

Update on Exploratory Discussions with the Government of Canada.

On November 15, 2018, the Minister of Crown-Indigenous Relations and the President of the Federation of Newfoundland Indians (FNI) announced jointly that Canada and the FNI committed to enter exploratory discussions to address outstanding concerns regarding members of the Canadian Armed Forces, RCMP and Veterans of both and FNI members including members of other Mi'kmaq organizations on the island of Newfoundland who were denied Founding Membership in Qalipu First Nation.

Exploratory discussions began in earnest in December 2018. It was agreed between Canada and the FNI that while both the Military, RCMP and Veterans and the FNI/other Mi'kmaq organization member groups were important in the discussions, the Canadian Armed Forces, RCMP, Veterans Group would be dealt with first. A basis for accepting this group was identified through discussions and it was recognized that any draft agreement reached could serve as a template for addressing the remaining group.

It has taken three years since December 2018 to draft an agreement covering only Military, RCMP and Veterans. A final version of the draft agreement still is being reviewed by lawyers to determine if further changes are required. A condition of any final agreement will require discussion and ratification by Qalipu members before it can come into force.

During the three-year period following December 2018, FNI representatives pushed for exploratory discussions regarding the FNI/other Mi'kmaq organization members and maintained optimism that the important conversation would eventually be finalized and a second agreement covering their situation would be reached.

On March 29, 2021, the Director General, Individual Affairs Branch, on behalf of the Minister of Indigenous Services Canada wrote to Qalipu First Nation stating:

"I am responding to your request to provide more information on Canada's decision regarding exploratory discussions as they pertain to members of the Federation of Newfoundland Indians and their affiliates. After much consideration, Canada has decided to pause further discussion of reconsideration options for founding membership for individuals who held a membership in the Federation of Newfoundland and their affiliates due to the active litigation on the validity of the 2013 Supplemental Agreement. This decision is not one that has been taken lightly but following many attempts to finalize enrolment to the Qalipu band, direction from the Courts will be instructive".

The announcement by Canada in the March 2021 letter was extremely disappointing for the FNI and Qalipu First Nation. The Government of Canada was reminded on several occasions that avoidance is not a pathway to Reconciliation. Lobbying efforts to get Canada back to the table to continue exploratory discussions for the FNI/other Mi'kmaq organization member group have been extensive with involvement and strong support by Qalipu, the FNI, the Government of Newfoundland and Labrador, the Assembly of First Nations and some Members of Parliament. Attempts to continue exploratory discussions have been fruitless and frustrating. Further, the outstanding court cases to which Canada referred were already in place and well known to Canada when the announcement was made in November 2018 to begin exploratory discussions

On January 21, 2022, representatives of the Qalipu First Nation/Federation of Newfoundland Indians met virtually with the Honourable Patty Hajdu, current Minister of Indigenous Services Canada, for

purpose of convincing Canada to return to the table to continue exploratory discussions as per the original intent of the November 2018 announcement and as further supported by former Minister of Indigenous Services, the Honourable Seamus O'Regan, in a letter sent to the FNI in September 2019. Minister O'Regan in his letter stated:

"Rest assured, I remain committed to continuing our work with regards to reconsidering Veterans, Canadian Armed Forces and Royal Canadian Mounted Police, as well as continuing exploratory discussions regarding the group of individuals who held a membership in the Federation of Newfoundland Indians or in other Mi'kmaq organizations named in the 2008 Agreement"

The meeting with Minister Hajdu did not go well and did not provide the outcome that was hoped. Canada continues to stand by its position to "pause" exploratory discussions as outlined in Canada's March 2021 letter. Canada continues to be unwilling to restart exploratory discussions with representatives of the FNI and Qalipu First Nation regarding the FNI/other Mi'kmaq organization member group. The FNI and Qalipu First Nation will continue to work with those who support efforts to assert the need to get Minister Hajdu and Canada to reverse their decision so that the issues that justified the commencement of exploratory discussions can be addressed.

