Issues Raised

During a meeting with KMKNO Executive Director Janice Maloney and senior departmental staff, Senator Prosper and his team discussed the challenges faced by the organization as it pertains to their working relationship with Canada.

The discussions touched on some initiatives, but the main focus of the discussion – as led by KMKNO – was on systemic discrimination; a pervasive lack of respect for the organization and Mi'kmaq governance; the continued imposition of colonial policies and practices, and chronic underfunding.

It is important to recognize that the Indigenous file has moved forward significantly under this government – new legislation aimed at [protecting and revitalizing Indigenous languages](#), supporting [First Nations, Inuit and Métis control of child and family welfare](#), and [committing to ensure the laws of Canada are aligned with the United Nations Declaration on Indigenous Rights](#) (known as “UNDA”), as well as policy announcements regarding [Additions to Reserve reform](#) and actions being taken to [address the second-generation cut-off](#) all added to the hope that a new era in Canada-Indigenous relations had arrived. The Government commitment to implementing all [94 Calls to Action](#) as well as all [231 Calls for Justice](#) in addition to the [UNDA Action Plan](#) created a clear, measurable path forward toward true reconciliation.

However, the implementation of these initiatives has been underwhelming and progress on many of the recommendations and action plan items have stalled. According to a review of progress on the Calls for Justice by CBC, only two have been completed over the past four years.¹⁴ The Yellowhead Institute’s report, [“Calls to Action Accountability: A 2023 Status Update on Reconciliation”](#) found that, after eight years, 81 Calls to Action remain unfulfilled. Report authors Eva Jewell and Ian Mosby are quoted as saying,

¹⁴ Carreiro, Donna. “Mother.Sister.Daughter.” CBC. <https://www.cbc.ca/newsinteractives/features/mother-sister-daughter>. 05.06.23

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In the short time we have been annually observing Canada's record on its supposed progress, we've held the tension of the promise of reconciliation with the actual reality — exacerbated by the deep chasm between the two and frustrated by the discrepancy between inaction and Canada's fantastical myths of benevolence.

These findings only reinforce KMKNO's interventions.

KMKNO faces significant challenges in implementing UNDA, often encountering a gap between words and actions. Federal mandates and policies impose limitations, with fiscal negotiations centering on federally-imposed formulas rather than true negotiations, similar to the issues seen in social assistance (see chapter on Ta'n Etli-tpi'tmk). The organization frequently has to justify its work plans to the government, and funding restrictions have led to KMKNO staff looking at how to operate within their relatively meagre budget. Staff have looked at reducing the number of Assembly meetings, which is an unacceptable outcome. Federal funding should not impact Mi'kmaq governance structures. Staff also lamented the lack of support for elders and knowledge keepers during KMKNO events and meetings. Meanwhile, operational support is often denied, and federal funding requires adherence to the same health and safety regulations as federal organizations, complicating operations.

Year-to-year and proposal-based funding leads to uncertainty in funding for staff and programs while hampering progress on important issues, such as pursuing the reintroduction of the point-of-sale program. The government's paternalistic approach undermines, and in other cases, completely eschews the established consultation processes. Despite being a signatory to the [Made-in-Nova Scotia process](#) and the [Consultation Terms of Reference](#), KMKNO described several examples of government departments disregarding these processes and guidelines.

DFO remains amongst the most egregious of government departments in terms of not taking a rights-based approach to policy and decision-making and perpetuating actions that undermine the inherent and Treaty rights of

Mi'kmaq. Staff gave the example of recent [decisions around the closure of the elver fishery](#) for 2024, a unilateral action taken by the department.

There are also concerns regarding the funding for UNDRIP consultations, with attempts to minimize its incorporation in work plans. Communication about available funding is unclear, and applications often face delays and denials without explanation. There is no standardization across departments for implementing the UNDA Action Plan, and the Assembly struggles for core funding as a governance body, lacking essential resources like dedicated emails, shared calendars and compensation for their time spent on Assembly business.

Senator Prosper also heard how funding constraints hinder KMKNO's ability to conduct necessary research for effective consultation. Staff explained how Canada does not hold itself to the same standards it imposes on Indigenous organizations; while KMKNO is forced to work "bottom up", starting first with lower-level bureaucrats before they are able to engage at higher levels or with the Minister directly, Canada takes a "top to bottom" approach with bureaucrats reaching out directly to Chiefs and undermining KMKNO's work. The government's disregard for Mi'kmaq governance structures and use of "divide and conquer" tactics further complicate matters. Canada's actions run contrary to the honour of the Crown, given the nation-to-nation relationship established by Mi'kmaq signing the [Peace and Friendship Treaties](#) with the Crown.

KMKNO argued about the importance of putting more control into the hands of Mi'kmaq including over their archaeological artifacts. At present, any decisions related to Mi'kmaq archaeological artifacts are undertaken by the federal government. In this same vein, KMKNO is calling for the federal government to fund more federal and conservation projects, as well as to make Mi'kmaq equal partners in the management of parks and conservation areas within Mi'kma'ki.

Mi'kmaq control must extend to every aspect of Mi'kmaq life including over citizenship. In response to issues such as the second-generation cut-off and

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the lack of control over band lists at the community level, KMKNO has been working on a citizenship code and is currently looking to update their demographic estimates. Mi'kmaq should be the sole authority in determining who is Mi'kmaq. The Mi'kmaw Enrollment Process, launched in 2019, included the issuance of Harvester Identification to eligible Mi'kmaq, regardless of whether they were considered "status" or non-status by Canada. At the time of its launch, Senator Prosper – then Chief Prosper – served as Justice lead for the Assembly and [stated that](#), " Our Enrollment Process is an important act of self-determination and the first step to self-governance."

KMKNO also called for more federal funding and support in the provision of more education amongst young Mi'kmaq about traditional activities and outdoor activities such as hunting and gathering. They also pointed to the need to nationally recognize and celebrate Indigenous places and history.

In summary, long-term, Canada must move from the paternalistic and colonial mentality that its actions denote and provide dedicated funding that is essential for building capacity, program development and enabling succession planning, with a move toward self-government being approached on a sector-by-sector basis.

Governance

- Working at the main consultation table to ensure implementation of UNDA – seems to be words, not action
- Federal mandates and policies are limiting
- Fiscal negotiations impose a federal formula – not really a negotiation; doing the same thing with social assistance
- Constantly needing to justify our own workplans to Government
- Funding restrictions that force KMKNO to change the way it operates is resulting in things like fewer Assembly meetings
- Government doesn't pay for elders or knowledge keepers to participate in KMKNO meetings or events

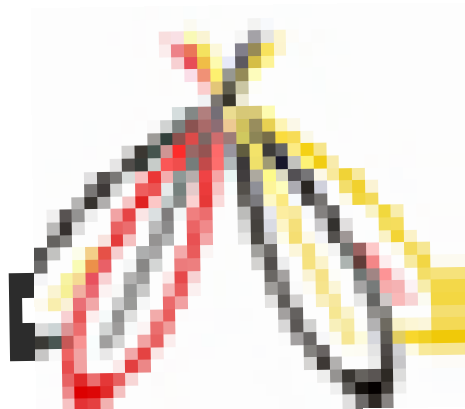
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- No operational support available – those line items are always denied and removed
- Federal funding means KMKNO is mandated to follow same health and safety rules that federal organizations are bound to
- Funding deficits make it difficult to move on other files of importance and interest to the Chiefs such as point-of-sale
- There is uncertainty in funding for staff and programs
- Government does not respect the established consultation processes and continues to take a paternalistic approach to Mi'kmaq
- Concerned with UNDRIP consultation funding – last year, references to UNDRIP were a part of every section of the workplan, this year Canada wanted it just in the preamble
 - E.g. Fisheries is an UNDA action item but not a line item
- No clear communication of available funding streams and, when organizations do learn of these streams, they are denied with no explanation – quite an involved process to apply, should warrant an explanation – and decisions are rendered months after the close of the application process
- No standardization across departments on how they will implement the items listed under the UNDA Action Plan
- Assembly should receive core funding as it is a governance body – need own emails, shared calendar, ability to compensate Chiefs for their time, etc.
- Funding constraints disadvantage KMKNO as a consultation body as they are unable to

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conduct the research necessary to build their positions

- Canada does not hold themselves to the same standards they hold Indigenous organizations
 - Canada does not respect the established governance structure of the Mi'kmaq and continues to employ "divide and conquer" tactics
 - Dedicated, long-term funding helps to build capacity and conduct succession planning
 - Approaching self-government on a sector-by-sector basis
- Economic Development, Lands and Resources
- Management and care of Mi'kmaq archaeology should be a Mi'kmaq decision
 - Canada needs to fund more research and conservation initiatives
 - Parks and protected areas should be co-managed by the government and Mi'kmaq
 - DFO remains amongst the most egregious of government departments in terms of not taking a rights-based approach to policy and decision-making and perpetuating actions that undermine the inherent and Treaty rights of Mi'kmaq
- Citizenship
- Working on a citizenship code – looking to update demographic estimates
 - Mi'kmaq should be able to determine who is Mi'kmaq – has already been done to identify Mi'kmaq harvesters
- Language, Culture and History
- Need more education amongst young Mi'kmaq about traditional activities and outdoor activities such as hunting and gathering
 - Need to nationally recognize and celebrate Indigenous places and history



מ'ו ת'מ'מ'ק ס'ס'ט'י

MAWITA'MK SOCIETY

Organization Overview

Mawita'mk Society is a charitable organization that was established in 2001 to focus on supporting Mi'kmaq youth and those living with disabilities.

Mawita'mk (meaning "being together") explains on [their website](#) how their services are funded and administered,

Mi'kmaq people with disabilities, living in community are not funded or supported by the province. Families need to deal with several layers of bureaucracy to access supports. Across Canada, there are jurisdictional disputes between the provinces and the federal government and Indigenous people with disabilities lack the support they need. The federal government remains negligent in their lack of services for Indigenous people with disabilities. There is no core funding for Mawita'mk. Indigenous Services Canada funds the Confederation of Mainland Mi'kmaq (CMM) who in turn fund Mawita'mk, per person per day of care.

The Nova Scotia Department of Community Services (DCS) recognizes and licenses Ni'kinen as a Group Home. The province inspects Ni'kinen on a regular basis but does not provide any financial support. There are no Mi'kmaq Social Workers or Mi'kmaq Coordinators hired to support our staff in the work we do.

Mawita'mk established "the first community home for Indigenous people with developmental disabilities" called [Ni'kinen](#) in 2007. They have since added four assisted living apartments to their available housing stock that boast a kitchen/dining room, living room, bedroom and patio area. Mawita'mk [says](#) that,

These flexible units allow members to live independently while still remaining active members of our community. Community elders and their families have requested assisted living support for members who are aging and we have accommodated requests as we can.

The Society is run by Executive Director Rosie Sylliboy, and is governed by a non-political volunteer board chaired by Board President, Robert Bernard.

Currently, there are 13 full-time staff and 3 part-time staff employed by Mawita'mk. At one point, Mawita'mk Society was the only organization of its kind in Canada and it remains the only one of its kind in Nova Scotia.

Summary of Discussions & Issues Raised

Executive Director Rosie Sylliboy and Board President, Robert Bernard, met with Senator Prosper and his team.

The Mawita'mk Society faces significant challenges due to a lack of core funding, relying only on per diems. Recently, ISC raised the per diem rate to bring it in line with provincial counterparts. While they are grateful to now be able to pay their staff appropriately, Mawita'mk is still unable to access critical infrastructure funding to expand and improve their facilities. The organization is also actively seeking funding to enhance board governance and update policies to align with other provincial houses.

With an aging population, Mr. Bernard asserts, there is a growing need for expanded capacity, particularly as more individuals require assisted living. There is also a pressing need for housing and infrastructure investments in communities to accommodate the influx of people with disabilities returning to communities as a result of "the remedy".

The Nova Scotia government's plan to return persons with disabilities back into communities by 2027 is often referred to as "the remedy" by disability advocates and organizations. It is the result of a 2021 ruling on a human rights complaint launched by three individuals in 2014.

The Nova Scotia Human Rights Commission Board of Inquiry ruled in favour of the three individuals in 2019. The Nova Scotia Court of Appeal agreed in its decision released in October 2021.¹⁵

[The plan](#) focuses on promoting inclusivity, accessibility, and community integration. It aims to reduce reliance on institutional care by providing support for individuals to live in community settings. To facilitate smoother transitions, the initiative plans to expand support services, including personal

¹⁵ "The Remedy Overview." Government of Nova Scotia. <https://www.dsp-transformation.ca/remedy-overview>

care, transportation, and housing options. The government committed to the establishment of mechanisms for monitoring progress and evaluating effectiveness, making adjustments as necessary to meet community needs. Overall, the goal is to create a more inclusive environment where persons with disabilities can thrive and participate fully in their communities by 2027.

However, there has been no consultation regarding "the remedy," and, thus, the plan does not take into account the realities and unique challenges faced by Mi'kmaq. A [CBC article](#) focused on the progress of the plan's rollout reported,

Michael Prince, a professor of social policy at the University of Victoria, was appointed last year to provide annual reports on whether the province is meeting 90 requirements set out in the five-year reform plan approved by a human rights board of inquiry last year.

The article goes on to quote Mr. Prince who states that, "Fundamental reforms are underway, but progress is slower and compliance more uneven than is called for."

Ms. Sylliboy and Mr. Bernard emphasized the importance of integrating language and culture into care, especially for clients, such as those with dementia, who may only speak Mi'kmaq. An example of this is one client whose dementia caused them to revert to their mother tongue – Mi'kmaq. As a result, it was essential that their care be provided in that language. Furthermore, the organization is looking to support Mi'kmaq individuals with disabilities in participating in sports, promoting inclusion and well-being within the community.

Both shared information on encouraging pilot projects and potential partnerships undertaken despite the stretched resources and capacity deficits of the organization. One was a partnership with Mi'kmaq Kina'matnewey (MK) called "Bridging over to Mawita'mk" that will develop personalized programming for 5-10 youth with autism in Eskasoni and We'koqma'q targeted at helping them to reclaim the Mi'kmaq language.

RECONCILI-ACTION

One potential partnership is with [Kiknu](#), “a licensed long term care home with 48 private suites” located in Eskasoni; it tailors to residents that “require 24-hour care supporting all activities of daily living, including nursing services, medication management and personal care.” Kiknu’s dedication to providing culturally-appropriate supports to help improve the quality of life of residents aligns with Mawita’mk’s mandate, and Mawita’mk is exploring opportunities with Kiknu to support people with disabilities that Kiknu would otherwise have difficulty supporting.

Governance

- No core funding – only receive per diems
- Seeking funding for board governance – policies must be redone so that on par with other provincial houses
- No consultation done on “the remedy”
- Need funding to begin expanding capacity – aging population means could be increased demands/pressures in next 10-15 years

Health and Social Issues

- Seeing more people needing assisted living

Infrastructure

- Communities need housing and infrastructure to support the influx of persons with disabilities that will return to the community following “the remedy”, a NS decision to close institutions and move persons with disabilities back to communities by 2027
- Mawita’mk is unable to access infrastructure funding to expand and improve its facilities

Language, Culture and History

- Language and culture are important components of care – e.g. client with dementia who only spoke Mi’kmaq
- Looking to support Mi’kmaq with disabilities looking to participate in sports



Memberton
WELCOMING THE WORLD!

MEMBERTOU FIRST NATION

Community Overview

Membertou First Nation is considered a pioneer amongst Nova Scotia Mi'kmaw communities. It has a population of 1,628 and [describes itself and its history](#) as follows:

Membertou is an urban and progressive Mi'kmaq community located on Unama'ki – Cape Breton Island.

With a strong focus on community growth through economic development, the spirit of Membertou is driven by its close-knit and vibrant people.

Membertou, named after Grand Chief Membertou (1510-1611), is one of five Mi'kmaq communities in Cape Breton and one of thirteen Mi'kmaq communities within the province of Nova Scotia. Membertou is an ever-expanding community, and its current population is 1,695, which includes both on and off-reserve members.

Today, sitting atop a hill, just three kilometres from Sydney's downtown core, Membertou wasn't always in its current location. The community was moved from its original location, Kun'tewiktuk (also known as King's Road Reserve) in 1926 by the Exchequer Court of Canada; the very first time in Canadian history that an Indigenous community was legally forced to relocate.

Three decades ago, Membertou faced significant economic challenges, with high unemployment and low community morale. In 1995, the community had only 37 employees and a \$4-million budget, grappling with a \$1-million annual deficit. Under the leadership of Chief Terrance J. Paul, the council sought transformative change by recruiting former band members with education and employment experience. They prioritized financial transparency and accountability, ultimately eliminating the deficit and earning respect from external stakeholders.

Membertou adopted three strategic decisions to foster economic independence: first, they embraced innovative practices grounded in

Indigenous knowledge and sustainability; second, they established the Membertou Corporate Office in Halifax and became the first Indigenous organization globally to receive ISO 9001 certification, forming partnerships across various industries; and third, they initiated education and career training programs to boost employment opportunities linked to these partnerships.

Today, Membertou is a thriving community with a \$112-million budget and nearly 600 employees. In 2019, the Membertou Development Corporation was recognized as one of Canada's Best Managed Companies, marking a significant achievement as the first Mi'kmaq corporation to receive this honour. Membertou continues to provide diverse opportunities for its members, honouring its motto, "Welcoming the World," and fostering a strong connection between Indigenous and non-Indigenous cultures.

Membertou is also focused on corporate social responsibility and gives back to multiple local charities throughout Cape Breton. [Additionally,](#)

Membertou Development Corporation is home to thirteen corporate entities including, Membertou Trade and Convention Centre, Membertou Sport and Wellness Centre, Lanes at Membertou, Membertou Chicken & Deli, Membertou Gaming, Membertou Entertainment Centre, Kiju's Restaurant, Membertou Market, Membertou Fisheries, Membertou Geomatics, Membertou Data Centre, Fathom Boatbuilders and Membertou Commercial Realty.

Summary of Discussions & Issues Raised

Senator Prosper and his team met with Chief Paul and his Council as well as had a follow-up session with its long-time Executive Director, Trevor Bernard.

Membertou has seen an explosive growth of cannabis retailers in the community and has made overtures to the province to have a Membertou regulatory regime recognized. These overtures have not been successful, but Membertou will continue with the establishment of its own Cannabis Law. Membertou has also had to contend with the introduction of harder drugs

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into the community, and the ability for Council to effectively counter these elements has been constrained.

A Certificate of Possession (CP) is a document issued under the Indian Act in Canada that grants First Nations individuals the right to occupy and use a specific parcel of land on a reserve. This certificate provides legal recognition of an individual's possession of the land and can be transferred or inherited. It is important for establishing land rights and can be a crucial part of economic development for First Nations, allowing them to engage in various activities, such as building homes or starting businesses on the land they possess. However, as Chief and Council explained, some with CP houses have taken advantage of the fact that they are not subject to the same landlord/tenant agreements as other band-owned housing occupants and used their houses for purposes that run contrary to band law, and public safety. It has been difficult to stop these behaviours as the police have refused to enforce the community's laws thus undermining Council and the Indigenous inherent right to govern their own affairs.

This led to a discussion on the need for an Indigenous Board of Advisors for law enforcement. The voices of retired Mi'kmaw police officers would be transformative if able to play a direct role in establishing future policy decisions and protocols related to policing on-reserve. All agreed that it currently feels as though police don't care about L'nu and that Indigenous communities are "put on the backburner"; one proposed solution to this could be an L'nu Board of Commissioners. During the signing of their policing agreement renewal, Chief Paul made it clear that Membertou was "signing under duress" due to outstanding issues related to enforcement of community laws.

Council also explained that social workers should accompany police on mental wellness checks so that those in distress are not killed, but instead supported. Mr. Bernard explained that the community wants its own police force for day-to-day policing but done in partnership with regional police through agreement to retain access to specialized units such as the canine unit, divers, tactical team and so forth. He also called for more increased funding to the Mi'kmaq Legal Services Network as the community relies on

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them to support members involved in the criminal justice system. In a good news story, Membertou has participated in sentencing circles and successfully exercised an agreement for conditional release of an offender into the community as per [s.81 of the Corrections and Conditional Release Act](#) after identifying supports and services within the community to support that individual and help prevent recidivism.

The community has initiatives aimed at providing training and connecting people on social assistance with employment. They offer disability funding supports and are currently looking to supplement social assistance. However, the initiative aimed at developing a sectoral agreement to deliver social assistance has stalled. Mr. Bernard explained the importance of recognizing that there are many different reasons preventing people from working including mental health, a lack of childcare and so on. He emphasized the need to take a trauma-informed approach to policy development and decision-making.

Membertou community members struggle with mental health and addictions and Mr. Bernard raised the importance of creating more addictions treatment centres to enable immediate access for those who are ready to take the first steps toward recovery. He also pointed at the important role that language and culture play in healing and called for more federal funding support.

The community has received many requests for membership transfers due to marriage, births, adoptions and so forth. However, they feel it is important that they have more direct involvement in determining who belongs to the community and have opted to begin developing their own membership code.

While Membertou has had commercial success, it still faces some barriers to economic development of growth. The community is able to purchase land, but the Additions to Reserve (ATR) process must be improved and redesigned. Mr. Bernard discussed the idea of a tax revenue sharing model, similar to what used to exist in New Brunswick. Membertou, he asserted, collects and remits a generous amount in taxes, but none of that comes back to the community. Chief and Council also raised their concerns over fisheries. Currently, non-Indigenous community members are harassing

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Indigenous fishers and openly sabotaging their boats and equipment. One individual was fined approximately \$6,000 for cutting nets and that fine was then crowdsourced, leaving no real penalty for the crime. Meanwhile, DFO officers are reticent to intervene in these instances as there are reports of them being harassed, with some individuals visiting officers' homes.

During a consultation session on the [Aboriginal Fisheries Strategy](#), Membertou raised the challenged the concept of "moderate livelihood" and questioned why Indigenous people cannot manage their own fisheries.

The idea that First Nations cannot make informed decisions that balance economic development is endemic to the larger issue of a continued paternalistic and colonial approach to Indigenous people. All participants agreed that Canada continues to operate on, what Mr. Bernard refers to as "legal fictions" including the concept of *terra nullius*. "Terra nullius" is a legal doctrine meaning "land belonging to no one." Historically, it was used to justify the colonization of territories by claiming that land could be taken if it was not actively occupied or cultivated by recognized sovereign entities. This concept was notably applied in the context of Australia and [Canada, where it disregarded the existing rights and presence of Indigenous peoples](#). The application of terra nullius has been widely criticized for its role in facilitating colonial expansion and for undermining the land rights of Indigenous populations. In modern contexts, it is often challenged in legal and political discussions regarding Indigenous sovereignty and land claims.

Canada must accept, Chief Paul argues, that the Mi'kmaq have lived in modern-day Nova Scotia since time immemorial; the British Crown signed Treaties with the Mi'kmaq Nation, a nation-to-nation action. As such, he asserts that Nova Scotia communities must adopt principles that enable all Nova Scotia Mi'kmaw communities to take a Nation approach to issues and that the Government of Canada must recognize and affirm the Mi'kmaq inherent right to govern their own affairs.

This would be done by changing funding models to shift away from piecemeal funding and toward annual transfers that would, in turn, ensure

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stability and certainty in communities. He also pointed to the need for Mi'kmaq laws to be recognized on par with Canadian laws.

- | | |
|---|---|
| Governance | <ul style="list-style-type: none">• Should be adopting principles that enable NS communities to work together as a Nation• Funding is always an issue as it is piecemeal – should have annual transfers to ensure stability and certainty• Canada continues to take a paternalistic and colonial approach to Mi'kmaq relations – operating on “legal fictions” of <i>terra nullius</i>• RCMP not enforcing our laws (e.g. banishment) – undermining Council• Many reports that we have participated in but no action/change |
| Health and Social Issues | <ul style="list-style-type: none">• Community is facing drug and addiction issues• Community facing mental health issues• Need to supplement social assistance as it is inadequate in supporting those who cannot work |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• CP rules need to be revisited, allow people to take advantage because they are not subject to the same landlord/tenant agreements with the community• Have money to purchase land but ATR process is slow• Fisheries are slowed by racism, harassment, and sabotage by non-Indigenous fishers; DFO officers are being harassed and so reticent to intervene• Membertou raised the idea of challenging “moderate livelihood” and the question of not being able to regulate their own industries |

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during an Aboriginal Fisheries Strategy consultation session

Justice

- Should look at potential for tax revenue sharing agreement
- Should have an Indigenous Board of Advisors for law enforcement
- Would feel better with L'nu Board of Commissioners – would feel like police cared about L'nu
- Council signed their latest policing agreement "under duress"
- Social workers should accompany police on mental wellness checks so that those in distress are not killed
- Want our own police force for day-to-day policing, but done in partnership with regional police through agreement to retain access to specialized units
- MLSN needs more funding as we rely on them to support community members in the criminal justice system

Infrastructure

- Need more addictions treatment centres to ensure people are able to receive immediate support

Citizenship

- Lots of requests for membership transfers; looking at own citizenship code

Language, Culture and History

- Funding is needed for more culture and language supports



MI'KMAQ KINA'MATNEWAY

Organization Overview

[Mi'kmaq Kina'matnewey \(MK\)](#) serves as,

As the collective voice for Mi'kmaq education, the primary MK mission is to actively promote excellence in Mi'kmaq education, interests and rights for our communities and to facilitate the development of lifelong learning.

Led by Executive Director Blaire Gould, MK describes itself as,

...a unified team of Chiefs, staff, parents and educators who advocate for and represent the educational interests of our Mi'kmaq communities. We also protect the Educational & Mi'kmaw Language Rights of the Mi'kmaq people.

The organization is the result of a sectoral agreement (one of two of its kind nationally) that has formally devolved responsibility for Mi'kmaq student education to MK. Some recent achievements [listed on their website](#) include: a 94% graduation rate amongst high school students, an increase in numeracy and literacy rates in elementary and secondary school, and a 91% average attendance rate in MK schools.

MK not only runs schools in twelve Mi'kmaq communities across the province, but it creates resources and programs to support Mi'kmaq language learners at every stage of their learning journey, including adult second-language learners.

According to [Statistics Canada's 2021 Census data](#), 5,580 respondents identified as being Mi'kmaq speakers with 3,425 of those speakers located in Cape Breton. Trends show that First Nations people living on reserve are more likely to speak an Indigenous language than those living off-reserve (50.3% versus 4.3%). A separate report on Indigenous languages based on these findings showed "[signs of language retention and revitalization of Mi'kmaq language in Atlantic Canada.](#)"

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Approximately 10,875 First Nations people in Atlantic Canada reported that they could speak an Indigenous language well enough to conduct a conversation in 2021, up 1.9% (+200 speakers) from 2016.

In 2021, almost one-third of First Nations people who could speak an Indigenous language in Atlantic Canada (31.2% or 3,395 people) had learned the language as a second language, up 8.0 percentage points (+915 speakers) from 2016, when 23.2% of First Nations Indigenous language speakers had learned the language as a second language...

There is evidence of language revitalization and the transmission of language across generations, with a higher share of First Nations children aged 14 and younger (14.0%) being able to speak an Indigenous language than adults aged 65 and older (12.3%). This contrasts with the average across Canada, where First Nations people aged 65 and older (26.4%) were twice as likely to speak an Indigenous language as children aged 14 and younger (13.2%).

Transmission of language seemed to be strongest in Nova Scotia and Newfoundland and Labrador, which had the largest relative share of children learning an Indigenous language, while trends in New Brunswick and Prince Edward Island mirrored those of First Nations people across Canada overall.

Mi'kmaq was the most spoken Indigenous language among First Nations people in Atlantic Canada, with 8,195 speakers in 2021, up 5.9% from 2016.

Much of the success in the revitalization of the language in Nova Scotia can be attributed to the dedicated work of MK over the past 32 years and stands as a testament to what can be achieved when communities come together as a Nation.

Summary of Discussions & Issues Raised

Given the many successes of MK, the discussion with Executive Director Blaire Gould and her senior staff was limited to discussions about their frustration

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with the federal government. The splitting of INAC into Crown-Indigenous Relations and Indigenous Services Canada has led to confusion and delays. While the primary relationship of MK is with CIR, program funding is delivered through ISC. In an effort to ensure that funding flows to the organization in a timely manner, mechanisms were put in place to ensure that MK's grants included carveouts from the Education Partnerships Program. However, a change in directors overseeing that program led to a change in approach and the fast-track mechanism has been removed. MK disputes this action as the previous arrangement was respectful of the Agreements signed by MK and the Crown.

This is not the first time that MK has had to contest an action by the federal government. In 2018, MK initiated mediation and was awarded a significant settlement. They are considering triggering the dispute mechanism again.

While funding was allocated three budgets ago for additional governance and capacity infrastructure dollars, it has taken three years to review the funding arrangements and it is currently sitting in front of cabinet, awaiting approval. However, program funding at ISC moves at a much slower pace. Program funding is transferred to ISC and then an envelope is carved out for CIR. Yet the methodology to establish the envelope is not based on the same methodology as the MK agreement. The federal government should be adjusting for volume and inflation, but it is not. This has caused MK leadership to become frustrated that they must continue to bear the brunt of holding the government to account. After 32 years, the federal government is proving that it still does not have the systems in place to properly fund these types of jurisdictional agreements and the inadequate funding amounts are restricting the ability of MK to innovate. Meanwhile, the number of officials that are involved with this file continue to grow.

Questions were asked of Senator Prosper as MK leadership attempted to understand how the promised [\\$1B over five years for school lunches](#) would be rolled-out in Nova Scotia. MK also drew attention to the \$245M promised annually for Indigenous language funding under the *Indigenous Languages*

Act. That came as a disappointment, especially given the unveiling of an [Official Languages five-year plan including investments totalling \\$4.1B.](#)

MK staff also highlighted the [First Nations and Inuit Skills Link Program](#), which aims to connect youth with job opportunities as well as training opportunities to,

...develop and [enhance...] essential employability skills and knowledge among First Nations and Inuit youth that equip them to participate and succeed in the current and future labour markets, such as communication, problem-solving and working with others.

Though the minimum wage continues to increase, MK noted that available funding continues to decrease.

Governance

- Frustrated with the splitting of ISC and CIR
 - Primary relationship is with CIR but program funding is in ISC
 - Seeing the bureaucracy expand
- Seeing timeline and delivery issues within the Education Partnerships Program due to a change in directors
- Been waiting on cabinet approval of an agreement on governance and capacity infrastructure dollars; worked on for the past 3 years
- Canada still doesn't have systems in place to properly fund jurisdictional agreements
 - First Nations have different needs than the general population but always compared to province
- Feel funding for Indigenous languages is a disappointment – compare \$245M annually with \$4B in French language support
- Federal government not adjusting for volume and inflation when providing funding to MK

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Health and Social
Issues
Economic
Development,
Lands and
Resources

- The organization bears the brunt of holding government to account
- Questions about the school lunch program and how that will be rolled out
- Skills link program – minimum wage going up, funding for program going down



MI'KMAQ LEGAL SUPPORT NETWORK

Organization Overview

[The Mi'kmaw Legal Support Network](#) is “a community-based organization that provides legal support to Mi'kmaq/Indigenous people in Nova Scotia who are involved with the criminal justice system.”

Since 2002, MLSN has been dedicated to providing accessible legal assistance and support to Mi'kmaw communities across Canada. By promoting legal literacy and awareness, MLSN empowers individuals to understand their rights and navigate the legal system effectively. The organization offers a range of services, including legal advice, representation, and advocacy on issues pertaining to Indigenous rights, land claims, and family law. Through collaboration with local communities and legal professionals, MLSN aims to strengthen the legal capacity of the Mi'kmaw people, ensuring that their voices are heard and their rights are protected.

The program is led by Executive Director Paula Marshall.

Summary of Discussions & Issues Raised

Ms. Marshall and her senior staff discussed the challenges of trying to support a large number of clients with only a few staff members that are paid less than non-Indigenous positions that are equivalent or similar. As a result, MLSN has a thin management layer that limits their ability to fill more gaps for clients. Instead, support and customary law workers are straddled with high caseloads; they cover a large geographical area and must spend hours commuting around the province in an effort to support Mi'kmaq in the criminal justice system, as well as victims of crime.

There is no core funding for MLSN services. Instead, budget line items are project or proposal-based, leading to uncertainty, instability and carry heavy reporting requirements. This is exacerbated by funding delays (such as with the Indigenous Justice Strategy) or the prospect of having funding cut (such as the Bail Release Program). The end result is that Mi'kmaq experience barriers to access justice and those barriers run contrary to UNDRIP, the *Charter of Rights*, and commitments made under reconciliation.

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Increased funding would support more customary law workers and a diversification of programs offered by this essential service; Ms. Marshall is also interested in initiating a pilot project that would establish an Indigenous justice centre [similar to those in BC](#). She praised the BC model as being culturally-sensitive centres that offer much-needed wraparound services that are essential to help with rehabilitation and decrease recidivism.

Ms. Marshall and her team also pointed to the need for improved relations with provincial counterparts that either do not treat MLSN as colleagues and partners in service delivery, or do not readily share communication and resources that are in the best interest of Mi'kmaq.

Justice

- No core-funding, everything is project-based
- Funding shortfall creates access to justice issues
- The Indigenous Justice Strategy is stalled
- No funding for Bail Release Program
- Need more customary law workers
- Victim services delayed in reaching out to us, citing delays
- Our victim support workers being treated as less than by other victim support/social workers
- Want to pilot justice centres similar to those in BC
- Core-funding ask of \$400K per annum



wijewinen



Mi'kmaw Native
FRIENDSHIP CENTRE

MI'KMAW NATIVE FRIENDSHIP CENTRE

Organization Overview

For over 50 years, the Mi'kmaw Native Friendship Centre serves as a vital community hub for the Mi'kmaq people and Indigenous communities in Nova Scotia. Originally established to promote cultural preservation, the center now provides a range of services and programs designed to support the social, educational, and economic well-being of its members.

Key aspects of the Friendship Centre include:

1. **Cultural Programs:** The center offers various cultural events, workshops, and activities that celebrate Mi'kmaq heritage, traditions, and languages.
2. **Community Services:** The Friendship Centre provides essential services such as housing assistance, health programs, and support for those navigating social services.
3. **Education and Training:** The center focuses on educational initiatives, including literacy programs, vocational training, and partnerships with local schools to enhance educational opportunities for Indigenous youth.
4. **Advocacy and Support:** The center advocates for the rights and needs of the Mi'kmaq community, working to address issues such as poverty, discrimination, and access to services.
5. **Collaboration:** The center collaborates with various organizations, government bodies, and other Indigenous groups to promote awareness and understanding of Mi'kmaq culture and issues.

Overall, the Nova Scotia Mi'kmaw Friendship Centre plays a crucial role in fostering community, cultural identity, and resilience among the Mi'kmaq people.

Currently, a new building is scheduled to be completed in 2026 in downtown Halifax, which will upgrade the current health centre. A program of the Mi'kmaw Native Friendship Centre, the Wije'winen Centre is a centre where

urban Indigenous Haligonians are able to access timely, culturally sensitive care. The Friendship Centre offers approximately 65 different programs and services.

The Friendship Centre is led by Executive Director Pam Glode.

Summary of Discussions & Issues Raised

Senator Prosper and his team met with Executive Director Pam Glode whose interventions touched on every one of the seven overarching priorities established by community interventions.

The concerns outlined reflect significant challenges facing the urban, off-reserve Mi'kmaq community, emphasizing the need for sustained support and targeted interventions. She issued a strong call for consistent, long-term funding for community programs rather than relying on short-term pilot projects, which can disrupt continuity and effectiveness. "They are doing more harm than good," said Ms. Glode, who explained how clients are retraumatized when a program is discontinued due to lack of funding. Core funding for services must keep pace with inflation to maintain the viability of programs. Currently, Ms. Glode receives very little core funding, while managing a \$28M operations budget that is proposal-based. Proposal-based funding carries with it that burden of reporting requirements and brings instability and uncertainty.

Clients face systemic racism across various sectors, including housing, education, and healthcare, highlighting the need for government to invest in building Mi'kmaq capacity and funding Mi'kmaq solutions to the issues the Mi'kmaq urban community face. As an example, she proposed investing in Mi'kmaq community infrastructure and capacity-building rather than institutionalizing youth through housing purchases for provincial group homes.

Concerns also persist about the misuse of Jordan's Principle, with the province often shifting financial responsibilities to the federal government rather than adequately funding necessary services in health and education. This shows Indigenous people in Nova Scotia still being caught in a

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“jurisdictional hot-potato”; while Mi’kmaq count toward the overall population used to calculate federal-provincial transfers, services for Mi’kmaq are children that would normally be paid for by the province are still paid for through Jordan’s Principle. As an example, she spoke of school boards using it to access funding for learning assistants. This takes away from the overall funding available to children on-reserve who do not have access to provincial funding for these types of positions. She also discussed how it is crucial that child welfare laws address the needs of urban and off-reserve Mi’kmaq children to ensure equitable support.

Increased scrutiny is needed on how funds for Indigenous Early Childhood Education are allocated, particularly in urban and off-reserve areas, ensuring that cultural components are included. Ms. Glode gave 24-hour childcare as an example, noting that many Mi’kmaq do not work the typical “9 to 5” job and have limited access to additional supports.

The region's exclusion from funding through the Youth Employment and Strategic Skills Program highlights gaps in support for youth, with concerns about them being released into shelters, which exposes them to risks of trafficking and substance abuse.

There is a demand for more wraparound services addressing addictions, mental health, and rehabilitation to better support community members. The need for enhanced support and investment in the Friendship Centre’s medical centre and mental health services is critical. Mental health services, it should be noted, are not only integral to support clients but Friendship Centre staff as well. Ms. Glode described the many difficult situations that her staff must deal with every day, and noted how emotionally and mentally taxing these encounters are.

Domestic violence has also sharply risen since COVID; this requires urgent attention and resources to protect vulnerable individuals.

The Friendship Centre currently operates several housing units including a 4-plex in Bedford for women escaping violent houses; a 12-unit affordable housing property; a 42-unit holistic healing program; and owns 8 units on

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Wyse Road in Dartmouth for kids exiting care. Yet, this is woefully inadequate to meet the many needs of urban Indigenous people in Nova Scotia. There are significant gaps across the housing spectrum for off-reserve Mi'kmaq, particularly in urban areas, necessitating increased investment. Rising insurance and liability costs are also impacting community resources. Ms. Glode suggested that exploring co-op housing programs tailored to urban needs can help address housing challenges.

Support for Elders and seniors is also necessary to ensure their well-being. Since COVID, many elders have struggled with high anxiety leading to some self-medicating given their lack of access to medical services, or others being prescribed medication that is too strong and/or highly addictive.

Ms. Glode also called for long-term funding for Mi'kmaq Legal Services Network (MLSN), as the current justice system often fails to serve the Mi'kmaq community effectively. She emphasized the importance of cultural and language support is vital for maintaining Mi'kmaq identity and heritage.

She also discussed concerns about the rising number of individuals falsely claiming Indigenous identity, highlighting the need for the development of a citizenship code. Currently, the Friendship Centre requires clients to prove their connections to Indigenous communities before providing them access to services.

Ms. Glode conveyed a sense of urgency regarding the lack of action on commitments related to the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) Action Plan, the Truth and Reconciliation Commission (TRC) Calls to Action, and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. By following through on their commitments, she posits, the Government would have to fill in many of the gaps identified here.

Governance

- Need long-term support for programming as pilot-projects/one-offs do more harm than good

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Health and Social Issues

- Child welfare law is important but it can't leave out urban/off-reserve Mi'kmaq children
- Not seeing action on UNDA, TRC, and/or MMIWG
- Core funding needs to keep up with inflation
- Clients facing racism in housing market, education, health, etc.
- Should be spending money to build capacity and infrastructure in communities rather than buying houses to institutionalize our youth
- Jordan's Principle continues to be a major concern; leads to province not paying for things they should and putting it onto the federal government to pay instead using JP
 - E.g. – schools using JP to fund educational support workers where the province should be paying for them
- Need more accountability of how money for Indigenous Early Childhood Education programs is being spent, especially in urban and off-reserve areas
 - We continue to wait for funds
 - Need to ensure that it includes cultural component, as that is a key piece
- Need to invest in wraparound services for addictions, mental health and rehabilitation
- Need more investment in the medical centre
- Need more mental health supports – for clients and Friendship Centre staff
- Need more addictions treatment/detox centres
- Domestic violence is at an all-time high
- Elders and seniors need more support
- This region skipped and received no funding through the Youth Employment and Strategic Skills Program

Economic Development, Lands and Resources

RECONCILI-ACTION

- | | |
|-------------------------------|--|
| Justice | <ul style="list-style-type: none">• Youth being released into shelters – that exposes them to potential trafficking, addictions, etc.• Need long-term funding for MLSN – the justice system doesn't work for Mi'kmaq• Incongruous support of Mi'kmaq vs other demographics |
| Infrastructure | <ul style="list-style-type: none">• Housing gaps remain across the housing spectrum• Need more investment in urban housing• Paying a lot in insurance/liability |
| Citizenship | <ul style="list-style-type: none">• Seeing a lot of people falsely claiming Indigeneity• Need support for development of citizenship code• Looking at creating co-op housing program targeted at urban needs |
| Language, Culture and History | <ul style="list-style-type: none">• Seeing effects of second-generation cut-off• Language and culture support are important because these are critical to Mi'kmaq sense of identity |



MILLBROOK FIRST NATION

Community Overview

According to their [website](#),

The Millbrook First Nation is a Mi'kmaq community located within the town of Truro, positioned in the Hub of Nova Scotia. Millbrook First Nation has thrived in Economic Development in the past decade, which include the development of the Millbrook Power Centre, development on the Cole Harbour land (apartment buildings, General Dynamics Building). Millbrook First Nation also has reserve land in Beaver Dam, Sheet Harbour, and Cole Harbour. Millbrook has used its location to build the Millbrook Power Centre for ideal Economic Development opportunities. Millbrook continues to grow and expand with economic development projects, which leads to every band member sharing the benefits. Millbrook currently invests \$1.4 million into the National Child Benefit Reinvestment and \$1.2 million a year into Trust Funds for our band members under the age of 19. Millbrook First Nation latest Economic Development is the East Coast International building located beside the Hampton Inn off the 102 Highway.

They have a total of 2,312 community members with 981 living on-reserve and 1,331 living off-reserve. Chief Robert (Bob) Gloade was elected to his seventh consecutive term in early 2024.

Summary of Discussions & Issues Raised

Millbrook's Council was clear and concise in their issues, priorities and government asks. There were many questions about current legislation before the Senate and requests for information on policies, funding opportunities, and committee studies of interest.

As a leader in economic development, top of mind for Chief and Council was the need to speed up and streamline the Additions to Reserve (ATR) process. Many lamented that Millbrook community members living in Newfoundland need to travel to Conne River (Miawpukek) in order to pay their registration and administrative fees; they called for an end to such onerous and burdensome policies being imposed on Mi'kmaq by the federal government.

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Another example of such a policy is the requirement that tax-exemption can only apply for goods and services on-reserve. According to the Treaties, Mi'kmaq should be exempt from taxes throughout their traditional territory and many called for the return of the point-of-sale system that allowed tax exemptions to be applied at cash registers throughout Nova Scotia.

Chief and Council, they asserted, should be treated as a level of government and not a "value component" when the Crown consults on decisions. Many pointed to Council's dealing with DFO as a prime example of a department that refuses to take a rights-based approach to their interactions Millbrook. They described multiple meetings in which DFO scientists presented their data and the resulting decisions as a *fait accompli* as opposed to something open for discussion and Mi'kmaq input. They spoke of the frustration that resulted from sitting in consultation sessions with DFO while the department continued to unilaterally impose charges and serve summons based on the very policies they were "consulting" on. The harassment of Mi'kmaq fishers has strained relations, with some reviving an idea raised by former Senator Dan Christmas at a past APC conference, that questioned if there would be value moving the management of Indigenous fisheries from DFO to CIR.

The lack of respect afforded by DFO, they explained, is mirrored by the RCMP who refuse to enforce Millbrook's by-laws. Chief and Council explained that they have banned over 30 "undesirable" people from the community, but the bans are not being enforced. In addition to this, Crown prosecutors are not listening to community leadership and are releasing these "undesirables" back into the community. These people, they asserted, are taking advantage of vulnerable people in the community and squatting in homes.

Meanwhile, for Mi'kmaq who run afoul of the law, Dale Sylliboy and others in the community have pushed for federal support of a treatment and rehabilitation facility in the community that would be available to Mi'kmaw low-risk offenders. The facility would be run by First Nations and be placed in or around the community as, they posit, the strong relationship between Mi'kmaq and their communities is a way of staying grounded and would help with the rehabilitation. This initiative is in line with restorative justice principles

RECONCILI-ACTION

and alternatives to jail are necessitated by the disproportionately large number of Indigenous people in Canada's justice system. There are people, Council explained, who plead guilty due to a lack of proper guidance.

At the heart of much of the discussion was the inherent right of Mi'kmaq to govern their own affairs. Councilors discussed the need for a Mi'kmaq child welfare law and were interested to discuss the different avenues of approaching this goal. They discussed a s.35 approach that would be a province-wide child welfare code, versus pursuing a coordination agreement as contemplated in the *First Nations, Inuit and Métis children, youth and families Act*. They also discussed the importance of managing their own membership. They argued that the second-generation cut-off was "creating injustice" and leaving the community to fill many of the gaps left by off-reserve and non-status members not having access to the same level of funding and services as "status Indians" under the *Indian Act*.