The letter attached, dated January 25, 2022, is the latest response to Minister Hajdu, Prime Minister Trudeau and others regarding this disappointing action by Canada.



Qalipu
FIRST NATION

January 25, 2022

The Honourable Patty Hajdu
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Hajdu:

Re: Follow-up to Meeting of January 21, 2022 with the Federation of Newfoundland Indians

Thank-you for taking the time to meet with me and representatives of the Federation of Newfoundland Indians on January 21. However, I write to express my profound disappointment with the outcome of our discussions.

I had requested the meeting to explore means by which we could resume discussions with your officials to address extending Founding Membership in the Qalipu Mi'kmaq First Nation to members of the Federation of Newfoundland Indians (FNI) and other Mi'kmaq organizations on the island of Newfoundland who applied but did not obtain Status under the 2008 Agreement. Through our work in developing an agreement by which Veterans, members of the Canadian Armed Forces, and RCMP members can become Founding Members (Veterans Agreement), we have shown that solutions to ongoing concerns can be found where there is a willingness to do so. I regret that you do not share our willingness to continue that work with respect to FNI members and those from the other organizations.

Our impression from the meeting is that Canada's unwillingness to re-engage in discussions is related to the limited success that has to date been achieved by Plaintiffs through court challenges to the enrolment process. Yet, as expressed in my previous letter to your predecessor, the Honourable Marc Miller, we commenced exploratory discussions even though court challenges had been commenced. That same situation existed when another of your predecessors, the Honourable Seamus O'Regan, wrote to me in September 2019 to confirm Canada's commitment to continuing discussions. The current litigation and its outcomes, whether past or prospective, should not have derailed the discussions. Through the position stated in our meeting, it appears that Canada has lost focus on what was the stated purpose of the exploratory discussions announced on 15 November 2018.

On 15 November 2018, your colleague, the Honourable Gudie Hutchings, on behalf of the Honourable Carolyn Bennett, then the Minister of Crown-Indigenous Relations, and I, as President of the Federation of Newfoundland Indians, announced that Canada and the FNI had committed to enter exploratory discussions to address outstanding concerns regarding members of the Canadian Armed Forces, Veterans, RCMP and FNI Members who were denied Founding Membership. As noted in the 15

November 2018 news release that accompanied our announcement, the discussions were the result of Canada hearing “the concerns regarding Canadian Armed Forces, RCMP, Veterans, as well as members of the FNI, who believe their applications were unfairly denied and will be entering into discussions with the FNI on this matter.”

With that announcement, Canada put itself on the path to achieving Reconciliation with those FNI members who had been unfairly denied Founding Membership. During discussions, we responded to Canada’s stated desire to address those concerns by providing your officials with various scenarios where we feel the implementation of the enrolment process may have resulted in an unfair denial of Founding Membership to certain FNI members. By refusing to even continue discussions, Canada not only has acted contrary to the purpose for initiating them, it also has lost its way on the path towards achieving Reconciliation. I remind you that avoidance is not a pathway to Reconciliation. I write to ask that you reverse your decision so that we may both again walk that same path.

Sincerely,



**Brendan Mitchell,
Chief, Qalipu First Nation**

**cc. Hon. Justin Trudeau, Prime Minister of Canada
Hon. Marc Miller, Minister, Crown-Indigenous Relations
Hon. Seamus O’Regan, Minister of Labour
Hon. Gudie Hutchings, Minister of Rural Economic Development
Hon. Yvonne Jones, MP, Labrador
Christiane Fox, Deputy Minister, Indigenous Services Canada
Lori Doran, Director General, Individual Affairs Branch
Fred Caron, Special Advisor to the Minister of Indigenous Services Canada
Hon. Andrew Furey, Premier of Newfoundland and Labrador
Hon. Lisa Dempster, Minister for Indigenous Affairs and Reconciliation
Regional Chief Paul Prosper, Assembly of First Nations**