Governance

- Need to eliminate onerous and burdensome policies such as NFLD members having to register vehicles in Conne River
- Should be able to provide tax-free gas to Mi'kmaq
- Need point-of-sale reinstated
- Indigenous leadership should be recognized as a level of government and not just a "value component"
- RCMP not enforcing by-laws – e.g. community has banned over 30 "undesirable" people from Millbrook

Health and Social Issues

- Need funding to continue to support off-reserve members
- Need support advancing a Mi'kmaq Nation law on child welfare

Economic Development,

- ATR needs to be sped up

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Lands and Resources

- DFO needs to incorporate Mi'kmaq input into their decisions instead of presenting decisions as a *fait accompli*
- DFO is not operating in good faith nor do they take a rights-based approach to discussions; should we consider switching from DFO to CIR?
- Looking for more support in mitigating climate change

Justice

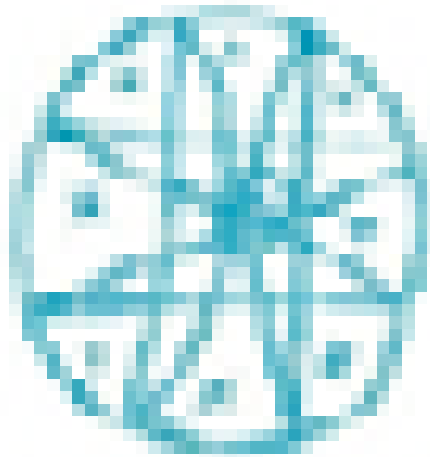
- Need support for Mi'kmaq justice workers – have people pleading guilty because there is no proper guidance
- Need to fund restorative justice programming/alternatives to jail
- Want support for a treatment/rehabilitation facility for low-risk First Nations offenders who would be better served being rehabilitated in their home community in a space run by First Nations
- Have safety concerns with people squatting in houses

Infrastructure

- Need support for critical infrastructure such as water lines, roads, etc.
- Need support for community infrastructure
- Need support to repair infrastructure being damaged by storms, the severity, of which, is being caused by climate change

Citizenship

- Calling for the elimination of second-generation cut-off and the establishment of membership codes by Mi'kmaq



NOVA SCOTIA
INDIGENOUS TOURISM
ENTERPRISE NETWORK

NOVA SCOTIA INDIGENOUS TOURISM ENTERPRISE NETWORK

Organization Overview

The Nova Scotia Indigenous Tourism Enterprise Network (NSITEN) is an organization dedicated to promoting and supporting Indigenous tourism in Nova Scotia. Its primary goal is to enhance the visibility and viability of Indigenous tourism enterprises while fostering cultural appreciation and understanding among visitors.

NSITEN provides resources, training, and networking opportunities for Indigenous entrepreneurs in the tourism sector. It works to help these businesses develop sustainable practices and market their offerings effectively. The organization also collaborates with government and industry partners to create policies and frameworks that support Indigenous tourism development.

By showcasing the rich cultural heritage and traditions of Indigenous communities, NSITEN aims to create authentic experiences for tourists, contributing to economic growth and cultural preservation in Nova Scotia. Ultimately, it seeks to empower Indigenous communities through tourism while promoting respect and understanding of their histories and cultures.

NSITEN [describes itself as,](#)

...a volunteer based, not for profit cultural tourism organization working to support the growth of authentic and cultural tourism businesses and community enterprises in Nova Scotia, Canada.

The organization is led by volunteer Executive Director Robert Bernard and is overseen by an Executive Board.

Summary of Discussions & Issues Raised

Senator Prosper and his team met with Executive Director Robert Bernard and Executive Board Chair Catherine Martin.

NSITEN, is seeking core funding to address limitations stemming from its volunteer-based structure and capacity issues. Limited funding also hampers NSITEN's ability to engage in partnerships and it necessitates careful

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allocation of limited resources. Mr. Bernard described several instances that he has not been able to capitalize on partnership opportunities due to organizational constraints.

A dedicated forum is needed to discuss funding, training, and the integration of culture into tourism. NSITEN is calling for the development of a specific Indigenous Tourism Investment Plan that addresses multi-year funding needs with relevant agencies. A multi-year plan was submitted to ISC and the Atlantic Canada Opportunities Agency, but this has not resulted in sustainable and adequate funding agreements that address identified priorities.

Current government funding formulas also fail to consider the barriers faced by Indigenous artisans and producers. For instance, funds are allocated based on number of registered businesses in a region. However, many artisans are not registered businesses due a lack of education on the potential benefits of registering and the increased reporting requirements. Currently, NSITEN has 52 registered business members with the NS Registry of Joint Stocks but, in fact, the organization has established relationships with over 300 cottage-industry artisans and producers.

Mr. Bernard and Ms. Martin also highlighted the need for better transparency regarding funding expenditures. Data on how federal tourism and economic and business development money is spent involving tourism, to whom it was awarded, the types of activities that federal funding targeted, and the breakdown of how tourism funding flowed to national organizations is distributed by province are examples of the type of information that NSITEN is seeking.

Mr. Bernard emphasized that cultural tourism, in addition to eco-tourism, is crucial to the Indigenous tourism sector in his discussions with ISC. He explained how communities require support in developing strategies to enhance visitor experiences, and both he and Ms. Martin were very proud of how NSITEN strongly contributed to the establishment of authenticity

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guidelines for Indigenous crafts as well as supporting for the implementation of a program to certify products as authentically Indigenous.

Additionally, there is a call for cross-cultural training, employment of Mi'kmaw individuals in Visitor Information Centres, and funding for infrastructure development to accommodate growing tourism. These requests would build on previous successful NSITEN initiatives.

NSITEN supports the developing of protocols for cultural events being standardized; they are seeking funding for the implementation of these protocols at these Mi'kmaw cultural events, not only for tourism purposes, but in recognition that they are essential to facilitating intergenerational knowledge transfer, and help to educate young Mi'kmaq about their language and culture.

Another success story to highlight is the Kinu Tourism Project, which "aims to provide an Mi'kmaw/Indigenous informed education for all MSVU Tourism and Hospitality Management students". Developed in cooperation with Mi'kmaw advisors (including Ms. Martin), the project was funded by the Government of Canada's Sectoral Initiatives Program and is delivered by Mount Saint Vincent University. Their website explains that "Kinu meaning "us/together" is underpinned by Etuaptmumk (Two-Eyed Seeing) guiding principles."

Governance

- Need core funding – limited by lack of capacity and current volunteer nature of the organization
- Lack of funding limits the ability of NSITEN to engage in partnerships with interested stakeholders as they must be judicious in how they allocate their limited resources
- Need a special table to discuss funding, training and how to incorporate culture into tourism
- Government needs a specific Indigenous Tourism Investment Plan – sent in multi-year funding needs to ISC and the Atlantic Canada Opportunities Agency

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- Government allocations to the regions is based on a formula that doesn't take into account the barriers faced by artisans and producers
 - Need more information sharing about how government funding is being spent in the region
 - Important to focus on "cultural tourism" as opposed to simply eco-tourism; having these discussions with ISC
 - Need to support communities in the development of strategies to enhance visitor experience
 - Need support for cross-cultural training
 - Need Mi'kmaq working in Visitor Information Centres
 - Infrastructure in communities required to accommodate the influx of visitors should the community establish/grow a tourism industry
 - Working on developing protocols for structure of cultural events
 - Support for cultural events also facilitates intergenerational traditional knowledge transfer and is another way to help education young Mi'kmaq about their language and culture
- Economic Development, Lands and Resources
- Infrastructure
- Language, Culture and History



NOVA SCOTIA NATIVE WOMEN'S ASSOCIATION

Organization Overview

The Nova Scotia Native Women's Association (NSNWA) is a grassroots organization focused on advocating for the rights and well-being of Indigenous women and their families in Nova Scotia. Established in the 1970s, it aims to address issues such as violence against women, health care access, education, and economic opportunities.

The NSNWA works to empower Indigenous women through community programs, support services, and advocacy efforts, often collaborating with other organizations and government bodies to promote social justice and equality. It also plays a crucial role in raising awareness about the unique challenges faced by Indigenous women and strives to ensure their voices are heard in policy-making processes. Overall, the NSNWA is committed to fostering a supportive environment for Indigenous women and promoting their leadership in various spheres of society.

Their [website](#) elaborates on this by explaining,

The Nova Scotia Native Women's Association have been offering programs, services and advocacy supports not only to Indigenous women and 2SLGBTQQIA people, but to Indigenous women, girls and 2SLGBTQQIA people across the province both on and off reserve. Primarily working from its main office in Truro we recognize that to truly serve the Indigenous women and 2SLGBTQQIA people, we need a stronger presence across the province and have expanded to offices in Sydney and are currently working on finding office space in the Valley region.

The NSNWA is a collective of 16 local chapters across Nova Scotia: the 13 First Nations communities, plus three off reserve zones of Halifax, Sydney and South Shore. Each local chapter is both autonomous and connected to the NSNWA. The local communities elect their President, Vice President, Secretary and Treasurer. The President or other designate sits on the NSNWA Board of Directors, which is a governing body, responsible for overseeing all activities of the NSNWA. Board

members meet annually in October to discuss and vote on the affairs of the organization.

NSNWA is led by Executive Director Dawn McDonald. In addition to the new NSNWA centre in Truro, the organization also runs the [Jane Paul Indigenous Resource Centre \(JPC\)](#) in Sydney.

The JPC is a not-for-profit organization providing a variety of supports and services to Indigenous women who found themselves living in Sydney, off reserve and away from community resources, many of whom found themselves in high-risk situations experiencing violence, homelessness, poverty, addiction, mental health struggles, involvement with different agencies, disruption of family life, and/or experiencing involvement with the criminal justice system.

Summary of Discussions & Issues Raised

Senator Prosper and his team held two meetings with NSNWA. The first was with Executive Director Dawn McDonald, who then invited him to join them at their new centre in Truro and to speak with senior staff and project leads. Senator Prosper was happy to accept that invitation; he toured the new centre and was impressed by its thoughtful, functional, and aesthetically appealing design. The centre tailors to the spiritual and practical needs of clients, offering spaces for children to play while parents and guardians participate in programming as well as a smudging room filled with ready access to traditional medicines; it also has space that can easily accommodate everything from large meetings to cooking classes and traditional craft classes. The grounds of the centre feature a walking path, vegetable and herb garden, and children's play space. Everything from layout to colour choice, to security features is evidence of the passion and thoughtfulness behind the centre's design.

For over 50 years, NSNWA has been supporting Mi'kmaq communities in Nova Scotia. While they discussed issues affecting their organization, they also raised issues within the federal jurisdiction that affect their client base more generally.

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Like with other Indigenous organizations, NSNWA faces a pressing need for increased core funding for operations; current core funding only covers two salaries and has not been adjusted to meet growing demands, nor has it ever been adjusted for inflation.

Limitations placed on the proposal and project-based funding that is received, create significant service gaps. The inflexible nature of federal funding prevents organizations like NSNWA from adequately supporting clients in subsidized housing or operating on-reserve. There was also a call to reframe eligibility requirements to eliminate income testing as a basis for funding. As NSNWA staff explained, the high cost of living coupled with other budgetary demands, can see people with good-paying jobs left homeless.

Staff shared that building organizational capacity is essential, especially in strategic planning, research, and proposal writing, alongside a need for long-term, stable funding to maintain and expand programming momentum. Clients are not well-supported by a series of "one-off" programs that cannot continue due to the expiration of funding streams.

Staff members are experiencing burnout due to the demanding nature of their work, while clients face escalating mental health and addiction issues. Both groups require funding for proper, culturally sensitive supports. It is important to recognize that preventative mental health programming is crucial, it cannot always be the current model of reactive mental health supports.

NSNWA also shared how funding constraints limit health and midwifery programs, and recognized a need for additional support for men and boys. They advocated for the restructuring of elder support programs to fill identified gaps; some elders, they shared, are not able to access old age or federal CPP supports, leaving them without money to pay for food and utilities. These basic necessities require more robust support. Senator Prosper also heard how urban shelters can expose women to triggers, addiction issues, and violence, leading to a call for funding that would support NSNWA in building culturally-appropriate shelters throughout Nova Scotia.

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Staff shared that there has been a noted increase in family violence since COVID-19.

Furthermore, there is a pressing need for a Nurse Practitioner to aid clients in accessing medical support, as it is difficult to connect clients with doctors or other medical professionals. Overall, culturally sensitive medical professionals are needed.

Poverty reduction is a key priority. Many clients of NSNWA are single mothers, and poverty has led to many child apprehensions. Clients report having to choose between buying food or defaulting on rent, putting them in impossible positions. Given this, NSNWA has advocated for funding to provide clients with travel support so that they can access key programs and services without additional financial burden.

Access to land and water was another ask by the organization. There is a strong demand for culture and language programs, as well as initiatives that teach traditional skills to promote self-sufficiency, such as butchery programs and land-based programming. Staff are seeking funding for these programs and capital dollars to purchase and develop land to meet the needs of the organization and clients.

NSNWA is also seeking to have input in the design of parks and conservation areas so that they can align with the needs of women and girls.

Staff called for new land codes to address issues stemming from laws covering [Matrimonial Real Property on-reserve](#). This issue pertains to properties on-reserve that are shared with a First Nation and non-First Nation partner. If the First Nation partner passes, the non-First Nation partner would be unable to stay in the home; if that non-First Nation partner was also raising non-member minors, they and their dependents would be displaced.

On the Justice file, staff explained that the Mi'kmaw Legal Services Network's bail program needs funding. They lamented the limited funding to combat sex and human trafficking, calling for additional supports. They also discussed that bringing culture into jails to create more supportive

environments for rehabilitation is critical and shared that there is an urgent need for more culturally appropriate housing options and wraparound supports for those ready for release. For context, [section 81 of the *Canada Corrections and Conditional Release Act*](#) allows Indigenous communities to enter into agreements with the federal government to manage and operate correctional facilities for Indigenous offenders. This section aims to provide a more culturally appropriate and responsive approach to incarceration, recognizing the unique needs of Indigenous people. It emphasizes the importance of incorporating Indigenous perspectives and practices into the correctional system, ultimately facilitating rehabilitation and reintegration into the community. By empowering Indigenous communities in this way, Section 81 seeks to address the overrepresentation of Indigenous individuals in the criminal justice system and promote healing through culturally relevant programs and services.

The housing spectrum needs diverse options, as current CMHC programs are oversubscribed. Access to capital funding and operational support for existing housing units was also flagged as crucial. Staff discussed how more women's shelters and emergency housing are essential to protect against weather events, while they also explained that a redefinition of "homelessness" to include "hidden homelessness," was crucial to understanding the true number of homeless living in Mi'kmaq communities. Hidden homelessness "refers to people who live temporarily with others, without the guarantee of continued housing. This includes individuals with no prospects for permanent housing."¹⁶ This would include those who couch-surf or live temporarily with family and friends. NSNWA staff felt that incorporating the number of hidden homeless could potentially triple the current reported numbers.

Citizenship was also mentioned as an important issue to NSNWA clients. Various legislative efforts have restored "status" to women who lost it due to

¹⁶ "Unveiling a crisis : Hidden Homelessness in Canada." Homeless Cars.
<https://www.homelesscars.ca/blog/unveiling-a-crisis-hidden-homelessness-in-canada> 12.02.24

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sex-based discrimination within the *Indian Act*. However, these women face reintegration challenges, such as a lack of housing and community supports.

Governance

- Require more core funding for operations – staff are being funded year-to-year
 - Core funding currently received only covers 2 salaries and has never been increased
- Limitations placed on funding leave major service gaps such as those living in subsidized housing
- Need to reframe eligibility requirements – cannot continue basing funding on income testing
- Government limitations change our projects so that they're different from the original idea
- Federal funding has no flexibility – it does not allow NSNWA to help people living in subsidized housing nor does it allow them to operate on-reserve
- Need to build capacity within the organization – particular need in areas of strategic planning, research and proposal writing
- Need long-term, stable funding to help build momentum with programming
- No money for proper training
- Need funding for administrative support
- Federal funding imposes heavy and burdensome reporting requirements

Health and Social Issues

- Workers facing mental health issues due to burnout and the nature of their jobs
- Clients are facing mental health and addictions issues
- Health and midwifery programs are limited by funding
- Need support for men and boys in communities

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- Elder support programs must be restructured to respond to identified gaps
- Need more supports for basic necessities such as food security and utilities
- Shelters in urban centers expose women to triggers, addiction issues, sexualized violence and racism
- Mental health and addictions are major issues facing clients
- Need support to hire a Nurse Practitioner – hard to get any kind of doctor/medical support for clients
- Need to redefine “homelessness” to capture “hidden homelessness” – could increase numbers by a factor of 3
- Need more culturally-sensitive medical professionals
- Seen steady increase in family violence since COVID
- Poverty reduction is a key priority
- No travel support for clients
- Preventative mental health programming is important; can’t just be reactive
- Need access to land and water for programming
- Want say in design of parks and conservation areas to ensure it responds to the needs of their clients
- Need land codes to address fallout from matrimonial law
- MLSN needs to have their bail program funded
- Support bringing culture into jails to make them more culturally-sensitive spaces in order to help with healing/rehabilitation

Economic
Development,
Lands and
Resources

Justice

RECONCILI-ACTION

- Money to combat sex/human trafficking is limited
 - Need more support for s.81 housing – people ready for release, but can't be without culturally-appropriate program to be released into
- Infrastructure
- Need a variety of housing options and housing types to fill gaps in the housing spectrum – CMHC programs have been over subscribed
 - Need more women's shelters
 - Need support for tiny homes project
 - Federal government's housing measures in the budget will be inaccessible for many of our clients
 - Need more emergency housing to protect against weather events
 - Need more access to capital funding
 - Need O&M funding for existing housing units
- Citizenship
- Major issue to women – C-31 and S-3 are pieces of legislation that restored "status" wrongfully taken from them, but no housing to return to and difficult to reintegrate into communities
- Language, Culture and History
- Need support for more culture and language programs
 - Need support for programs that teach traditional skills and help women become more self sufficient (e.g. successful butchery program)
 - Need funding for land-based programming



PAQTNKEK MI'KMAW NATION

Community Overview

According to their [website](#),

The name Paqtnkek, meaning “by the bay”, is a distinction emphasizing the importance of the local bay and its resources to the Mi’kmaw people.

The community is located near the southern shores of Antigonish Harbour, directly off of highway 104, about 15 minutes from the Town of Antigonish.

They further describe their community as one,

...surrounded by beautiful natural landscapes, including forests, lakes, and rivers. We take pride in our culture and traditions, which have been passed down from generation to generation.

Our community is home to a variety of cultural events, including powwows, traditional feasts, and drumming circles. We also have a strong connection to the land, and many of our community members are involved in fishing, hunting, and trapping. Our language, Mi’kmaq, is an integral part of our culture, and we are working to revitalize it among our people.¹⁷

The community has various business ventures and is “poised to capitalize on opportunities created with a new highway interchange that will bring increased traffic to the reserve in an area designated for commercial development”¹⁸ based on the twinning of Highway 104. The last Mi’kmaw community on the mainland before reaching Unama’ki (Cape Breton), visitors are able to take advantage of the Entertainment Centre, shop at locally operated businesses and refuel at the band-owned Gas Bar.

The community has over 614 residents and operates ten departments that oversee everything from economic development to employment and training to fishing and more. The community is one that boasts its strong connection to traditional cultural and spiritual practices. It is the home community of

¹⁷ <https://www.paqtnkek.ca/>

¹⁸ <https://www.paqtnkek.ca/lands-economic-development/>

Senator Prosper, where he also served as Chief prior to becoming the AFN Regional Chief for Nova Scotia and Newfoundland. The community is currently led by Chief Cory Julian.

Summary of Discussions & Issues Raised

Top of mind for community leaders were issues related to culture, history and identity. Discussions began around the [Federal Indian Day School Class Action](#). While the settlement process concluded on October 4, 2023, Chief and Council maintained that the process was not properly communicated to community members and, as such, many eligible individuals and families of survivors have not been able to access settlement monies. There was also a long discussion about Mi'kmaw citizenship – Mi'kmaq should be the ones to determine who is Mi'kmaq. Currently, schools and workplaces enable people to self-identify, resulting in several high-profile instances of “pretendians”, a term given to non-Indigenous people who falsely claim Indigeneity. Councilors explained how this takes away spaces for Mi'kmaq and limits opportunities for those who are genuinely entitled to them.

Meanwhile, due to the second-generation cut-off, children are being born to community members and have a clear, demonstrable connection to the community, but are not given “status” under the *Indian Act*, and therefore ineligible for programs and services reserved for “status Indians”. This creates disparities within families, and places added pressures on community leaders to use own-source revenues to fill the gaps left by this discriminatory policy. Participants called on federal support to move toward citizenship, with Mi'kmaq managing the membership lists. Participants pointed to the 2010 creation of Qalipu, which added 64 new members to the Paqtnekek band list. This is a large addition to a community that, at the time, had a total membership of just over 500 people. The influx of members came with no additional funding, but a requirement to meet the needs and entitlements of each new member.

In relation to this, Chief Julian raised questions around the [Native Council of Nova Scotia](#). It was explained that this organization, which describes itself on

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their as “the self-governing authority for the large community of Mi’kmaq/Aboriginal peoples residing off-reserve in Nova Scotia throughout traditional Mi’kmaq territory,” is able to issue an Indigenous hunting passport to members without needing to verify their claims of Indigeneity. This is a clear double-standard as Mi’kmaq communities and established representative organizations such as the Assembly of Mi’kmaw Chiefs are not afforded the same rights and privileges to support their off-reserve and non-status members.

The Chief and Council pointed to important work of organizations like Mi’kmaq Kina’matnewey (MK) that focus on teaching Mi’kmaw children about their history and culture. This, in turn, creates a strong sense of identity and belonging that, in turn, creates pride and facilitates healing. This, they feel, is integral to breaking the cycle of addictions and trauma in Mi’kmaw communities. That is why Chief and Council prioritize hosting community gatherings; they have called on the federal government to support hosting more cultural gatherings that not only facilitate the transfer of traditional knowledge to younger generations but help to inform the non-Indigenous population about the history of and realities facing Mi’kmaq. In this regard, Chief and Council pointed to and applauded the various programs hosted by St. Francis Xavier University that focus on Indigenous student supports, education and integration.

On the topic of economic development, DFOs decision to close the elver fishery with little to no consultation with Mi’kmaq was top of mind. Chief and Council challenged the methodology behind the decision and called for DFO to respect and incorporate traditional knowledge in their decision-making process. It was universally felt that more deference is given to commercial fishing license holders versus to Mi’kmaq. There is confusion over the definitions of moderate livelihood and rights-based fishing, and further confusion about the management of elvers and eels. Despite being the same species, they are governed by separate and distinct sets of management tools and plans. The closure of the elver fishery, coupled with constraints on eel fishing has led, not only to a loss of revenue for community members, but

a loss of the traditional and spiritual connection members have to the industry. Council members pointed to the need for DFO to work with traditional knowledge holders to ensure that fishing policies and management plans related to key fisheries (namely elver, eel and salmon) protect food security for the Mi'kmaq and align with their traditional conservation principles. There were also calls for the Government of Canada to action the recommendations included in the Senate Standing Committee on Fisheries and Oceans July 2022 report, "[Peace on the Water: Advancing the Full Implementation of Mi'kmaq, Wolastoqiyik and Peskotomuhkati Rights-Based Fisheries](#)".

The need for the incorporation of traditional knowledge in conservation decisions was echoed in discussions around the current moose moratorium initiated by the province. Many Mi'kmaq have targeted hunting areas in New Brunswick, which could place additional strains on their populations. That is why it was suggested that these types of discussions be approached from a Mi'kmaq Nation-wide lens.

Like all other communities visited, Paqtnkek struggles with addictions and mental health issues. They highlighted the need for faster and guaranteed access to culturally-appropriate treatment centres in order to support community members when they are ready to make the change. Delays in accessing this care can mean the difference between recovery and relapse. Currently, [Eagle's Nest Recovery House](#) in Sipekne'katik provides the only Mi'kmaq-led treatment centre in mainland Nova Scotia; it has 20 beds and a long wait list. Provincial programs, in contrast, are detox programs that do not offer culturally-informed treatments. This leads to a high rate of relapse.

Chief and Council discussed, not only the need for another culturally-appropriate centre in their region, but the need to support capacity development so that there can be more Mi'kmaq in the healthcare field. In community, there is a high incident rate of heart disease, diabetes, psychosis, depression, anxiety and other chronic diseases/conditions; the average lifespan of a community member is 54 years. A lack of access to appropriate services is exacerbated by the fact that some life-saving devices, such as an

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insulin pump, are not covered under Non-Insured Health Benefits (NIHB), leading to a call to overhaul the system and address these gaps. Harder drugs are entering the communities and bringing with them additional health concerns such as the spread of HIV/AIDS. This is not often spoken about but it needs to be addressed, they maintained.

It is difficult to address these health and safety concerns when RCMP are unwilling to enforce by-laws, enabling individuals labeled “undesirable” to stay in the community and others to squat in band housing, turning them into drug dens community leaders are ill-equipped to deal with. Some also pointed out that it would be helpful to be able to share information on who is banned in which communities.

That is not to say that Chief and Council are calling on an increased RCMP presence when it comes to dealing with Mi'kmaq who have interactions with the justice system. In these instances, leadership is advocating for more restorative justice approaches that focus on wrap-around services to lower recidivism and supportive housing. They felt that Mi'kmaq entering either the justice or child welfare streams would benefit from Mi'kmaq-led programming that is centred around traditional principles and values to help keep them from becoming addicted to drugs or falling into harmful patterns. They also called for more hands-on support for parents who are struggling due to intergenerational trauma.

Housing needs are exacerbated by squatters and multiple, preventable house fires in the community. These factors have also seen a rise in insurance premiums that have become unaffordable to the community. While Paqtnkek has applied to access funding through streams such as the Rapid Housing Initiative, Chief Julian argues that the requirement to demonstrate up front equity in the project disadvantages smaller bands. They are rapidly growing and, as previously stated, have increasing social and health programming demands being placed on their own-source revenue, leaving little cashflow to put toward infrastructure. The Chief was clear that such program requirements are discriminatory and called for a more fair process to be

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developed. Other, larger bands, were able to secure 100% funding, while Paqtnkek, he maintained, received the bare minimum.

Given the many large and complex issues facing the community, Paqtnkek should be able to maximize all available funding streams to meet the needs of its members. However, the community cannot access provincial program funding for health, education, justice and other areas typically within the provincial mandate because they are considered federal Crown land. Yet, they do not receive enough federal funding to meet the needs of all their members due to some living off-reserve and other not having "status". As a result, these community members are caught in a jurisdictional "black hole" that leaves them unsupported. The community is also seeing a drain on its capacity to govern and respond to these concerns as the band office is unable to compete on salaries, leading to them losing key staff.

Governance

- We need to identify and clarify the difference between individual rights and communal rights – are there limits to collective rights if it impacts the rights of the individual?
- RCMP not enforcing by-laws including the list of banned individuals from the community
 - Would be helpful for communities to be able to share who is banned where
- Community cannot access provincial programming in health, education, justice and so forth because reserve land is considered federal Crown land
- Losing capacity because cannot compete on salaries

Health and Social Issues

- Facing addictions and mental health issues
- Need faster access to culturally-appropriate treatment centres
- Need to build more Mi'kmaw capacity in the healthcare field

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- There is a little-talked about HIV/AIDS issue facing communities
 - Need more child welfare supports
 - High incident of heart disease, diabetes, psychosis, depression, anxiety and other chronic diseases/conditions
 - The average life expectancy is close to 54 years
 - Some life-saving devices such as insulin pumps are not available due to them not being covered by NIHB – this needs to change
 - Youth should be placed in supportive homes with Mi'kmaw values to prevent them from getting hooked on drugs
 - Parents need hands-on support as they are struggling with intergenerational trauma
 - Elver fishery – not enough consultation before the decision to close the fishery was made
 - Decisions affecting resources should incorporate traditional knowledge
 - Food security is in jeopardy because the government tends to favour industry in its decisions and decision-making process
- Economic Development, Lands and Resources
- Need to support harm reduction and rehabilitation centres – focus on restorative justice
 - Struggling with squatting and drug users in the community due to an inability to evict or enforce by-laws
- Justice
- Need more housing but smaller communities are disadvantaged in federal funding programs such as the Rapid Housing Initiative, which favours those who are able to put in more up-front capital
- Infrastructure

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Citizenship

- The loss of stock due to preventable house fires has put an additional strain on the housing need
- Facing high insurance rates that are hard to afford
- “Pretendians” – people taking spaces away from our people; should not allow people to self-identify, they should be able to prove their connection to the community
- Second-generation cut-off leading to the children of community members not having status
- Need to move forward on citizenship
- How is the Native Council of Nova Scotia verifying claims of Indigeneity?
- C-3 (the creation of Qalipu) added 64 additional members to the community, with no new funding

Language, Culture and History

- Need to reopen the settlement process for the Federal Indian Day School Class Action as many in the community were missed
- Programs that encourage a sense of identity – such as MK – creates pride, which, in turn, creates healing
- Need funding support for more community gatherings
- Need programs that teach the general public more about who the Mi'kmaq are



PICTOU LANDING FIRST NATION

Community Overview

The community website states that,

Pictou Landing First Nation (PLFN) is a Mi'kmaq community located north of Trenton on the South shore of the Northumberland Strait in Nova Scotia. PLFN has approximately 2014 acres of reserve land. Although this appears to be plentiful, not all of the land may be suitable for development activities, including economic development. In addition to the existing landscape, Pictou Landing owns an additional 4465 acres of land that was acquired in subsequent years.

Pictou Landing First Nation has approximately 666 members, approximately 500 residing on the Reserve, with over half of the community employed. The Band Council, consists of the elected Chief and 6 Councillors. The Chief and Councillors are elected for 2-year terms. The CEO and staff are responsible for band administration. The Band employs approximately 75 individuals full time while with the addition of seasonal and own source revenue services, the Band employee count can reach as many as 200 in the peak season with responsibilities for the following: health, social, education, human resources, finances, capital works, economic and community development, fisheries, lands and project development and communications.

PLFN is led by Chief Tamara Young and is the home of Regional Chief Andrea Paul who, prior to becoming the Regional Chief, was the long-time Chief of the community.

The Northern Pulp saga

Central to these discussions was the fallout of a long-standing dispute between PLFN and Northern Pulp (a company owned by BC-based Paper Excellence), whose pulp mill had been piping 90-million litres of effluent a day for 52 years into the Boat Harbour Effluent Treatment Facility, "where it spends time in two settling ponds, an aeration stabilization pond and then the Boat Harbour lagoon itself. There, it stabilizes for approximately three weeks

before being released into the Northumberland Strait.¹⁹ Boat Harbour is also known as A'se'K or "the other room", and was a "pristine tidal estuary"²⁰ that was central to the Mi'kmaq way of life for PLFN residents. This years-long battle between the Mi'kmaq and Northern Pulp was the subject of a CBC POV Documentary, "[The Mill](#)".

The long and storied history is summed-up concisely in this article in this [July 10, 2020 article in The Narwhal](#),

Scott Paper built Northern Pulp in 1967, decades before Paper Excellence was on the scene. Scott Paper told the Pictou Landing First Nation Chiefs at the time the water would be clear and there would be no smell, and gave the nation a lump sum of \$60,000 for lost fishing. Then the liquid waste began pumping, collecting in frothy, white-brown, odorous ponds.

The nation started to push back in the 1980s, and by the 1990s the province promised to find an alternative to dumping mill waste in the estuary.

In 2010, after years of delays, Pictou Landing First Nation filed a lawsuit against the province and Northern Pulp, which Paper Excellence acquired one year later. Then, on June 10, 2014, an effluent leak spilled 47 million litres of untreated wastewater on Mi'kmaq burial grounds. The First Nation set up a blockade at the mill, demanding an official closure date.

In response to the blockade, led by former Chief Paul and local community members, and with the support of other Mi'kmaw Chiefs, the province of Nova Scotia passed the [Boat Harbour Act](#) in 2015, which mandated that the Boat Harbour Effluent Treatment Facility be shut down.

¹⁹ Baxter, Joan. "For 50+ years, pulp mill waste has contaminated Pictou Landing First Nation's land in Nova Scotia." CBC Docs POV. <https://www.cbc.ca/cbcdocspov/features/for-50-years-pulp-mill-waste-has-contaminated-pictou-landing-first-nations>

²⁰ Ibid.

This sharply divided residents of Pictou County. As Mi'kmaq stood in protest of the Boat Harbour facility, Northern Pulp threatened to shut down the mill. On the surface, this caused the creation of two camps: one for protection of the environment and one for the protection of jobs. Yet, seldom is anything so clear cut. Many in the area, including in PLFN, relied on the mill for employment. However, economic development should be balanced with environmental protection and – as then-Chief Andrea, Elders and concerned community members contested – Mi'kmaq have a right to enjoy clean air and water just like any other Canadian.

Summary of Discussions & Issues Raised

A large part of the discussion was centred around the Boat Harbour remediation project. The proposed plan would see the sludge dredged, placed into “geo tubes”, then de-watered before being transferred to a maintenance site. However, concerns remain about where this maintenance site will be located; as the sludge will be quite toxic, the proposed placement (less than two kilometres from a well system) has been opposed by Mi'kmaq. The proposal would also trigger federal assessment processes, which the province has argued will make remediation take too long and be too costly; this has led to some within the province insinuating that remediation would not take place. Elder, Councilor and Grand Council member Don Francis, lamented the fact that everything PLFN proposed during its meetings with the province were dismissed. This led to a general agreement of participants to call for more control and a formal role over the review and authorization of all projects and proposed initiatives that could impact the community.

Northern Pulp has since settled with the province and is looking to reopen their mill in a different part of Nova Scotia. A tentative deal was announced by the province on May 23, 2024 “that would see the company drop its legal fight to reopen the shuttered mill on Abercrombie Point.”²¹ Reaction to the news was mixed as Mi'kmaq and local fishers celebrated the decision and

²¹ CBC News. “Pictou County, Liverpool react to Northern Pulp settlement deal.”

<https://www.cbc.ca/news/canada/nova-scotia/northern-pulp-government-settlement-agreement-reaction-1.7212657> 23.05.24

continued protection of Boat Harbour, while leadership in the bordering Municipality of Pictou County lamented the loss of over 300 well-paying jobs. Meanwhile, in Liverpool, community members are hopeful as Paper Excellence has indicated it will undertake a feasibility study for a potential new pulp mill close to the former Bowater mill in nearby Brooklyn, NS.

A desire to respect the environment does not mean that PLFN is against development. In fact, the community wants to engage in more moderate livelihood fishing and is taking a regional approach to economic development so as not to compete with other communities. More control and true partnership in development projects would, Chief Young argued, mitigate the environmental racism suffered by PLFN to date.

In an interview with CBC, Michelle Francis-Denny, community liaison for the [Boat Harbour Remediation Project](#), contemplated the connection between the loss of A'se'K and the poor social and health outcomes faced by community members. "Would our suicide rates be so high? Our drug and alcoholism rates? Our unemployment rates?" she asks. "We were deprived of a chance to live in a healthy environment. We've adapted to just surviving."²²

Indeed, community leaders raised the fact that PLFN faces struggles with addictions and mental health concerns. They advocated for access to more culturally-appropriate treatment centres and more programming for young men. Chief Young pointed to a successful program that is currently in place in Paqtnkek.

The provision of services PLFN members is further complicated by two factors: the lack of funding for members living off-reserve and the lack of coverage for non-status members due to the second-generation cut-off.

Justice is another area of concern that is closely related to health. RCMP officers appear to have a "shoot-first" approach to resolving mental health crises, leading to a need for more restorative justice programs and the

²² Baxter, Joan. <https://www.cbc.ca/cbcdocspov/features/for-50-years-pulp-mill-waste-has-contaminated-pictou-landing-first-nations>

development of a Mi'kmaq police or security force. There are reports of those who engage in "suicide by police",

a term used by law enforcement officers to describe an incident in which a suicidal individual intentionally engages in life-threatening and criminal behaviour with a lethal weapon or what appears to be a lethal weapon toward law enforcement officers or civilians to specifically provoke officers to shoot the suicidal individual in self-defense or to protect civilians.²³

In addition to this, RCMP officers refuse to enforce community by-laws, leading to calls for funding of by-law officers in order to alleviate the onus of enforcement placed on Chief and Council.

The community is exploring ways to address these issues by taking a nation-based approach; they engaged in a discussion about how Chief and Council can work with the Grand Council to confront these common issues facing communities.

Other funding priorities identified by Chief and Council include housing and programming aimed at preserving Mi'kmaq culture, traditional knowledge, and history. Reparations must also be made for historic wrongs with participants pointing at how people have been missed in the [Federal Indian Day School Class Action](#) due to a general lack of information and communication.

Governance

- RCMP won't enforce our by-laws
 - Want funding for a by-law officer because the onus has been on Chief and Council to enforce
- Discussion about how Chief and Council can work with the Grand Council
- Need support for on and off-reserve community members

²³ Hutson, H.R., Anglin, D. et al. "Suicide by cop". National Library of Medicine, National Center for Biotechnology Information. <https://pubmed.ncbi.nlm.nih.gov/9832661/> December, 1998.

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Health and Social Issues

- Community faces struggles with addictions and mental health concerns
- Need more access to culturally-appropriate treatment centres
- Need more programming and supports for young men

Economic Development, Lands and Resources

- Want to engage more in moderate livelihood fishing
- Have faced severe environmental racism
 - Pushing hard to have contaminated sites remediated but facing delays and roadblocks
- Want more say over projects in and around our land as well as a more formal role in project review and authorization
- Taking a regional approach to economic development so as not to compete with other communities

Justice

- Want own policing/security force
- RCMP not responding appropriately to mental health crises – their first instinct is shoot
- Need more restorative justice programs

Infrastructure Citizenship Language, Culture and History

- Need more housing
- Need to get rid of second-generation cut-off
- Want support to preserve Mi'kmaq culture, traditional knowledge & history
- Day school class action – there were people missed



POTLOTEK FIRST NATION

Community Overview

According to [Wikipedia](#),

Potlotek First Nation...is a Mi'kmaw community in northeastern Nova Scotia. The community is situated in Richmond County, Nova Scotia, Canada. As of August 2023, the First Nation has approximately 837 band members living on and off reserve.

It is led by Chief Wilbert Marshall, whose innovative and forward thinking led him to push for the creation of the Atlantic First Nations Water Authority (AFNWA), the country's first Indigenous Water and Wastewater Utility. He pursued the creation of AFNWA following his community making headlines for its poor drinking water quality. Now, [the AFNWA describes itself](#) as, "leading progress, innovation, and a long-term solution for water and wastewater management for all Atlantic First Nations communities," while Potlotek continues to push forward pursuing different economic development opportunities such as a gas bar, cannabis shop, and more.

Chapel Island is a small island that forms part of the reserve land. It has been a gathering place for the Grand Council for centuries. While it previously was a space for Mi'kmaq to bury their loved ones, it has now become a major gathering space for the Nation and is host to a church, an outdoor stage area and multiple cabins.

Summary of Discussions & Issues Raised

Senator Prosper and his team met with Chief, Council and the Band Manager.

Top of mind for Chief Marshall were opportunities to capitalize on economic development. He aims to establish his own gravel pit and to work to create a public works center in collaboration with neighboring communities. Chief and Council placed a strong emphasis on expediting Additions to Reserve (ATR) processes, as increased access to land is seen as vital for unlocking economic development opportunities. Additionally, the community seeks to acquire more traps while navigating ongoing animosity in lobster fishing. Chief Marshall also raised that Potlotek is exploring funding options to support

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participation in renewable energy projects, highlighting a commitment to sustainable development and resource management.

In this respect, Potlotek's band manager raised that there needs to be more respect for Nova Scotia's consultation processes, which are currently being ignored. He emphasized the importance of including Mi'kmaq at the outset and to ensure that consultations are not rushed.

Chief and Council also emphasized the importance of sharing information with other First Nations and exploring resource and tax revenue-sharing agreements with the province. They were clear that the province, Mi'kmaq and CRA should meet to discuss the reinstatement of Point-of-Sale tax exemptions. While Mi'kmaq were forced into modern-day reserves, Chief and Council are a level of government and, as such, governments should treat First Nation communities on par with other governments.

Community leaders raised the urgent needs for enhanced mental health and youth support services, with a specific focus on educational psychologists to aid children facing challenges. It was suggested that a support center be established for individuals in mental health distress. Additionally, the community is seeking to take over the delivery of Non-Insured Health Benefits (NIHB) services as there are problems with how the program is currently being administered. Too many services and medications are being denied funding, while there is no clear and simple recourse for those wanting to challenge the determination. It also has no requirement that providers facilitate direct billing, placing the onus on patients to pay up front and wait for potential reimbursement.

Chief Marshall explained that, regardless of per capita funding not supporting non-status members, the community utilizes own-source revenue to support their members. The second-generation cut-off must be rectified.

Council members added that more must be done to improve the pay disparity for teachers on-reserve versus off-reserve.

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Infrastructure improvements are a major priority due to a housing waitlist of 200, with many community members wishing to return to the community, including those who have just completed their education.

The preservation of language and culture are important priorities for Potlotek, with Council members describing the need for a cultural center. Chief Marshall also discussed the need to secure ongoing governmental support for cultural events at Chapel Island. The O&M cost of maintaining the roads, marine infrastructure, and other related costs has currently been borne by Potlotek. However, given the cultural significance of these events to the Nation, some external funding should be available. Community leaders are also advocating for funding for the Learning Nest, a local Early Childhood Education initiative, land-based teachings, and additional language supports to enrich cultural and educational opportunities.

Governance

- Should be sharing information with other communities
- Exploring issues of resource-revenue and tax-revenue sharing agreements
- Want reinstatement of Point-of-Sale
- Government should treat First Nation communities on par with municipalities
- There are problems with the Mi'kmaq consultation process – it's not being followed/we're not being included from the start

Health and Social Issues

- Need more mental health supports
- Need more youth supports
- Using own-source revenue to support non-status members
- Teachers on reserve not paid the same as those off-reserve
- Need centre with support for people with mental health issues/people in distress
- Want to take over delivery of NIHB services

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Economic
Development,
Lands and
Resources

- Biggest need = educational psychologists to support kids
- Need more programming for youth to keep them occupied – they are starting drugs/vaping too young
- Want to have own gravel pit and own public works centre with other communities
- Need to expedite ATRs – increased access to land will unlock economic development opportunities
- Need more traps; still facing lots of animosity
- Looking to access funding to support participation in renewable energy projects

Infrastructure

- Hard to build houses because on clay
- Infrastructure a major priority
- Have housing waitlist of 200 – lots of community members want to move back, including those who go away for school and want to come back when they graduate

Citizenship
Language, Culture
and History

- Want to build a cultural centre
- Need to address second-generation cut-off
- Need ongoing support from provincial and federal government for maintenance required to support cultural events at Chapel Island including Pentecost and Mission
- Looking for funding for Early Childhood Education (Learning Nest)
- Need program funding to support land-based teachings
- Need additional language supports



SIPKNE'KATIK

Community Overview

Sipekne'katik describes itself as "a close knit community with a strong focus on education and health." Their website goes on to give this overview:

In 2013, our community (commonly known as Indian Brook or Shubenacadie First Nation) reclaimed its traditional Indigenous name, Sipekne'katik, meaning "where the wild potatoes grow."

Sipekne'katik is one of the seven geographic districts of Mi'kma'ki – the ancestral and unceded territory of the Mi'kmaq. We are one of seven Mi'kma'ki districts with approximately 1,400 hectares of land holdings, including 408.3 hectares in New Ross, 43.5 hectares in Pennal, 19, 412 hectares in Shubenacadie, 55.7 hectares in Wallace Hills and 690 acres of fee-simple land.

The community has nearly 3000 members and is one of the larger Mi'kmaw communities in the province. During centralization, Eskasoni and Sipekne'katik were the two reserves that Mi'kmaq were relocated to.

Currently, Chief Michelle Glasgow leads a council,

...focused on improving the economic sustainability of our community and its members. Through a strategic plan and economic development corporation initiatives, the Band is improving the standard of living of members by providing essential goods, services, health and wellness, infrastructure, and social supports.

The band enterprises include tobacco, two gaming locations, a moderate livelihood fishery and a gas bar. They are also currently planning on opening a cannabis retail location in Hammonds Plains. The community provides up to 25 percent of the total cost of developing a business plan to the community's entrepreneurs and assists in accessing external funding.

From 1929-1967, the former [Shubenacadie Indian Residential school](#) was the sole Indian Residential School in the Maritime Provinces.

The Shubenacadie Indian Residential School was part of the residential school system whereby the Canadian government and certain churches and religious organizations worked together to assimilate Indigenous children as part of a broader effort to destroy Indigenous cultures and identities, and to suppress Indigenous histories. In 2015, the Truth and Reconciliation Commission described this policy as cultural genocide. Many Shubenacadie survivors and descendants call it genocide.

The building is no longer standing, but a commemorative plaque marks the site, which is “a place of remembrance and healing for some survivors and their descendants, who wish to preserve Indian Residential School history in the Maritimes.”

Summary of Discussions & Issues Raised

Chief Glasgow, council members, and the band manager contributed to discussions. Sipekne'katik is a community that is clearly focused on its path forward. It was apparent that community leaders had put a lot of time and effort into identifying solutions to barriers they encountered; as a result, very specific asks were put forward.

Sipekne'katik's manages two fisheries: the Food, Social and Ceremonial Lobster fishery and the Rights-based fishery. Despite having management plans with rules and regulations and managing fishing tags for both, the community's fishers continue to face harassment from DFO officers. As a result, Council proposed Canada accept and act on the recommendations outlined in the Senate Standing Committee on Fisheries and Oceans July 2022 report, [“Peace on the Water: Advancing the Full Implementation of Mi'kmaq, Wolastoqiyik and Peskotomuhkati Rights-Based Fisheries”](#).

In particular, Council members called for the implementation of rights-based fisheries to be transferred from DFO to CIR, per Recommendation 7.

Another barrier constraining the community's economic development opportunities include the slow and tedious Additions to Reserve (ATR) process. Council members shared the story of Wallace Hills. The ATR request

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was initiated in 1990, yet third party encumbrances (claims made against the property by outside parties) and excessive red tape slowed down the process. Today, the community cannot build on the property because a school was built while the ATR request was still in progress and a new Environmental Assessment must be completed. Another ATR resulting from the [1919 Settlement](#) was launched in 2018. Community leaders pushed hard for a six-month expedited timeframe, which was agreed to and later breached by the government.

Chief and Council also identified the importance of reintroducing the point-of-sale system to help relieve the inconvenience of needing everything to be delivered to the community in order to receive the tax exemption. It was suggested at the system could be at the discretion of the vendor.

Despite some barriers, Sipekne'katik continues to pursue and diversify its economic development projects including their participation in the commercial fishing and wind sectors.

Participants shared their frustration with accessing federal funding for projects and initiatives. They discussed an economic development project where they attempted to request 30% of the buy-in cost valued at \$810,000 but were denied. They discussed a language and culture centre project that they were seeking funding support for so that they could revitalize and reclaim their language; that project ask is \$3M. They also discussed the need for culturally-appropriate supports for Mi'kmaq who are either incarcerated or going through the justice system. Budget 2021 set aside \$21.5M over five years ["to support the provision of culturally appropriate legal information and resource and to pilot legal advice services for racialized communities across Canada."](#) They had asked for \$500,000 to support a legal aid initiative, but were told there was no funding available. This is after a similar initiative for a different racialized demographic in Nova Scotia received just over \$600,000 in federal funding. Council members insisted that Canada must provide equal and adequate support to First Nations.

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Chief and Council were clear that Mi'kmaq have certain inherent rights that must be respected. These rights include the right to self-governance and self-determination. As such, participants raised their objection to Canada having the ability to dictate who could be added to their band list. Following the passage of [Bill S-3](#), an Act meant to eliminate known sex-based inequities in registration and given the potential passage of [Bill C-38](#), which deals with undoing the legacy of enfranchisement (a historical assimilation policy), Sipekne'katik estimates a potential 1500 or more new members could be added. This would be a potential increase of 50%. Already, they explained, new members have come seeking their entitlements, causing an added pressure to the community's resources. This massive increase comes with no additional federal support.

There were discussions about integration and accommodation efforts, as well as a debate on whether Mi'kmaq should be able to first determine if the people added to the band list have a current and proven connection to the community. This dovetailed into a discussion on the new health centre; built on 500 acres, the centre was designed to meet the needs of the current population size and cannot be expanded to accommodate a higher capacity without creating significant delays.

The build provides an alternative evacuation route as there is a new road leading in and out of the community. However, the health centre is not equipped to offer procedures such as dialysis, x-rays, CT scans or other small machines. These have been added to a list of future facility upgrades as community members do not feel welcome in local hospitals and face the brunt of systemic racism. Given the high rate of diabetes and the need for dialysis, Chief and Council want to be able to provide those services within the community. COVID also demonstrated the importance of being able to offer services in-community in order to keep community members safe.

Health and social outcomes are generally poorer in the community comparative to non-Indigenous communities. Besides the high incident rate of chronic disease, life expectancy is 54 years old versus the average life expectancy in Nova Scotia, which is 80 years old. Sipekne'katik has had to go

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so far as to lower the threshold for when someone can be considered an Elder as not many survive past 60 years old. Meanwhile, child poverty is at 60%, with many in the community requiring income support; this highlights the need for effective poverty reduction programs.

Critical infrastructure is required to support the growth and expansion of the community, particularly given the impending influx of community members. Aside from housing, roads, and sewer are needed to expand the community. Given the racism that students are experiencing in education, community leaders are looking to build a new high school and exploring Public-Private-Partnerships (P3s) as a potential funding model. Yet the question remains about how to fund insurance; insurance premiums are quite high in First Nations communities due to a variety of factors so it was suggested that a First Nations insurance option is required.

Climate change was also discussed during the meeting. Chief and Council explained that funding is required to put in mitigation measures to ensure the community is able to protect its assets during a forest fire and recent flooding showed the need for improved drainage. The community sits on a flood plain and Council members recounted how parts of the community were cut off from the rest due to the flood in 2023.

- | | |
|---|--|
| Governance | • Need reintroduction of point-of-sale |
| Health and Social Issues | • Facing systemic racism in the NS healthcare system |
| | • 60% child poverty rate; need income support/poverty reduction programming |
| | • Health outcomes so poor, lowered life expectancy; average lifespan in community is 54 years old |
| | • High rate of diabetes and need for dialysis |
| Economic Development, Lands and Resources | • Because CIR's mandate takes a rights-based approach, they should have a specific program on fishing as recommended by " Peace on the Water " |
| | • Still being harassed by DFO officers |

RECONCILI-ACTION

- ATR process is too slow – too easily held up by third party encumbrances and too much red tape
 - Need more federal support to enable community to capitalize on economic development opportunities
- Justice
- Seeking support for a legal aid initiative
 - Indigenous people are over-represented in jails, limited access to justice; need culturally-appropriate supports
- Infrastructure
- Have shortage of housing
 - Insurance is a major cost – need our own First Nations insurance
 - Need a new high school
 - Need roads, water and sewer to expand the community
 - Need infrastructure to mitigate damage from natural disasters such as wildfires, flooding, etc.
- Citizenship
- New registrations resulting from the passage of a bill that sought to eliminate known sex-based discrimination (S-3) and enfranchisement roll-back (C-38) = estimated 1500+ new registrations incoming; this is a 50% increase with no funding to support the higher numbers
 - Want control of who gets to be added to the band list; there should be a current connection with the community
- Language, Culture and History
- Need a language and cultural centre (\$3M ask)



TA'N ETLI-TPI'TMK

Organization Overview

The vision for [Ta'n Etli-tpi-tmk](#) is,

To enhance the overall quality of life for eligible persons and economic families living in Mi'kmaw communities in Nova Scotia, who are dependent on social assistance, by promoting fulfillment of their potential and wellbeing.

They aim to achieve this by negotiating a Mi'kmaq Nation-wide sectoral agreement that creates a social assistance body mandated to, "...reduce poverty on reserve, advance client self-reliance, and to build a sustainable future for the Mi'kmaq Nation in Nova Scotia."

Chief Leroy Denny of Eskasoni First Nation serves as the Lead Chief of Social and Chair of Ta'n Etli-tpi-tmk. The initiative is governed by all 13 Mi'kmaq Chiefs as well as Grand Chief Norman Sylliboy and Grand Keptin Antle Denny. The organization is headed by Executive Director, Dale Sylliboy.

Summary of Discussions & Issues Raised

The discussion with Ta'n Etli-tpi'tmk was focused on the one main ask: that the Government of Canada enter into a sectoral agreement, similar to the one entered into with Mi'kmaw Kina'matnewey (MK) that would devolve control over social assistance programming to Mi'kmaq through Ta'n Etli-tpi'tmk and that base funding begin at \$111M per annum.

The amount of \$111M is the result of extensive research and based off of [StatsCan's Market Basket Measure \(MBM\)](#). The MBM,

refers to Canada's official measure of poverty based on the cost of a specific basket of goods and services representing a modest, basic standard of living developed by Employment and Social Development Canada (ESDC). The MBM thresholds represent the costs of specified qualities and quantities of food, clothing, shelter, transportation and other necessities for a reference family of two adults and two children.

RECONCILI-ACTION

Currently, families on social assistance make an average of \$3.14/day. This has obvious impacts such as families resulting to stealing food and single moms fearing their children will be apprehended. Poor diets also lead to higher rates of diabetes and chronic illness. Community members with disabilities are also left unsupported while Chiefs of communities are left to continue “managing poverty”.

Despite seven years of discussions with bureaucrats, the acceptance of the methodology and initial positive feedback from Minister Hajdu, the initiative has stalled. Chief Denny and staff also attributed the stalled progress to the split between Crown-Indigenous Relations and Indigenous Services Canada. Following the announcement of the federal budget, and the disappointment that the requested funding was included, Ta’n Etli-tpi’tmk met with ISC officials who countered the suggested base funding with \$50-60M. The current funding for social assistance is \$47M; this translates to a \$3-16M increase over what families are already receiving and no methodology was provided to explain how they arrived at this revised number. In short, the number is unacceptable.

Chief Denny stated that,

We need to end intergenerational trauma and intergenerational harm – we need to end poverty. We have the chance to begin intergenerational hope.

Chief Denny and Ta’n Etli-tpi’tmk staff did briefly discuss their 10-year social housing plan, which would see funding for social housing awarded separate from band funds.

Health and Social
Issues

- Splitting of departments has made issues; Budget 2024 was a disappointment
- There is an issue with supporting people with disabilities on reserve – who funds their support and does NS disability law apply on reserve?

RECONCILI-ACTION

- Had proposed a pilot where social housing does not impact band funds – treated as separate funding – but ISC has been unresponsive
- Base ask for the poverty-reduction program is \$11M – based on the StatsCan Market Basket Measure



TAJIKEIMIK

Organization Overview

Tajikeimik brings together the Chiefs and health directors for each of the thirteen Mi'kmaw communities in Nova Scotia in an effort to centralize the work being done in the health sphere. According to their [website](#), their aim is to “[take] control of the design and delivery of...health and wellness services to improve overall health for individuals and communities.”

The Senator and his staff were able to meet with the Executive Director, Lindsay Peach, Director of Policy and Planning, Philippa Pictou, and health directors from each of the thirteen communities.

Summary of Discussions & Issues Raised

Top of mind for all present was the steeply increasing number of non-status babies being born into communities. Intermarrying between status First Nation community members and non-Indigenous community members, as well as the “second-generation cut-off” imposed by the *Indian Act*, many communities are finding it difficult to support their non-status populations. Government transfers to First Nation communities are based on the number of community members who have status, meaning that any money used to support the health needs of non-status members, regardless of the fact that they were born to community members and have lived in community their entire lives, must come from a different source. Usually, their expenses are covered using the community's own-source revenue. However, this places an incredible strain on the community, leading on health director to label it a “genocidal policy”. Another director simply stated that, “We're drowning.”

Ms. Peach describes the situation by saying, “Federal funding in communities hasn't kept pace with standards of care...it's an archaic system.” Ms. Pictou explained that funding has never been adequate to begin with and suggested that compensation for that historic gap would be welcome to bridge the divide; this way any funding that comes after would actually help Mi'kmaq to move forward.

Another major issue raised was the claw backs to Jordan's Principle funding. The government, many said, had overspent and, as such, many items that

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were previously covered by Jordan's Principle are no longer being covered. There is also no support for a child once they turn 18, regardless of their circumstances. This means that a child with high needs would lose all their supports once they turn 18.

The many shortcomings of the Non-Insured Health Benefits (NIHB) were also discussed at length. Some lamented that families were made to pay for their services up front and then seek reimbursement – this often created a barrier to accessing services as many families did not have the disposable income to spend on these critical services. Other health directors explained that some medications are not covered, nor are certain mental health supports off-reserve, some dental procedures and so forth. There was also a complaint that private insurance often only covered 15% of dental work for Indigenous employees versus the 80% offered to non-Indigenous employees with the same coverage. This is because they consider NIHB another form of coverage, but several argued that NIHB is not insurance, but a benefit that flows from a treaty right.

According to the community health directors, Mi'kmaq are 2-10x worse off on health indicators versus non-Indigenous people. They shared that 25 years of health data shows the inadequacy of federal and provincial initiatives aimed at improving Indigenous health outcomes. They argued for needs-based funding, diabetes educators in every community, more mental health workers, more health infrastructure (such as an addictions treatment centre), and a shift to trauma-informed, culturally-relevant care. Where possible, care should be given in Mi'kmaq for unilinguals or those who have Mi'kmaq as a first language. As such, it would also be important to receive financial support in building Mi'kmaq capacity in the health field.

Children and youth are increasingly facing addictions due to intergenerational trauma in communities. The approach has been to have children sent to group homes for eighteen months to be rehabilitated, but these group homes put children at risk of sex-trafficking. Should they successfully complete the program, they are then sent home with no follow-up or wrap-around care to support them and keep them from relapsing. This

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approach seeks to put children into a safe place, but many argued that it does not address the root causes or the trauma that led to these children using intoxicants.

There were those that blamed this increase in child and youth addictions on the legalization of cannabis, claiming that it has “normalized drugs” and pointing to dispensaries that sell more than cannabis products. The use of cigarettes, vapes and drugs during pregnancy are also leading to higher numbers of children with a predisposition to drug use, as well as higher rates of psychosis. Ms. Pictou felt that, with better communication between organizations, there might be the opportunity to coordinate on outreach and initiatives aimed at children and youth.

One health director stated, “We need a champion for this. People are dying. Kids are dying. And it’s sad...it’s been too long that people have been dealing with this.”

Governance

- Require “needs-based funding”
- Believe that federal government does not ensure that province provides the healthcare it is supposed to
- People getting lost in the jurisdictional gap between the federal and provincial governments
- Siloed approach to delivering services – should be collaboration between different service providers to ensure everyone receives support
- Wants better communication between organizations

Health and Social Issues

- Jordan’s Principle funding is being clawed back due to government overspending
- Need supports for children that are aging out of Jordan’s Principle at 18
- There are many NIHB shortcomings – requirements for upfront money is problematic; problems with coverage; many medications not

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covered; dental care an issue; way it interacts with private insurance is discriminatory; etc.

- Mental health support is lacking in communities
 - Every community should have a diabetic educator
 - No disabilities services; need more programs
 - Problems with the way healthcare is defined under the Canada Health Act – limiting in First Nations communities
 - Need more capacity in health services in-community
 - Need wrap-around services/more long-term support for people suffering from addictions
 - Need more support for children and youth in general
 - Need to address the root causes of trauma
 - High rates of psychosis in communities
 - Children facing sex-trafficking
 - Legalization of cannabis has contributed to normalizing drugs in communities with dispensaries selling more than just cannabis
- Justice
- Need to build more treatment centres for addictions
 - Funding for health services but nothing for health infrastructure
- Infrastructure
- Many children are being born without status
 - Need more health services in Mi'kmaq language
 - Naming – need to be able to incorporate without needing a French or an English descriptor (*Indigenous Languages Act*)
- Citizenship
Language, Culture
and History



UNION OF NOVA SCOTIA MI'KMAQ

Organization Overview

The Union of Nova Scotia Mi'kmaq (UNSM) is a tribal organization that has formally been incorporated since July 3, 1970. They provide services for the five Mi'kmaq communities in Unama'ki (Cape Breton) whose communities represent roughly 60% of the Mi'kmaq population in Nova Scotia. According to their website,

UNSM came into existence to provide a unified political voice for the Mi'kmaq people of the province in the face of a proposed federal government policy to assimilate Canada's First Nations people into mainstream society.

Faced with the prospect of extinction, a group of Mi'kmaq leaders formed what was then called the Union of Nova Scotia Indians (renamed the Union of Nova Scotia Mi'kmaq in 2019) to provide political leadership for the Mi'kmaq Nation. UNSM operates under its original terms of the Memorandum of Association that was registered in 1970, and its present By-Law that was adopted in July 1992, and later amended during its 28th annual assembly held in [We'koqma'q] in July 1997.

UNSM is led by long-time Executive Director, Douglas Brown. Its departments include Administration, Finance, Capacity Development, Information Governance and Data Projects and the Tripartite Forum. Their Health Branch departments include Health Administration, Jordan's Principle, Mental Wellness Team, Mi'kmaq Cancer Care Strategy, Home & Community Care, Dietitian Services, and Aboriginal Diabetes Initiative.

Summary of Discussions & Issues Raised

Senator Prosper met with Executive Director, Douglas Brown and senior directors and staff across the majority of departments housed in UNSM.

This organization, like other tribal organizations, accomplishes a great deal of work on a limited budget. One of the most prominent successes of UNSM is the use of the [Everbridge alert system](#) to alert community members of

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missing Indigenous women and girls; this innovative solution was spearheaded by Jennifer Jesty, UNSM's Manager for Emergency Resilience. Similar to an Amber Alert, Everbridge has been leveraged into a "Red Dress" alert system. In Budget 2024, the [Government of Canada committed \\$1.3M over three years](#) to "co-develop with Indigenous partners, on a priority first phase, a regional Red Dress Alert system." UNSM's program has been held up as model for this endeavour, having been included in the House of Commons and Senate study of this budget item. UNSM reported that since its launch in September 2020, Everbridge has reunited 115 families, due in large part to the fact that alerts can be sent out immediately instead of the mandatory 24 hour wait period required by policing policy.

One department alone – culture and sports and recreation – has worked with partners to switch the Cabot Trail names to Mi'kmaq names and to add placards with historical information at key points along the trail. It has been collecting data on the state of assets throughout Unama'ki, working on shoreline restoration, conducting a capital asset assessment for emergency management, working on climate change adaptation initiatives and so much more, yet – frustratingly – they have experienced serious delays in receiving promised federal fundings.

Proposal-based funding models are not conducive to attracting and retaining qualified staff, creating an over-reliance on consultants when there should be a focus on building capacity within communities. Organizations would benefit from having multi-year funding in place, to bring the stability and certainty necessary to retain staff. The current core funding of \$500,000 for tribal councils is woefully inadequate and must be increased; this funding should also be secured on a multi-year basis allowing for flexibility in the use of those funds at the discretion of the organization.

Furthermore, these funding models impose unfair and burdensome reporting requirements on organizations that are already facing a capacity deficit, leaving little to no resources for sustaining projects long-term. Participants also discussed the significance of wage parity in First Nation organizations, as

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salaries do not keep up with inflation and are not commensurate with the amount of work being done.

Technical initiatives require expertise and consistent funding in order to succeed. For instance, efforts to develop matrimonial real property laws were disrupted when the federal government cut funding for these initiatives in 2023. The development of these laws is estimated to cost around \$50,000 per community, yet funding is only available for half that amount. Technical support, particularly related to software, presents a considerable challenge, as obtaining necessary licenses is a significant burden. Data governance is also crucial, with registry information being held by Indigenous Services Canada but not effectively shared back with communities.

The lack of stable funding, UNSM staff reported, has had impacts on the mental health and well-being of staff, with many experiencing burn-out due to the heavy workloads and consistent pressure to deliver.

Other health and social challenges taken on by the organization include children aging out of Jordan's Principle who need dedicated transition coordinators to help them access available adult programs. Additionally, there are significant delays in obtaining approvals through Jordan's Principle. Widespread issues with the Non-Insured Health Benefits (NIHB) program, Mr. Brown argues, warrant a complete revision of the program. Recent cutbacks classify orthodontic services as "cosmetic," and access to these services is non-existent for children who, despite being part of the community, face barriers due to the second-generation cut-off. This places added pressures on communities to pay for these unsupported medications, procedures and medical devices using own-source revenues.

Communities and government need to address the inequities caused by discriminatory policies such as the second-generation cut-off and barriers to access such as unclaimed parentage. Unclaimed parentage in the context of First Nations in Canada refers to situations where the identity of a child's biological parent(s) is either unknown or not formally acknowledged, often resulting in the child being unable to access certain rights, benefits, or cultural

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connections associated with their heritage. This issue can stem from various factors, including the historical impacts of colonization, the *Indian Act*, and adoption practices that separated Indigenous children from their families. It can lead to challenges in obtaining “status”, accessing cultural resources, and connecting with community and identity. Efforts to address unclaimed parentage often involve legal and social frameworks aimed at recognizing and affirming Indigenous children's rights and heritage.

This only highlights the need for communities to control their own membership lists and a greater need to move toward a citizenship framework, where Mi'kmaq are the final authority on who is Mi'kmaq.

On the issue of governance, there is a pressing need to collaborate with the RCMP on enforcing by-laws, especially those related to banishment, as communities find their authority within communities consistently undermined, questioned or challenged.

This dovetails into the crucial need for Mi'kmaq input in the development of policing standards in Nova Scotia to ensure alignment with community emergency management programs. Additionally, funding for legal services is currently fragmented, relying heavily on temporary bridge funding. This situation is particularly concerning as the bail program administered through the Mi'kmaq Legal Support Network has not yet received the necessary financial support, resulting in individuals being forced back into jail.

One project UNSM has undertaken includes the restoration of Kelly's Mountain. In the spirit of reconciliation, the organization is pushing to change the name to a more appropriate Mi'kmaq place name. However, despite having the support of the province and the Mi'kmaq, changing a place name falls under federal jurisdiction and the federal government has yet to be engaged formally on this.

Finally, participants highlighted key infrastructure and infrastructure-related asks during the course of the discussion. This included a request for support for the creation of a First Nations Information Governance Centre, which would house and protect Mi'kmaq data, supporting data sovereignty in

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Mi'kmaq communities. Another key initiative involves developing a permit process for home renovations, which would help limit the band's liability if individuals undertake their own renovations.

Additionally, there is a desire to build capacity for Mi'kmaq inspectors through a dedicated inspector program and to enhance training opportunities to increase the number of Mi'kmaq individuals with red seal qualifications. Furthermore, the establishment of a tenant housing relations officer is also a priority to improve housing management and tenant support.

Governance

- Proposal-based funding models are not conducive to attracting and retaining qualified staff
 - Creates an over-reliance on consultants when should be focusing on creating capacity within communities
 - Should be able to have multi-year funding in place
 - \$500K core funding for tribal councils is woefully inadequate
 - Funding models impose unfair and burdensome reporting requirements on organizations already facing a capacity deficit
 - No money to sustain projects long-term
 - Wage parity is an issue; salaries do not keep up with inflation and are not commensurate to the amount of work done
- Was working on matrimonial real property laws, but federal government stopped funding development of laws in 2023
 - Development of these laws will cost approximately \$50K/community, but being funded only half that

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- Technical support a big issue (software, etc.) but getting licenses = a big burden
 - Data governance is important – Registry information being held by ISC but not being shared back to communities
 - Need to work with RCMP on enforcing by-laws, particularly those related to banishment
 - RCMP still question who has authority within a community
- Health and Social Issues
- Lack of stable funding has an adverse effect on the mental health and well-being of staff
 - Kids “aging out” of Jordan’s Principle require a transition coordinator to help them navigate other programs available to them as adults
 - Delays in getting approvals through Jordan’s Principle
 - Issues across the board with NIHB – cutbacks with orthodontics being considered “cosmetic”; kids unable to access services despite being a part of the community due to second-generation cut-off
- Justice
- Need to have Mi’kmaq input in policing standards being developed in NS in order to ensure they don’t conflict with community emergency management programs
 - Funding for legal services is currently piecemeal, with organization utilizing a lot of bridge funding
 - Bail program hasn’t yet received money and it’s forcing people back to jail
- Infrastructure
- Looking for support of a First Nations Information Governance Centre
 - Looking to develop a permit process for home renovations – would help limit the liability of the

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band if people undertake their own home renovations

Citizenship

- Wants to build capacity for Mi'kmaq inspectors through a Mi'kmaq inspector program
- Wants to increase training opportunities to have more Mi'kmaq red seals
- Want to have tenant housing relations officer
- Need to address inequities caused by second-generation cut-off, unclaimed parentage, etc.
- Need control of our own membership lists
- Need to move to citizenship

Language, Culture and History

- Need federal support to reclaim traditional place names – have support from Mi'kmaq and province to change Kelly's Mountain to a Mi'kmaq name



WAGMATCOOK FIRST NATION

Community Overview

According to its [website](#),

Wagmatcook (Waq-mit-kuk) is one of the five Mi'kmaq First Nations located in Cape Breton (Unama'ki). Wagmatcook is the oldest permanent settlement of the Mi'kmaq Nation in Nova Scotia and is situated adjacent to the Bras d'Or Lakes and the Cape Breton highlands.

Wagmatcook is a bilingual community with Mi'kmaq and English used interchangeably by the Chief and Council and most of the community's public institutions. Mi'kmaq language, culture and traditions are an integral part of the community.

It supports a total of 729 members and is home to the Wagmatcook Culture and Heritage Centre. The Centre includes meeting space, a restaurant, and a gift shop; it prominently features Mi'kmaq art throughout. It also features a gas station amongst its economic development portfolio.

The community is led by Chief Norman Bernard.

Summary of Discussions & Issues Raised

Senator Prosper and his team were invited to virtually join a portion of the regular meeting of Chief and Council.

Wagmatcook community leaders were clear that they feel the issues faced by Indigenous communities in Nova Scotia are deeply rooted in systemic racism; they argue that it has caused challenges, including inadequate policing and insufficient enforcement of by-laws. Chief Bernard lamented the lack of respect the RCMP seem to have for Mi'kmaq governance and their right to make laws to govern their communities.

Chief and Council also explained how mental health and addiction problems stem from decades of trauma (60s scoop, residential schools, Indian day schools, and so forth), highlighting the urgent need for more counseling and support services. Poverty reduction was identified as a crucial initiative. However, that process has been stalled at the bureaucratic level (see chapter

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on Ta'n Etlitpi'tmk). Poverty is often the cause that children are removed from their families and placed with non-Indigenous families. Concerns were raised that the Nova Scotia government's "remedy" for reintegrating persons with disabilities into communities by 2027 fails to address the necessary community support for these individuals. Funding for assisted housing, programming and capacity development are some of the investments required to ensure a smooth transition for affected persons.

Additionally, two decades after the landmark *Marshall* decisions, which affirmed Mi'kmaq Treaty rights in Nova Scotia, the absence of a treaty-based fishery means that Mi'kmaq are unable to benefit from their own resources. Chief Bernard explained that less than 1% of individuals exercise their rights due to fear of harassment by non-Indigenous fishers.

Chief and Council further shared that the current economic development funding structure creates competition among communities rather than collaboration, complicating efforts to pursue new opportunities.

Policing remains a major issue, as evidenced by recent fatalities (six fatalities over two months) during wellness checks, underscoring the need for more Mi'kmaq representation in police forces, despite apparent barriers to recruitment. Housing is also a critical concern, with requests for social housing and operational support to address overcrowding and multi-generational living situations.

Looking ahead, the second-generation cut-off poses an issue that Chief Bernard surmises will become a major challenge in the next 5-10 years. Mi'kmaq, he contends, should be able to determine who is Mi'kmaq, rather than being defined by government classifications. Overall, the "status" versus "non-status" divide is detrimental to the sense of identity among children in the community. He also explained that the band uses own-source revenue to support "non-status" individuals who are not covered by government funding like "status Indians" since, "[Mi'kmaq] never discriminate amongst ourselves."

Governance

- Systemic racism is the root cause of all issues
- Police don't respect our by-laws, won't enforce

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Health and Social Issues

- Mental health and addictions the result of decades of trauma
- More counselling and supports needed
- Poverty reduction is a key initiative
- Band using own-source revenue to cover needs of “non-status” individuals
- NS “remedy” for returning persons with disabilities to communities by 2027 has not considered the requirements of communities to support the needs of these returning members

Economic Development, Lands and Resources

- 25 years post *Marshall* and still no treaty-based fishery – less than 1% are exercising their rights as they’re scared to go in the water
- Challenging to seek support for new economic opportunities – current structure “pits communities versus communities”

Justice

- Policing a major issue – 6 people killed in the last 2 months during wellness checks
- Need to have more Mi’kmaq in police forces but seem to be hidden barriers for community members applying to be police officers

Infrastructure

- Housing is a critical need – have put in a request regarding social housing
- Need O&M support – overcrowding and multi-generational housing leading to increased need

Citizenship

- Second generation cut-off going to be an issue in the next 5-10 years
- Mi’kmaq should determine who is Mi’kmaq
- “Status” vs “non-status” situation created by the government is hurting the sense of identity of children



WE'KOQMA'Q FIRST NATION

Community Overview

The [We'koqma'q website](#) describes the community as being,

...approximately forty-four (44) kilometers north of the Canso Causeway and one-hundred and fifteen (115) kilometers south of Industrial Cape Breton. It is bordered by the Bras D'or Lake and a mountainous range known as Skye Mountain. We'koqma'q itself is comprised of 828.5 hectares of land. The Mi'kmaq were the first peoples to populate the shores of the lake. The area is rich in hunting and fishing grounds the landscape is tranquil and picturesque.

We'koqma'q First Nation is a progressive community on the rise. For the past decade, Chief and Council, along with the management team, have been focused on building a self-sustaining economy for their community members. A diverse portfolio of enterprises has resulted in significant and strategic investments in community infrastructure and hundreds of sustainable employment opportunities for community members and beyond.

Throughout this last decade of change, We'koqma'q Chief and Council have prioritized the economic, social and health needs of their community but have also invested in building strong relationships outside of the community in terms of business, recreation, and education opportunities to further enhance the quality of life and create optimal opportunities for all of their community members.

The term "we'koqma'q" means "head of the waters". The community's business ventures include First Alliance Security, a Tim Hortons, the We'koqma'q Fitness Centre, the We'koqma'q One Stop, and Skye Communications. The most recent statistics show a population of 1,038 people. The community is currently led by Interim Chief John Leonard Bernard.

Summary of Discussions & Issues Raised

Chief Bernard was accompanied by council members and their band manager for this meeting.

Like other communities, We'koqma'q has struggled in its relationship with the RCMP. Not only do they not enforce by-laws, but there is a disconnect between community members and officers. Policing, they argue, has always been more reactive as opposed to prevention-based in the community. A combined policing agreement with a nearby community 15 minutes away has resulted in We'koqma'q having 2.5 RCMP members in community, as opposed to smaller communities that can have between five and six members. While the community has its own for-profit security company, it is notable that RCMP response times can average 45 minutes. These issues are at the root of Council's request for their own police force.

It is partly this lessened police presence, coupled with the refusal to enforce by-laws that has enabled external elements to gain a foothold in the community, undercutting their tobacco and cannabis sales and taking away from much-needed own-source revenues.

Other impacts to own-source revenue include the unilateral decision by DFO to close the elver fishery. As the only community with a commercial elver fishing license, this decision has resulted in the loss of millions of dollars in revenue for the community and pushed leadership to explore diversifying the community's economic portfolio to ensure it is protected from future closures. Recently, the community purchased a snow crab license and is exploring other avenues for revenue streams. Yet availability of land, [Certificate of Possession \(CP\) lands](#), and the lack of a land code are all constraining issues the community is facing. Chief and Council have sought a template for a land code from ISC, but have not received any response. Speeding up the Additions to Reserve (ATR) process would also help resolve issues related to a lack of access to land.

Due to this dramatic drop in available own-source revenues, many of the social programs paid for by Council are now at risk. Non-Insured Health

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Benefits (NIHB) has also not been covering the cost of some dental procedures and important items such as glasses for community members; those members then turn to Council to cover the cost through own-source revenues. The provision of services is further complicated by the second-generation cut-off, where an increasing number of community members are not eligible for any federal funding. This pushes responsibility for the entirety of the costs onto Council. Chief Bernard was clear that Mi'kmaq communities should manage their own band lists and Council was unanimous in their desire to do away with the second-generation cut-off.

Concerns around addictions and the lack of counseling and treatment options were also raised during the discussion. Some members, Senator Prosper was told, have had to contend with 6 month wait lists at times to get a bed in the Eskasoni or Sipekne'katik healing lodges. Discussions with Tajikeimik have explored building a larger facility on Indian Island, which is reserve land. However, the island lacks infrastructure such as small craft harbours, making it currently inaccessible for project development.

Community leadership also discussed their preference to see dialysis offered in-community, to help alleviate the burden of community members traveling approximately 40 minutes each way in order to receive treatment.

Chief and Council identified housing, wastewater, and other critical infrastructure as other key priorities. The community is currently considering building a men's shelter as it currently has two women's shelters to respond to community needs.

Finally, participants described the importance of replacing colonial names of places important to Mi'kmaq (such as Indian Island and Indian Street) with Mi'kmaq names.

Governance

- RCMP do not enforce by-laws
- Regional Chief discussed joint effort to develop common policies for all communities on issues like cannabis

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Health and Social Issues

- Lots of social programming at risk because of loss of revenue
- Concerns around addictions and the lack of counseling and treatment options
 - 6 month wait list sometimes to get a bed in Eskasoni or Sipekne'katik
- Have approximately 20 people on dialysis, would be better if we could administer onsite instead of traveling somewhere 40 minutes away
- Seeing NIHB not covering services such as dental and items such as glasses – the money to cover those come from our revenues

Economic Development, Lands and Resources

- The elver fishery decision has resulted in the loss of millions of dollars in revenue for the community – only community with a commercial elver fishing license
- Looking to diversify economic portfolio to protected from future closures
- Money from cannabis shops not going back into the community
- CP lands and land code are big issue in community
- Access to land an issue – looking for land code template
- ATRs need to be sped up

Justice

- Disconnect between RCMP and the community
 - Want to create own police officers
- External elements are undercutting tobacco and cannabis sales, taking away more revenues from the community

Infrastructure

- Housing and infrastructure are key issues
- Need support from ISC for wastewater and other critical infrastructure
- Considering constructing a men's group home

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Citizenship

- Need infrastructure to access large island that the community owns
- Should have control of our own membership lists
- Second-generation cut-off complicates program delivery

Language, Culture and History

- Want to rename places and roads that still have their colonial names such as Indian Island and Indian Street (Junction 7)



WASOQOPA'Q FIRST NATION (FORMERLY ACADIA FIRST NATION)

Community Overview

Wasoqopa'q, formerly known as Acadia First Nation, is led by long-time Chief Deborah Robinson. Having served for 26 consecutive years, Chief Robinson leads a geographically unique First Nation that, according to [its website](#),

...spreads through the Southwestern regions of Nova Scotia spanning five counties from Yarmouth to Halifax. A Mi'kmaw Nation with ties to traditional territory. Acadia First Nation encompasses six (6) reserves - Yarmouth, Ponhook, Medway, Wildcat, Gold River, and Hammonds Plains. Additionally, Acadia First Nation has separate land holdings in Gardner's Mill and Shelburne. These lands boast the intrinsic beauty that Nova Scotia has to offer with lakes, rivers, resources and cultural significance.

They describe themselves as,

...economically strategic, innovative and partnership focused, striving towards unity with a land base of no geographical boundaries, compelling leadership, good governance, accountability and transparency through consistent communication and equality of services for the health and well-being of the nation carried forward to future generations

Based on the most recently available public figures, Wasoqopa'q is home to 1,725 members, with the bulk (approximately 1500 people) living off-reserve.

Each community hosts a variety of business ventures that range from hotels to restaurants to gas bars and convenience stores. Below follows a brief overview of each community taken from the [Wasoqopa'q website](#).

- Gardener's Mill – The Gardner's Mill property involves 2,827 acres of land in South West Nova Scotia, approximately 25 km from the Town of Yarmouth. The property was donated to the Acadia First Nation by the late John Cook, a former resident of Gardner's Mill. Since 1998, the Acadia First Nation has been going through the mechanisms necessary to adopt the property as reserve lands. The land is rural and largely

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undeveloped. The most pertinent existing land use within the property is the AFN Sawmill, a small lumber mill that produces fire wood and ungraded lumber. The land is used for recreational purposes as well such as hiking, swimming and fishing.

- Gold River – Established in 1820, the Gold River Reserve, also known as Amapapskegek the Rocky River, has approximately 270 hectares of land, is located in Southern Nova Scotia and is approximately 61 kilometres from Halifax. Positioned near the mouth of the west side of picturesque Gold River, the Mi'kmaq people have a long history in the area of using the resources within Gold River and the area surrounding Mahone Bay. In addition to the River itself, the area is known as a location with traditional camp sites and there are various areas that have cultural and spiritual importance.
- Hammonds Plains – This is a new purchased parcel of land that has been approved for Reserve Status and houses a small office which serves off-Reserve Band members living in the Halifax Regional Municipality. The purpose of purchasing this land was for future economic development opportunity for the Band.
- Medway – The Medway Reserve was established in 1865 and is the smallest of the Acadia First Nation's five (5) reserves. Located on the Medway River in Queens County, the community lies on 4.7 hectares of land and is approximately 108.8 km southwest of Halifax and 40 km south of Bridgewater.
- Ponhook – Next to Lake Rossignol, the Ponhook Reserve was established in 1843 and is located on 101.8 hectares of land which is approximately 40 km northwest of Milton, in Queens County, and is 115.2 km southwest of Halifax. Although quite isolated, the Ponhook Reserve offers ideal seasonal opportunities such as swimming, canoeing, camping and hunting. The population of the Reserve varies according to the season, with some Band members vacationing in the summer and/or to hunt in the winter.
- Shelburne – A new sub-office has been opened in the Shelburne area located at Enterprise Square, 157 Water Street, Shelburne, NS B0T1W0.

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This office will be in operation on a part-time basis serving off reserve members in the Lockport, Shelburne, Barrington and surrounding areas.

- Wildcat – Approximately 138 km southwest of Halifax and located next to the Wildcat River on 465.4 hectares of land in Queens County, the Wildcat Reserve was established in 1820. Traditional activities such as hunting, fishing, trapping and canoeing are still practiced on this Reserve. Wildcat is the largest of the five (5) reserves and provides an idyllic rural setting for this tightly knit community.
- Yarmouth – The Yarmouth Reserve, which is the most populated, was officially established on June 8, 1887. Located in Yarmouth County on 27.7 hectares of land, this Reserve maintains the largest Band membership, on Reserve, and is considered the central hub of Acadia First Nation with the main administration office located there.

Summary of Discussions & Issues Raised

Chief and Council began the discussion by voicing their frustration regarding the unwillingness of RCMP officers to enforce community by-laws. They do not view these as on par with the laws of Canada, which Council asserts undermines their inherent right to govern. Participants attributed the lack of enforcement to other issues such as a rise in squatters, pop-up cannabis shops and a sharp increase in more violent crimes such as human trafficking. There remains an overall ignorance about Treaty rights, individual rights, and the right of Chief and Council to make laws pertaining to issues facing the First Nation. In one example shared, prosecutors stopped RCMP from evicting an individual who was squatting in a band-owned home, claiming that the individual had a right to be on reserve. This was strongly contested, with community leadership stating that to be in community is a privilege and not a right.

Misconceptions of what is a Treaty right have been exacerbated by widespread misinformation shared on social media. Some individuals, for instance, have shared that cannabis sale is a Treaty right and does not require any oversight or regulation. While Chief and Council acknowledge that Canada erred in not including First Nations into the provincial cannabis

RECONCILI-ACTION

scheme, they were clear that the lack of regulation in cannabis sale generated a concern around liability should someone suffer an adverse reaction to the cannabis bought on-reserve.

As such, participants called on the Government of Canada to support cultural training for prosecutors and RCMP and to support initiatives aimed at better educating community members on Treaty rights. Participants also called for support to establish their own police or by-law enforcement capacity.

Ultimately, Chief Robinson looked to sectoral agreements as a pathway to self-government and the solution to affirming the inherent Indigenous rights to self-government and self-determination saying, "We have a responsibility to govern, let us govern...We are elected; we are chosen by the people democratically."

Citizenship is another area that Chief and Council identified as needing more Mi'kmaq control. Currently, community members are able to submit affidavits to ISC and formalize the adoption of grown adults, so that those adults are afforded the same entitlements as "status Indians" under the *Indian Act*. Yet the discriminatory second-generation cut-off makes the natural-born children of community members ineligible for "status". This led to a clear call to put citizenship decisions back into the hands of Mi'kmaq, letting their leadership determine who does and does not belong to the Nation.

This divide between "status" and "non-status", on-reserve versus off-reserve, has led to challenges in providing support for community members. Addictions and mental health issues are prevalent in Wasoqopa'q, and there is a need for more culturally-appropriate treatment centres (the closest regional centre is a six hour drive away). Chief and Council admitted that they lack the capacity to respond to the needs of high-needs individuals in community; they identified a need for funding to provide an appropriate spectrum of housing options for community members.

They also identified the need for more restorative justice options and culture-based rehabilitation programming. Participants pointed to the role that

RECONCILI-ACTION

connecting to Mi'kmaw traditions, crafts and language can play in addressing mental health challenges.

Federal funding is required to help fill the many gaps left by decades of chronic underfunding in First Nations communities. However, the burdensome reporting requirements put a significant strain on the already stretched capacity of communities.

That is why Wasoqopa'q has been proactive in creating economic opportunities for themselves to help generate much-needed own-source revenue. As Elder, Councilor and Grand Council Member Jeff Purdy stated, "We look after our own." As such, Wasoqopa'q has engaged partners to develop projects in the gaming, retail, hospitality, and natural resources sector. They manage a Hilton hotel in Yarmouth, own various gas bars, restaurants and retail spaces and lease land to commercial interests, among other business ventures. "For every challenge," said Chief Robinson, "we have ten good news stories."

Government can help support Wasoqopa'q priorities by speeding up Additions to Reserve. One parcel of land has been going through the process for 32 years and has been hampered by third party mining interests. Other parcels have taken anywhere from 12 to 14 years to go through. Accelerating this process would enable Wasoqopa'q to move at the speed of business and ensure they are able to capitalize on economic development opportunities as they arrive.

Governance

- RCMP won't enforce our by-laws; having difficulty evicting members and non-members
 - There is a better relationship with RCMP in Yarmouth but that is not the same in other communities
 - Being in a community is a privilege, not a right
- Have a hard time being recognized as equal partners and having our rights recognized

RECONCILI-ACTION

including the right of Chief and Council to make laws equal to the laws of Canada

- View sectoral agreements as pathways to self-government
 - Reporting requirements for federal funding is burdensome; Wasoqopa'q is significantly behind in its reporting requirements due to capacity restraints
 - Need better education on Treaty rights
 - Need cultural training for RCMP and prosecutors
- Health and Social Issues
- Struggling with mental health and addictions issues
 - Don't have capacity to respond to needs of those with severe challenges
 - Need more culturally-appropriate treatment centres as the closes regional centre is a six-hour drive
- Economic Development, Lands and Resources
- ATRs need to be sped up – one request has been ongoing for 32 years due to provincial mining rights in the area
 - Municipalities should be compelled to consult when they dig and come across archaeological finds
 - Gaming – growing industry but facing challenges around taxation and remittance with the province
- Justice
- Have a serious issue with squatters
 - Want their own capacity to enforce by-laws
 - Fears over liability issues associated with pop-up cannabis shops – Canada made a mistake not including First Nations in the law
 - Need alternatives to incarceration; restorative justice models

RECONCILI-ACTION

- Major issues with sex-trafficking in communities – this is related to RCMP refusing to keep certain individuals out
 - Calling on the government to take action on MMIWG Calls for Justice
- Infrastructure
- Continuum of housing is required in communities
- Citizenship
- Need more control over citizenship and rules governing additions to the band lists
 - Have an issue with “adult adoptions” as people want to receive entitlements such as having school paid for while children born to community members do not have status due to second-generation cut-off
- Language, Culture and History
- Need support connecting to our traditions, crafts and language as it has a major effect on our mental health



NEW BRUNSWICK – SIKNIKT

Regional Overview

New Brunswick is home to nine Mi'kmaq communities and six Wolastoquey communities; both nations signed Peace and Friendship Treaties with the Crown in the 1700s. The Mi'kmaq district that corresponds to New Brunswick is Siknikt, meaning "drainage place". It is where the name "Chignecto" comes from; it is home to the Chignecto Isthmus, a narrow stretch of land connecting New Brunswick and Nova Scotia. It separates the waters of two sub-basins, areas where the Bay of Fundy and the Northumberland Strait, an arm of the Gulf of St. Lawrence, flow into. The Isthmus is of historical importance to both Mi'kmaq and Wolastoquey communities as a travel corridor and a rich hunting ground.

Regional Chief Joanna Bernard currently represents New Brunswick at the AFN; she is a member of the Madawaska Maliseet First Nation and served as interim National Chief from July-December, 2023.

According to their [website](#),

The Wolastoquey Nation in New Brunswick (WNNB) is the technical advisory body for the six Wolastoquey communities in the province. Governed by the elected Chiefs of the six communities, we provide expert advice on land and resource projects, and ensure strength, unity, and empowerment for our people.

Currently, WNNB is "[working] in partnership with legal and community resources to collaboratively provide advice to Chiefs and Councils" on 60 pending projects and 213 active projects. They were involved in 1140 completed projects throughout the province and Wolastoquey territory.

The work of WNNB is complemented by Wolastoquey Tribal Council Inc. (WTCI), which is more service and programming-oriented, providing "capacity building projects, training workshops and access to social services" for Wolastoquey communities.

Mi'gmawe'l Tplu'taqnn Inc. (MTI) is a non-profit organization that supports and represents all nine Mi'kmaq communities by providing technical advice

and leading trilateral negotiations for any proposed projects in Mi'kmaq territory. They are heavily involved in the project assessment and planning stages and help lead consultation efforts, which working to "facilitate economic opportunities, entrepreneurship, and job creation within Indigenous communities." Each chief holds a seat on the organization's Board of Directors while the Executive Director, Dean Vicaire, oversees the day-to-day operations and manages the large staff. MTI is made up of several departments that focus on Administration (which manages human resources, policy development, and responses to federal and provincial government initiatives); Community Liaisons (focus on updating communities on projects affecting those communities and gathering their feedback); Economy Building (working with government and proponents to identify procurement, green energy, and business development opportunities); Energy and Mines (working with proponents to mitigate any negative effects of the activities on Mi'kmaq land and ensure proper consultation is conducted); Fisheries (focused on creating a rights-based fishery model in New Brunswick); Forestry (dealing with the potential impacts of forestry as well as discussing the leasing on Crown lands and blueberry and peat bog development); Impact Assessment (ensuring there is a Mi'kmaq perspective in accordance with the "[Mi'gmaq Rights Impact Assessment](#)"); Indigenous Knowledge (which documents, preserves, and incorporates into policy the knowledge of elders); Intergovernmental Affairs and Communication (tasked with "preparing speaking notes, letters, presentations, print material, media releases and talking points"); and Trilateral (which leads negotiations and discussions with the federal and provincial governments based on the "Rights Implementation Approach" – an approach "based on implementing what already exists in the [Peace and Friendship] Treaties).

The North Shore Mi'kmaq Tribal Council (NSMTC) is also a non-profit that was incorporated in 1987. It provides advisory and technical assistance to seven member Mi'kmaq communities, supporting them in a variety of areas including, but not limited to: finance, capital works projects, community

¹ <https://migmawel.org/about/>

economic development, band governance, post-secondary education, health services, housing inspection services, social resources, and aquatic resource management. NSMTC has expanded its services and capacity to support 25 additional First Nation communities across Atlantic Canada. [Its website](#) states that,

The North Shore Mi'kmaq Tribal Council is governed by a Board of Directors, comprised of Chiefs from our seven Member Nations. This board is chaired by Natoaganeg First Nation Chief George Ginnish. Organizational operations are conducted by General Manager Jim Ward, who oversees the NSMTC's ever-expanding staff.

Summary of Discussions

The following section is divided into two main meetings that took place in New Brunswick – one with the MTI Board and key staff and one with North Shore Tribal Council. Senator Prosper did meet with Wolastoqey organizations and communities in New Brunswick, and many of their concerns mirrored those raised by Mi'kmaq counterparts. As this report focuses on Mi'kma'ki and Mi'kmaq issues, the summary of those discussions are not included here; it should be noted that, due to New Brunswick being a part of their traditional territory, it was important to include them in the regional overview. AFN Regional Chief Joanna Bernard was present for all meetings except for the one with North Shore.

In New Brunswick, many of the conversations were dominated by a frustration with the provincial government relationship; [that government's decision to not renew the tax revenue sharing agreement that has been in place between First Nations and the province for twenty-six years](#) has led to a massive upheaval. In addition to this, Premier Higgs and his government has adopted a more aggressive and confrontational approach to Indigenous rights, culminating in a lawsuit between Wolastoqey Chiefs and the provincial government over title claim. [Premier Higgs has publicly stated that this claim would negatively impact properties owned by landowners, causing fear and confusion based on an inaccurate representation of the claim.](#)

Mi'gmawé'l Tplu'taqnn Inc. (MTI)

Chiefs touched on several key topics, including the need for the federal government to support economic initiatives by communities. After the decision to not renew the tax agreements was made, First Nations were left scrambling to fill the gap left by that lost revenue stream. Elder Gordan described it as, "Having spectator status regarding participating in the economy of our homeland." Gaming was identified as one sector that communities felt might be a significant source of revenue, but several pointed to the importance of Bill S-268 being past first. Sponsored by Senator Scott Tannas (AB), [Bill S-268](#) seeks to amend the *Criminal Code* and the *Indian Act* so that First Nation governing bodies are able to conduct and manage their own lottery schemes without having to gain authority from or share revenues with a provincial government.

Another federal action that would help support economic development in Mi'kmaq communities is to speed up Additions to Reserve. Chiefs pointed out that former Minister Carolyn Bennett has sat in the MTI board room years prior and clearly stated, "No land, no reconciliation." Without land, there is no opportunity for new economic development.

Water protection was also a major concern as it is central to community health and fishery protection; there was a long discussion about [Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands](#), which was tabled as promised in the landmark First Nations Drinking Water Settlement approved by the Courts on December 22, 2021. Participants felt they had not received enough consultation on the topic and wanted to know more about the contents of the Bill. Senator Prosper disclosed that he will be sponsoring that legislation in the Senate and endeavoured to provide more information as well as connect MTI with Minister Hajdu's office.

Another key theme was the need for federal officials, enforcement officers, and RCMP members to change the way they interact with Mi'kmaq. RCMP refuse to enforce community by-laws contributing to an increase in crime

on-reserve. Meanwhile, [several fatal interactions with NB police](#) have led to a growing mistrust between Mi'kmaq and RCMP officers, leading to a call for alternatives to policing such as [Mi'gmaq Peacekeeping, Inc](#), a group launched in January of 2024; it supports seven Mi'kmaw communities in an effort to act as first responders that can de-escalate confrontations between Mi'kmaq and law enforcement. The group uses Mi'kmaw laws, traditional knowledge, effective communication skills and learned conflict management to achieve their purpose and their training includes learning criminal law, defensive tactics and conflict resolution models. While this program has received some federal funding, its sustainability is threatened by the lack of support from the province.

An additional common theme discussed by participants includes the importance of acknowledging and respect Indigenous rights such as the right to self-governance and self-determination. Chiefs lamented the fact that federal mandates are not co-developed with Mi'kmaq input, leading to policy and funding decisions that do not take Mi'kmaq issues and priorities into account.

Chiefs and staff also raised their concerns around the second-generation cut-off and their frustration overall with the Government of Canada's power to determine who is entitled to "status" under the *Indian Act* and who is not. In that respect, MTI Executive Director Dean Vicaire discussed the work being done on a Mi'kmaq status protocol.

It is integral, asserted participants, that Mi'kmaq content is included in all programming, decision-making, and funding decisions within the province. They pointed to the need for all governments to follow MTI's eight steps regarding consultation, in order to make sure they adequately consulted. Chiefs and MTI staff also pointed to provincial decisions made around long-term care facilities for elders. Culturally-sensitive facilities were not contemplated for Indigenous peoples, and participants highlighted the importance of Mi'kmaq elders being able to age in place, close to their communities, and being served in the Mi'kmaq language.

Given the lack of a Mi'kmaq or even Indigenous Senator for New Brunswick, MTI has expressed their desire for Senator Prosper to be their regional voice in the Senate and Parliament more broadly.

North Shore Mi'kmaq Tribal Council (NSMTC)

North Shore Mi'kmaq Tribal Council (NSMTC) is chaired by Eel Ground Chief George Ginnish and its long-time General Manager and Economic Development Advisor is Jim Ward. Chief Ginnish and Mr. Ward were joined by senior staff when they met with Senator Prosper and his team.

Many of the interventions followed two common threads – that various levels of governments continue to impose policies and decisions that are discriminatory, do not respect the capacity and right to govern of First Nation communities; and that current funding models must change to be more flexible and responsive to First Nation needs.

Examples of paternalistic practices include ISC engineers insisting on “overseeing” the work of NSMTC engineers, despite not being onsite, and providing less funding for requests such as parts because they feel that the job can be done for less. When ISC engineers challenge the reports of NSMTC engineers, it gives the appearance of the latter's credentials being “less-than” due to their being employed by a Tribal Council, despite actually having more accreditations than the government engineers. There were examples given of reports refused by ISC due to the ‘lack of quality’ of a report, yet the report was written by a thirty-year vet.

Participants also gave the example of ISC refusing to pay for fire hydrants that were proactively repaired by NSMTC, but ISC argued that community O&M was outside of their mandate. Two to three weeks later, fires broke out in three of those communities and the fire hydrants were used; this was evidence, they argued, that First Nation knowledge of community needs must be trusted and respected. No work is approved by ISC if outside the pre-approved workplans. It is also important to note, said Mr. Ward, that the federal government does not include legal and communications support in

any contribution agreements, placing First Nations communities in a difficult situation.

Over the past two consecutive years, NSMTC has noticed an increase in the number of programs being downloaded to the Tribal Council, though there has been a decrease in overall funding over that same period. Mr. Ward argued the importance of moving away from year-to-year proposal-based funding and per-capita funding, as they create instability and uncertainty, leading to an inability to attract and retain staff. These gaps in capacity lead to the organization struggling to balance pursuing objectives, responding to emergent issues, and keeping up with onerous funding reporting requirements.

Consistent underfunding and a lack of capacity has led to the infrastructure deficits in communities. New infrastructure that may be added is not accompanied by O&M funding, leaving communities in the position where much-needed infrastructure becomes an additional asset pushing them further into the hole due to O&M costs. In Eel Ground, Chief Ginnish shares that, of the 260 homes in the community, at least 100 need major repairs.

Changes to CMHC's housing renovation policy has downloaded the inspection of homes to First Nations; there currently no in-house capacity for this highly technical job and the change in policy did not come with attached funding for the newly required positions. At present, housing demand outweighs capacity in First Nation communities like Eel Ground, and the situation is further exacerbated by inflation.

While NSMTC has received funding for a data governance project, that funding is set to expire, and the sustainability of the program requires additional funding. The equipment required for data governance and management is quite expensive, however the importance of First Nations having control of their own data cannot be understated.

These funding gaps could be off-set by own-source revenue, however, options are currently limited. Mi'kmaq fishers are still encountering issues related to moderate livelihood fishing 25 years post-*Marshall*. The [Marshall](#)

[decisions](#) were a pair of Supreme Court of Canada rulings that recognized the rights and entitlements set out in the Peace and Friendship Treaties, which included the right to moderate livelihood fishing.

Currently, the stripe bass population is having a major impact on the salmon fishery, and NMSTC has been lobbying to have sole access to the stripe bass. They are also calling for the return of the Point-of-Sale system that enabled tax exemptions for First Nations to be processed at registers across the province. Mr. Ward shared that his third-party analysis of the economic leakage caused by this change, compared to other jurisdictions such as Ontario that do offer Point-of-Sale was estimated at \$100M.

NMSTC also lamented the lack of information they have received regarding [Bill C-61 \(First Nations Drinking Water\)](#), and outlined at length their concerns about the Bill. They also pointed the importance of ensuring there was fairness in the way the Act is implemented in the Atlantic as it would not be appropriate for the Government to favour certain providers over another.

Another opportunity for First Nations to capitalize on is clean energy. However, NSMTC has noted that they have not seen clean energy announcements in New Brunswick. They have identified potential opportunities for wind and/or solar projects, but they would require provincial and federal governments to be onside.

On the social side of things, suicide is a major issue facing communities serviced by NSMTC. They highlighted the need for wrap-around services for youth, especially those who “age out” of Jordan’s Principle. Keeping with Jordan’s Principle, key staff who hold this portfolio discussed the fact that, in their experience, it is not being fully implemented. Timelines, they argue, for approvals and denials are unreasonable. Where the set standard is 48 hours, some decisions can take anywhere from one week to months to make. In some instances, it has taken over a year. There has also been no consistency in what is and is not approved. Staff shared that they could be reasonably assured of what would be approved, enabling the Tribal Council to float the money using their own revenues, knowing that they would be reimbursed.

However, with the current level of uncertainty, NSMTC can no longer assume that kind of liability and it is leading to children being underserved.

These changes to Jordan's Principle are also placing additional strains on a department that is already under-capacity. Where appeals used to take one meeting, they can now take several hours to resolve.

Senator Prosper also heard of the systemic racism in the education system and the staff were adamant that a unified stance from leadership is required to get information shared – schools are refusing to collaborate or co-develop information sharing protocols regarding First Nation children. This information is important to those who coordinate their services and ensure their needs are met. However, these discussions are complicated by the second-generation cut-off, resulting in some children claimed by the community not being eligible for the same services as "status" children. This led to a call to move away from "status" and toward citizenship.

Finally, staff raised the need for culturally-specific elders care facilities that provide long-term care led by Mi'kmaq staff and run according to traditional values and principles.

Summary of Issues Raised

Below follows the non-exhaustive list of concerns raised by participants starting with the Regional Chief and then listed by participating community alphabetically.

Mi'gmawe'l Tplu'taqnn Inc.

- | | |
|--------------------------|---|
| Governance | <ul style="list-style-type: none">• RCMP can't enforce by-laws• Need all levels of government to follow MTI's 8 steps for consultation• Federal and provincial mandates should be co-developed with Mi'kmaq input |
| Health and Social Issues | <ul style="list-style-type: none">• Need federal support for Mi'kmaq-led long-term care facilities (elder care) |

RECONCILI-ACTION

Economic
Development,
Lands and
Resources

- Interested in the positive outcomes that could stem from S-268, which would give First Nations the authority to manage their own gaming sites without provincial authorization or coordination
- Looking at support for economic drivers especially in light of province pulling tax agreements
- Water protection is a top priority
- DFO is inhumanely detaining Mi'kmaq fishers
- ATRs must speed up and we need significant money to buy the amount of land necessary to enable Mi'kmaq to properly participate in the economy

Justice

- Issues with RCMP and supports for Mi'kmaq navigating the justice system
- Need continued funding and training support for first responders/peacekeepers to help de-escalate situations (alternatives to policing)

Citizenship

- Second-generation cut-off is creating inequality within communities
- Working on Mi'kmaq status protocol

North Shore Mi'kmaq Tribal Council

Governance

- Facing paternalistic and discriminatory practices by government departments including micro-managing and requiring work consistently be checked by in-house engineers despite NSMTC engineer having higher credentials
- Need to move away from proposal-based and per-capita funding models as it places unfair restrictions on First Nations and is inadequate to meet the needs

RECONCILIATION

- Facing major capacity restraints in the organization due to year-to-year funding; need core funding to provide stability and certainty to staff
 - Need to get funding for data governance extended as the equipment required is very expensive
 - First Nation people count toward equalization payment formula, but are not seeing the money so federal government is paying twice
 - A lot of programs are unfairly downloaded with no additional dollars for capacity
 - Federal government must include legal and communications support in contribution agreements
- Health and Social Issues
- Suicide a major issue in communities
 - Need wraparound services for youth
 - Need support for long-term care
 - People are aging out of Jordan's Principle with no other supports in place
 - Jordan's Principle is not being fully implemented – timelines for approvals and denials are unreasonable
 - Need unified stance from leadership to get information shared – schools are refusing to collaborate or co-develop information sharing protocols regarding First Nation children
 - Systemic racism in schools
- Economic Development, Lands and Resources
- Still encountering issues related to moderate livelihood 25 years post *Marshall*.
 - Pushing for sole access to stripe bass
 - Calling for the return of Point-of-Sale
 - Discussion about concerns regarding C-61 (First Nations Drinking Water)

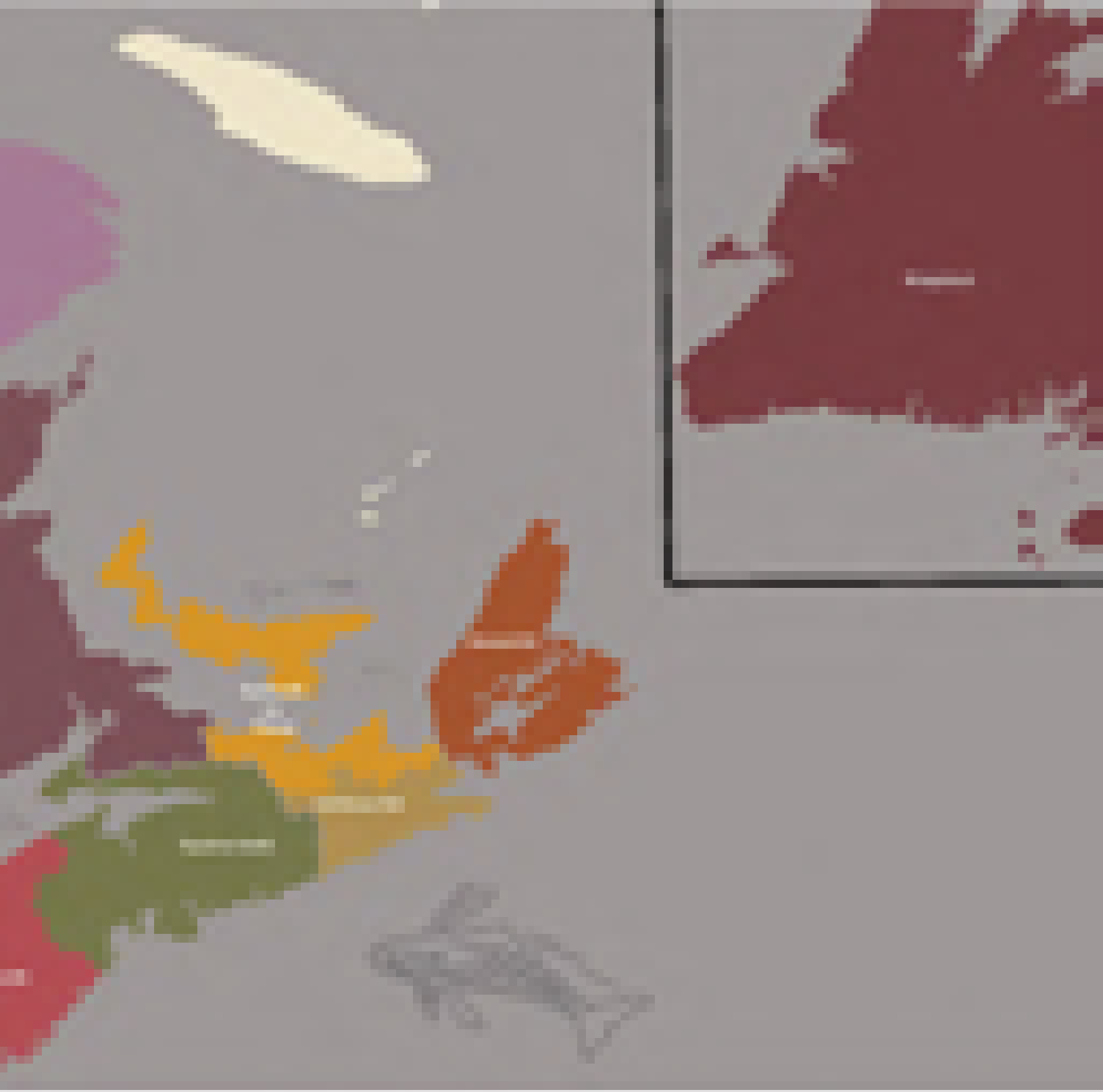
RECONCILIATION

Infrastructure

- Not seeing clean energy announcements in New Brunswick – potential for wind or solar projects but would require provincial and federal governments to be onside
- Changes to CMHC policy on home renovations would see First Nation housing departments take on home inspections in-house; requires a lot of technical expertise and not a lot of time to build up that capacity; not a funded position
- Want support from Canada to develop First Nations building codes
- No money for O&M – of 260 homes in Eel Ground, at least 100 in need of major renovations
- Housing demand outpaces capacity and inflation has made building housing difficult

Citizenship

- Membership is an issue as well as the second-generation cut-off



NEWFOUNDLAND – KTAQMKUK (HISTORICALLY UNAMA’KIK)

“What we are doing here today is historic. We’re represented here by all four corners...and now we have a Senator from our own nation; something we would never have had imagined 50 years ago.” – Dr. Elder Calvin White

Regional Overview

Newfoundland, known as the Ktaqmkuk (meaning “across the waves¹”) district of Mi’kma’ki, is also known as the “land of the first sun”. Newfoundland’s Mi’kmaq population faces a complex tapestry of communities that have varying levels of recognition at the federal level. Mi’kmaq living in Newfoundland were previously not eligible to be enrolled as a “status Indian” under the *Indian Act*, leading to the creation of the Federation of Newfoundland Indians (FNI) in 1972. There were six affiliated bands listed under FNI: Benoit’s Cove First Nations (now named Elmmastogoeg), Corner Brook Indian Band, Flat Bay Indian Band, Gander Bay Indian Band, Glenwood Mi’kmaq First Nation, and Port au Port Indian Band. Between 1983 and 1992, FNI membership grew to include Exploits Indian Band (Sple’tk First Nation), St. George’s Indian Band, and Stephenville/Stephenville Crossing Band (Indian Head First Nations).

The Miawpukek Band (Conne River) in the southeast of Newfoundland was federally recognized as a reserve under the *Indian Act* in 1983, while Qalipu is a Mi’kmaq Band Government that was established in 2011 by order-in-council. Details around enrollment and other matters were clarified and enshrined in federal statute under the [Qalipu Mi’kmaq First Nation Act](#), which received royal assent in 2014. It is a landless band and is comprised of 67 traditional Mi’kmaq communities. The Chief, two vice-chiefs representing western and central Newfoundland, and nine councilors representing the nine electoral wards form the official government structure².

¹ Sable, Trudy & Francis, Bernie. *The Language of This Land, Mi’kma’ki*. Sydney, NS: Cape Breton University Press, 2012.

² <https://qalipu.ca/about/background/>

Assembly of First Nations (AFN) Regional Chief Brendan Mitchell was the former chief of Qalipu and elected in 2023 to be the first Newfoundland Regional Chief. Previously, the role was included in the portfolio of the Nova Scotia Regional Chief, with Senator Prosper serving in this dual role during his time as Regional Chief; the role was split by an AFN resolution in December, 2022.

According to an overview document produced by People of the Dawn Friendship Centre, entitled "[Pjillita'q – Welcome All](#)", then-Chief Mi'sel Joe of Miawpukek First Nation, a long-serving chief who had been in his role since 1983, is also recognized as the Traditional Chief of Ktaqmkuk by the Mi'kmaw Grand Council.

Flat Bay, known in Mi'kmaq as Ewipkek, is recognized by Canada as a "local service district", the term given to Newfoundland's 175 unincorporated communities. They are overseen by an elected committee, which Flat Bay recognizes as its Chief and Council. The Government of Canada recognizes Flat Bay community members as status Indians under the Qalipu agreement.

In 1971 Glenwood First Nation joined the Association of Mi'kmaq Organizations and then FNI in 1973. In 1980, community leaders, led by then-Chief Larry Jeddore, officially incorporated the Glenwood Indian Band Council. This was done to satisfy requirements under the *Indian Act*, in an effort to have the community officially recognized by the federal government. While the community was offered official status after 1984, the FNI document, "[FNI Elder Stories and Profiles](#)" states that, "due to his dedication to the Federation of Newfoundland Indians and its membership, Chief Jeddore held back in the hope that all the Federation's members would be recognized."³ As with Flat Bay, members from Glenwood are granted status through Qalipu.

For the purposes of this tour, Senator Prosper chose to engage with the Regional Chief as well as leadership of Newfoundland Mi'kmaq communities

³ "FNI Elder Stories and profiles". pp.18

recognized by the AFN: Flat Bay, Conne River (Miawpukek), Glenwood First Nation, and Qalipu.

Summary of Discussions

Each representative of these communities had the opportunity to raise and discuss any successes, issues, concerns and priorities with the Senator and his team. Many of these topics overlapped with those raised by other communities. Over the course of the discussions, it became clear that Newfoundland Mi'kmaq are searching for equity with regard to the treatment and level of recognition that they receive from the federal government, provincial government, Indigenous organizations and each other.

While some of the priorities differed slightly from one another, at the heart of every intervention was a desire to see the full realization of Indigenous jurisdiction and the support of the government to fund the infrastructure and programming necessary to help build success in this region.

The Mi'kmaq have always maintained that they are a strong, united and proud nation that signed a series of bilateral treaties with the Crown – known collectively as the Peace and Friendship Treaties – from 1725-1779. [According to the Crown-Indigenous Relations website,](#)

On the East Coast, Peace and Friendship Treaties were signed with the Mi'kmaq, Maliseet and Passamaquoddy prior to 1779. Treaties are solemn agreements that set out long-standing promises, mutual obligations and benefits for both parties. The British Crown first began entering into treaties to end hostilities and encourage cooperation between the British and First Nations. As the British and French competed for control of North America, treaties were also strategic alliances which could make the difference between success and failure for European powers.

As such, many Mi'kmaw leaders forcefully advocate for the federal and provincial governments to put the power of Mi'kmaw territory back into the hands of Mi'kmaq. Many do not recognize the authority of the federal

government to determine who is Mi'kmaq and who isn't; the issue of enrollment and the desire to see the elimination of the second generation cut-off policy – which makes Mi'kmaw children ineligible for status if they are two generations removed from a so-called "6(2) status Indian" under the *Indian Act* – were frequently raised.

While Flat Bay's representatives thoroughly discussed the many needs of their community, the largest part of the discussion specific to them included exploring ways to have Flat Bay formally recognized as a self-governing First Nation. While they technically fall under Qalipu, Elder Dr. Calvin White pointed to evidence that the vast majority of Flat Bay residents are noted as Indigenous on census documents going back decades, and Mi'kmaq have always been in control of Flat Bay's affairs as a chief and council, though their leadership is recognized as an "elected committee" by the province.

There are also those who call on the federal government to treat the Mi'kmaw nation the same as they would a foreign entity. This is particularly clear from the contributions of Flat Bay's Chief, Joanne Miles, and Elder White, who called on Canada to allocate a Total Allowable Catch (TAC) to Mi'kmaw fishers similar to the allotments provided to foreign fishing entities in Newfoundland waters.

Often throughout the meeting, there were discussions about various fishery-related issues. Chief Brad Benoit and his team raised several issues such as the failure of the government to increase the lobster and Jonah crab TAC despite scientific evidence provided by Miawpukek showing that the populations would support such an increase. Qalipu Chief, Jenny Brake, said that this was a, "missed opportunity to have First Nations guiding these processes considering our focus on ecological balance". Not increasing the TAC has a direct impact on the bottom line of fishers in the face of rising operating costs and takes money directly out of the hands of Indigenous fishers, including the consortium of Mi'kmaq that now own Clearwater Seafoods, alongside Premium Brands Holdings Corporation. These Mi'kmaw governments rely on own-source revenue to fill in the gaps left by chronic government underfunding. Own-source revenue is also required to support

community members that the government has determined to be “non-status” despite having been born to community members and raised within the community their whole lives. This is a practical example of the unnecessary burdens imposed on First Nations as a result of the second generation cut-off.

Chief Brake also discussed the need to control the seal population and to receive federal support to reestablish markets for Indigenous seal products internationally. Long recognized by Indigenous populations throughout the North as a source of iron-rich meat, seal pelts feature prominently in many northern Indigenous cultures including those of First Nations and Inuit clothing, jewelry and art. Seal oil is proven to be an excellent source of omega-3 fatty acids, which help support good heart health, lower cholesterol and support brain, eye and nerve development in children. However, misguided campaigns by non-Indigenous entities have branded the seal hunt cruel. This has led to international bans on seal products and allowed the seal population to swell dramatically. Chief Brake discussed how the seal population of over 7 million has put a significant strain on capelin, herring and cod fish stocks. According to the Canadian Seal Products website, 100,000 adult harp seals eat more than the entire Newfoundland and Labrador commercial fishery each year.⁴

On top of advocating for her community, Chief Miles, as the National Co-Chair of the AFN’s Women’s Council, also advocated strongly for the establishment of an ombudsperson for each province to help educate and advocate for women’s issues. This was echoed by Chief Brake, who is closely involved with the Institute for the Advancement of Aboriginal Women. She went on to stress the importance of expanding the definition of “family” to include support people so that it is more in line with the needs of Indigenous people. For instance, those who help victims and their families navigate the system, whether by translating or otherwise, are also in need of mental health supports.

All the Chiefs and community representatives present pointed to the importance of core funding or better, more flexible funding models that meet

⁴ “Seals vs fish: an ecosystem out of balance”. Canadian Seal Products.
<https://canadiansealproducts.com/blog/seals-vs-fish-an-ecosystem-out-of-balance> March 15, 2021.

the needs of Indigenous peoples. Capacity development funding, funding for infrastructure and culturally-appropriate program funding were all top of mind for participants. Chief Brake spoke at length for the need of community safety plans while several raised the need for wrap-around supports for the victims of crime and their families.

AFN Regional Chief, Brendan Mitchell, echoed all of the concerns raised, from fishing quota concerns to the need for more transitional housing. He raised the issue of all tax-exempt vehicles purchased by and registered to status community members needing to be physically registered in Miawpukek; given the geography of the province, he characterized this requirement as an unnecessary bureaucratic burden on Mi'kmaq.

With regard to issues around the fisheries, Regional Chief Mitchell agreed with the previous statements by meeting participants around fishing access, seal products and raising the TAC on lobster and Jonah Crab. He also highlighted the recent decisions around redfish. Sometimes called "ocean perch" or "rosefish", DFO recently reopened the fishery for the first time since 1997, setting a TAC of 60,000 tonnes for the 2024-25 season. Despite advocating for the Mi'kmaq to get their fair share of this fishery since 2017 – when he was still Chief of Qalipu – Chief Mitchell was disappointed in the announcement to allocate just 10% of the TAC to Indigenous people across the Atlantic.

In addition to concerns around stunted economic development in Mi'kmaq communities throughout Newfoundland, he also raised the need for better language revitalization support and stressed the urgency of preserving the knowledge of elders before they pass so as to avoid their knowledge of the nation's history and the Mi'kmaw language from being lost.

Regional Chief Mitchell also joined calls for the government to speed up the Additions to Reserve process, noting that some have been waiting for years to complete the process. While much of the delay can be attributed to an onerous bureaucratic process, the delays can also be tied to previous calls for capacity development support, with no support provided for land use plan

development, which the Regional Chief points out is critical to ensure the land “yields the maximum profit to support the nation.”

Hampered by a poor internet connection, Glenwood First Nation Chief, Marie Vaters, provided her comments in a separate meeting. Chief Vaters spoke about her desire to see her community receive housing and cultural programming dollars directly from the federal government. This is something that she has long advocated for. In the FNI publication, [“FNI Elder Stories and Profiles”](#) quotes her as saying in 2003,

Today some of the members of the Glenwood Mi'kmaq First Nations who have direct relatives living in Conne River have gained their Indian Status. Through this we have access to Non-Insured Health Programs, and Post Secondary Education. Even though we have access to those programs, we still have no political gains in terms of other programs and services for our communities and recognition for our other non-status Mi'kmaq listed with our band, but progress is being made and we are being heard. The end result will be something that we as Mi'kmaq people will be proud of, and at the end of the day we will not be afraid to say who we are and what we stand for.

While Glenwood community members are now granted status under the Qalipu agreement, Chief Vaters believes that there is not enough funding flowing down to meet her community's needs. Capacity development dollars were top of mind during this discussion, with Chief Vaters pointing out that she needs help with grant proposal writing and building an economy around ecotourism. Currently, Chief Vaters works out of her home so that she can rent out the band office to generate much-needed own-source revenue for the community so that they can run cultural programs to preserve the practice of traditional arts and crafts.

Summary of Issues Raised

Below follows the non-exhaustive list of concerns raised by participants starting with the Regional Chief and then listed by participating community alphabetically.

Regional Chief

- | | |
|---|--|
| Governance | <ul style="list-style-type: none"> • Asked - can we facilitate the settlement of a land claim for Flat Bay? • Wants better options for the registry of vehicles as First Nations currently need to go to Conne River |
| Health and Social Issues | <ul style="list-style-type: none"> • Called for more funding for women's initiatives |
| Economic Development, Lands and Resources | <ul style="list-style-type: none"> • Wants to revisit the redfish quota • Wants more support for the seal hunt and seal products • Wants fishing access for Qalipu members • Called for federal government to speed up ATR process |
| Infrastructure | <ul style="list-style-type: none"> • Needs housing support • Needs support for transitional housing |
| Citizenship | <ul style="list-style-type: none"> • Wants control over enrollment devolved to First Nations directly |
| Language, Culture and History | <ul style="list-style-type: none"> • Wants more support for language revival |

Flat Bay

- | | |
|--------------------------|--|
| Governance | <ul style="list-style-type: none"> • Wants recognition as a self-governing First Nation • Wants to be included at more provincial and federal tables |
| Health and Social Issues | <ul style="list-style-type: none"> • Advocated for additional support for youth on addictions, lateral violence, etc. |

RECONCILIATION

- Called for an increase in funding for women's issues
- Pitched a Total Allowable Catch similar to that given other countries
- Needs federal funding for alternative/restorative justice measures
- Called for the establishment of an ombudsperson for each province to help educate and advocate for Indigenous women
- Discussed the need for funding to repatriate bodies of victims
- Needs wrap-around services to support victims' families
- Wants infrastructure support for a Flat Bay recreation centre, transitional housing, O&M funding, and capacity development money
- Wants culturally sensitive addictions treatment centres with one on the west coast and one in the central part of the region
- Needs capacity to capture elder/traditional knowledge

Economic
Development,
Lands and
Resources
Justice

Infrastructure

Language, Culture
and History

Glenwood First Nation

- Wants a larger share of housing and program dollars to flow directly from the federal government to their community
- Needs capacity development support so that youth can help with grant proposal writing
- Looking for federal support to establish new revenue generators such as a means to participate in the ecotourism industry

Governance

Economic
Development,
Lands and
Resources

RECONCILIATION

- | | |
|-------------------------------|--|
| Infrastructure | <ul style="list-style-type: none">• Need more housing support• Wants a cultural centre to host workshops and language courses |
| Language, Culture and History | <ul style="list-style-type: none">• More money to support traditional arts and craft activities |

Miawpukek First Nation/Conne River

- | | |
|---|--|
| Governance | <ul style="list-style-type: none">• Wants a renegotiated new fiscal relationship grant that provides the same flexibility but also includes an escalator clause and addresses new Occupational Health and Safety issues that were not previously contemplated |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• Wants an increase to the TAC on lobster and Jonah crab• Wants to address ATR issues including capacity support offered to First Nations – e.g. support for Land Use Plan development• Wants to create a better ATR process with a tribunal component• Suggested community operations and readiness program linked to ATR to ensure land yields maximum profit to support the nation |
| Justice | <ul style="list-style-type: none">• Called for policing legislation to entrench it as an essential service |
| Infrastructure | <ul style="list-style-type: none">• Wants to change population-based formula for on-reserve housing as inflation has had significant impacts |
| Citizenship | <ul style="list-style-type: none">• Wants to eliminate the second generation cut-off |

Qalipu

RECONCILIATION

- | | |
|---|---|
| Governance | <ul style="list-style-type: none">• Wants government support for the legitimacy of Qalipu's status as an Indigenous community as defined under the <i>Indian Act</i> |
| Health and Social Issues | <ul style="list-style-type: none">• Wants core funding for Institute for Advancement of Aboriginal Women• Needs wrap-around services for those struggling with addiction such as childcare, education, transitional housing, employment services, traditional healing services, etc.• Needs support to create a group focused on empowering Indigenous women |
| Economic Development, Lands and Resources | <ul style="list-style-type: none">• Needs core funding to assess and monitor the cumulative effects of projects on Mi'kmaq territory• Wants inclusion in the provincial system for project review and approvals• Wants to get an appropriate share of fishery quota for adjacent waters• Needs federal support for seal products on the international market |
| Justice | <ul style="list-style-type: none">• Needs capacity development dollars and funding support for the creation of community safety plans• Advocated for support to families of victims of crime• Recommended a change in the definition of "family" for victims to include support people |
| Infrastructure | <ul style="list-style-type: none">• Needs detox centre and traditional healing centre closer to Qalipu communities |
| Citizenship | <ul style="list-style-type: none">• Wants more autonomy in determining citizenship |



PRINCE EDWARD ISLAND – EPEKWITK

Regional Overview

Prince Edward Island, known to Mi'kmaq as the Epekwitk district (meaning "lying in the water"), is home to two Mi'kmaq communities: Lennox Island First Nation and Abegweit First Nation. Leadership from these two communities come together to form the Epekwitk Assembly of Councils, a "joint forum that oversees and governs organizations that act in the shared interest of [both communities]".¹

The two organizations that the Assembly currently administer are L'nuey and the Mi'kmaq Confederacy of PEI. Both have a provincial scope; L'nuey was established in 2019 and its mandate is focused on the "advancement, implementation, and protection of the constitutionally entrenched right of the Epekwitnewaq Mi'kmaq (Mi'kmaq of PEI)."² The organization fulfills this mandate by negotiating with various levels of government, consulting with grassroots community members, and actively working to develop governance structures and capacity to help further the interests of PEI's Mi'kmaq. Another important role they play is in Treaty education, ensuring that Mi'kmaq and non-Mi'kmaq alike are cognizant of the Treaties signed between Mi'kmaq and the Crown, as well as knowledgeable about the rights and protections that those Treaties conferred and protected.

In their own words,

L'nuey means 'Belonging to or pertaining to the Mi'kmaq People as a whole', and its tagline doubles as its mission: 'Moving towards a better tomorrow.' It's about people coming together, taking ownership, collaborating and ultimately forming a strong and unified front committed to the unique needs of the PEI Mi'kmaq.

The second organization, the Mi'kmaq Confederacy of PEI or "MC PEI", is a non-profit organization focused on providing, "technical support, capacity development, programming, and advisory services to its member First

¹ "The Epekwitk Assembly of councils". MC PEI. <https://mcpei.ca/history-governance/>

² "What is L'nuey?". <https://lnuey.ca/about-us/>

Nations.”³ MC PEI is the main program delivery mechanism for province-wide Mi’kmaq initiatives in areas such as Aboriginal Sport, Education, Employment Services, Health, Justice and more.

Summary of Discussions

In an effort to maintain the integrity of this report, balanced with the desire of PEI participants to not disclose more sensitive elements of their interventions, the summary of their discussions has been withheld.

³ “Who We Are”. <https://mcpei.ca/who-we-are/>



QUÉBEC – KESPE’K

Regional Overview

The modern day name, “Mi’kmaq” derives from the French slang “mique-maque” (Anglicized to “micmac”), which means “something bizarre” or “complicated”. L’nu elders explained that when French settlers attempted to sort First Nations into family units, they became confused because many said they were all somehow related; this frustrated the census takers who exclaimed, “Quelle mique-maque!” leading to the collective term for all Mi’kmaq.

In the L’nu language, “Kespe’k” (also written as “kespek” or “gespe’g”) means “last land” and is the westernmost edge of Mi’kma’ki. Located in the Gaspé region of Québec, it is also locally referred to as Gespe’gewa’gi. This region consists of three Mi’kmaw communities. According to the [Québec government website](#),

Québec is home to about 7,600 Mi’kmaq, which are split into three groups. On the Gaspé Peninsula, the community of Listuguj is located at the mouth of Rivière Restigouche, while the community of Gesgapegiag is at the mouth of Rivière Cascapedia, near the municipality of Maria. Some 1,648 Mi’kmaq belong to the Gespeg band, who do not have a reserve and live mainly in Gaspé and Montréal.

[Mi’gmawei Mawio’mi](#) (MM) describes itself on their website as,

...a political alliance formed by three Mi’gmaq communities: listuguj, Gesgapegiag, and Gespeg. Their primary objective is to enhance a nation-to-nation relationship with the Crown. The political alliance includes the three Mi’gmaq Chiefs and their council.

The (MM) traditionally meets quarterly, although the frequency of meetings may vary due to specific circumstances or events. These gatherings are essential for the Mi’gmawei Mawio’mi to come together, discuss relevant matters, and make decisions that impact the Mi’gmaq of Gespe’gewa’gi.

A wide range of topics and issues are typically addressed during MM meetings. These may include governance, cultural preservation, community development, land, and resource management. Participants engage in open dialogue, share information, and contribute their perspectives to shape the direction.

The MM is crucial in providing mandates and setting priorities for the Mi'gma'wei Mawio'mi Secretariat (MMS). This administrative body, in turn, works diligently to implement the decisions made during MM meetings and carry out the necessary actions to achieve the community's objectives.

Senator Prosper met with MMS, led by Executive Director Chastity Mitchell, and with the Chief and leadership of Listuguj. Unfortunately, due to competing priorities, he was unable to meet with representatives of Gesgapegiag and Gespeg.

Summary of Discussions

Nestled on the border of Québec and New Brunswick, Listuguj faces unique challenges not brought forward by other communities throughout this tour. Chief Scott Martin explained that, while the majority of residents work and attend school in New Brunswick, the community is in Québec leaving residents unable to access the New Brunswick healthcare system. Additionally, as there is no point-of-sale system in New Brunswick that enables “status” First Nations to purchase goods while automatically applying their tax exemption, it requires all goods to be delivered to the community, causing frustration and difficulty for community members, particularly elders.

In this session, many of the issues raised were in relation to redefining the relationship between various levels of government and First Nation leadership. Like many First Nations across the country, Listuguj faces deeply entrenched issues related to health, mental health, addictions and crime. Community members face high incidence rates of crime, chronic disease, cancer and addictions. Yet the remedies are limited by capacity, funding and the French language (a factor unique to this region).

French language requirements have proven difficult for a First Nation community where the spoken languages are English and Mi'kmaq. Several examples of the practical impacts of this were proffered by several participants. One pointed to the difficulty in staffing a long-term care facility designed to be culturally-appropriate. While the operator recognizes the importance of hiring trained nursing staff that are proficient in the spoken languages of the community, French language laws require that those nurses maintain a requisite level of French proficiency. As a result, the facility has not been able to open and continues to search for staff that meet this additional language requirement.

Another example was that of law enforcement. While Listuguj has its own police force, officers have repeatedly asked for additional training. However, French remains a barrier to accessing training normally offered by Surété du Québec, the provincial policing body. There have been requests to train with the RCMP but these have, to date, been denied.

The imposition of a burdensome French language requirement only underscores the frustration of community leaders and elders who point to a settler government that divided a nation based on the former's political intricacies and objectives. Kespe'k, as a district within Mi'kma'ki, is culturally, linguistically and intrinsically tied to the rest of the regions. To require them to speak a second settler language, they argue, is unfair and colonial.

Moreover, while Kespe'k communities are all signatories to the Peace and Friendship Treaties that have been recognized and affirmed by the Supreme Court, Québec refuses to acknowledge or implement those treaty rights like other provinces such as New Brunswick and Nova Scotia.

Many in the meeting pointed to the importance of an agreed to foundation for good faith negotiations, which they assert needs to begin with recognizing the inherent rights of Indigenous peoples to govern themselves and manage their own affairs. From conservation strategies to policies managing lands and resources, to by-law creation and everything in between must, they argue, include direct First Nation input.

However, there is resistance at the municipal, provincial and federal level to recognize these basic rights as outlined in the United Nations Declaration on the Rights of Indigenous Peoples.

“It’s like fish talking to an oil tanker,” Elder Dennis Gideon lamented. He explained how difficult it has been for Indigenous people to explain their inherent rights – and the protections and promises afforded to them under the Treaties they’ve signed – to settler governments. “I’ve been hearing the same issues with the same wording about what we’re trying to accomplish since time immemorial it seems.” He explained that the Indigenous voice is often tokenized, much like he felt he was when he was given only five minutes to speak to the Royal Commission on Aboriginal Peoples (RCAP). He was also clear that he believes the government continues to take a paternalistic approach to First Nations.

Dr. Fred Metallic, a respected elder, researcher, policy analyst and member of the Grand Council stated very simply, “We need Canada to get out of the way.” He recounted the work that was done to bring together communities, Tribal Councils and the Mi’kmaq Grand Council to resolve issues around moose hunting on Kespe’k territory. Attendees came together to discuss protocols for hunting and made a proclamation to uphold Mi’kmaq law with Mi’kmaq patrolling and enforcing those protocols. The provincial government devolved some control to the Mi’kmaq and issues regarding hunting were resolved. Dr. Metallic holds up that example as one that highlights the efficacy of solutions that are informed by Mi’kmaq language and teachings.

While recognizing First Nation jurisdiction over their own affairs, it is also important to realize that centuries of colonial, racist and discriminatory policies and legislation have left First Nations ill-equipped to retake control and exercise their rights without significant capacity development and funding support.

Climate change is leading to soil erosion and Listuguj is looking at building a seawall and a breakwater. This would require federal funding such as that provided under the Disaster Mitigation and Adaptation Fund; however, [similar](#)

[project applications have recently been rejected.](#) Emergency preparedness is also important, with the community having limited capacity to fight forest fires and smaller fires in the community. Chief Martin discussed his desire to have enough funding for a fire chief that could help with prevention strategies, education, community safety plans and so forth.

For decades, commercial forestry has occurred in Mi'kmaq territory but there is no Impact Benefit Agreement between proponents and the affected communities; this has resulted in a lost opportunity for First Nations to generate much-needed own-source revenues. There continues to be a shortage of land where important initiatives could be built such as student housing. Additions to reserve (ATRs) can take years, with some – as Chief Martin shared – taking decades. Gespeg, it alleges, should have had reserve lands allocated to it under the *Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada* (also known as the “1851 Act”), yet is currently a landless band. Based on this, Gespeg pled its case to the Specific Claims Tribunal and [received a decision against them](#) in 2016. MMS legal counsel explained that they intend to seek to establish their claim a different way. Meanwhile, prime real estate lots along the river continues to be sold to prospective cottagers and vacation-homeowners using a lottery-scheme administered by the province, despite calls for a moratorium while the contestation of the land is resolved.

Government decisions and stances have further frustrated the progress of Kespe'k communities. MMS maintains that the new federal policies around Comprehensive Claims and self-government are vague and create confusion and uncertainty in an already convoluted process. The frustration with the process is compounded when one considers that the Québec government will only recognize Comprehensive Claims, thus constraining the communities to a tripartite process with a provincial government that has proven itself unwilling to recognize the rights and entitlements afforded under the Peace and Friendship Treaties.

Another decision that participants pointed to as having a negative impact on communities included the unilateral decision to split ISC and CIRNA. They

argue that this created silos and confusion as to which department holds what portfolio. In some instances, as Senator Prosper pointed out, portfolios are split, such as the ATR file.

An example of a policy that has stalled progress has been Canada and the province's allowance for third party interests in negotiations. It was explained that what happens often is third party interests on unceded territory are looked after first, with First Nation accommodations on whatever is left over. While this is a simplistic summary of a nuanced and complicated process, it begs the question of whether negotiations in good faith can proceed when one side feels so undervalued and disadvantaged.

Participants were clear that they want to break the cycle of reliance on the federal and provincial governments. First Nations are ready and willing to exercise self-sufficiency and self-determination; they want to be "more than second-class citizens," as Dr. Metallic phrases it. They are pursuing forestry, fishing, wind energy and gaming as streams of own-source revenue. They are also looking for support to establish an eco-tourism industry, which would not only benefit the community but the New Brunswick border towns such as Campbelltown.

Listuguj provided a tour of the community, led by their band manager who is a certified engineer. Given his background, much of the community's strategic planning is centred around infrastructure development, which they claim will make Listuguj a leader amongst both Indigenous and non-Indigenous communities.

Summary of Issues Raised

Below follows the non-exhaustive list of concerns raised by participants.

Listuguj

- | | |
|------------|--|
| Governance | <ul style="list-style-type: none">• Need to recognize Indigenous inherent right to govern• Face a French language barrier to operations |
|------------|--|

RECONCILIATION

- Jurisdictional issues regarding accessing healthcare and services
 - Need single point-of-sale throughout NB as these are the closest communities to Listuguj
 - By-law creation and enforcement support
 - Want a fire chief to help with prevention, education, fires safety plans, etc.
 - Need capacity development funding
 - Facing mental health and addictions issues
- Health and Social Issues
- Fishery agreements should be between communities
 - DFO detaining fishers in inhuman fashion
 - Additions to reserve take too long
 - Need increased capacity to fight forest fires
 - Need support in establishing a tourism industry
- Economic Development, Lands and Resources
- Violent crime and sex trafficking are occurring within the community
 - Drug trafficking is a major issue
 - Want First Nation control over policing
 - Need to start from the foundation of Indigenous legal traditions
 - Language is a major barrier in getting appropriate training for local police forces
- Justice
- Fire department is under-resourced
 - Climate change = coastal erosion – looking for funding to build a break wall
 - Want to build a detox and treatment centre in the community
- Infrastructure
- Need support to capture traditional knowledge
 - Need support for language revitalization
- Language, Culture and History

RECONCILI-ACTION

Governance

- First Nations should have control over their own affairs, lands and resources
- Canada's new policies around Comprehensive Agreements and self-government are too vague and bring uncertainty
 - Québec only recognizes comprehensive land claims
- Need to focus on how Québec communities, as signatories to the Peace and Friendship Treaties, can also implement these treaty rights
- ISC and CIRNA split has caused confusion and created silos

Health and Social Issues

Economic Development, Lands and Resources

- High rate of diabetes, chronic disease and cancer in communities
- DFO fishery negotiations should start with recognizing Indigenous laws and traditional ownership
- Need support for fishers under a moderate livelihood
- Gespeg needs land for their community – there is a historical commitment to create a reserve
- Need more advancement on land and natural resource reconciliation
- Should have an Impact Benefit Agreement on forestry

Justice

Infrastructure

Language, Culture and History

- High rate of crime in communities
- Need housing supports for students
- Looking for funding to preserve elders' knowledge