



COMMUNITY SUMMARY INFORMATION NOTE

1942 ADDITION TO RESERVE, HOG ISLAND SPECIFIC CLAIM

AUGUST 8, 2019

A Specific Claim, or Specific Land Claim, deals with past wrongs against First Nations caused by a breach of Canada's fiduciary duty. These claims relate to the administration of land or other First Nation assets and to the fulfillment of historic treaties and other agreements. In this case, it is related to land that Canada purchased for the Lennox Island Band (now Lennox Island and Abegweit) but failed to turn it over to reserve land.

This specific claim concerns the failure to add Hog Island to Lennox Island IR No. 1 in 1942. Hog Island (actually comprised of George Island, George's Sand Island, Fish Island and Bill Hook Island) was purchased by Canada in 1942 with a view to it being added to Lennox Island IR No. 1, but was never given reserve status. Lennox Island First Nation and Abegweit First Nation, successors to the original Lennox Island Band, specifically claimed that Canada breached its fiduciary duties in respect of the failure to add Hog Island to reserve.

In 1996, Lennox Island First Nation filed the original specific claim with Canada. The LIFN was advised in 2007 that the Claim was accepted for negotiations. However, Canada identified the breach as happening in 1968, instead of 1942. This is significant to the issue of potential settlement for loss of use. Due to this issue, Lennox Island and Abegweit First Nations refiled the claim in 2012, with additional evidence to support the breach by Canada starting in 1942. In 2016 Canada accepted the claim for negotiation on the basis that there is an outstanding lawful obligation on the part of the Government of Canada. Canada further accepted for the purpose of negotiation that its breach of fiduciary obligation by failing to add Hog Island to the Lennox Island Reserve arose in 1942. In a further letter dated April 6, 2017, Canada advised the First Nations that a negotiator responsible for the Claim had been assigned and invited the First Nations to confirm their decision to enter into negotiation to resolve the claim. The Lennox Island and Abegweit First Nation Councils agreed to enter into negotiations in October 2017.



Since that time, Canada and the First Nations, as represented by the Mi'kmaq Confederacy of Prince Edward Island (“**MCPEI**”) in these negotiations, have initiated meetings to lay the groundwork for the successful negotiation of this specific claim. On behalf of the First Nations the negotiating team has advanced two issues for resolution: 1. Replacement lands and/or compensation for the reserve lands that were not transferred in 1942, and 2. Compensation for the loss of use associated with the lands since 1942. The negotiation team is mandated by the First Nation Councils and consists of two lawyers: Tracey Cutcliffe and Don MacKenzie and two First Nation representatives: Corinne Dymont (Lennox Island First Nation) and Jenene Wooldridge (Abegweit First Nation).

The negotiation process will continue until the parties reach a proposed settlement that is considered acceptable to recommend to the respective decision makers – the First Nation Councils for the First Nations and the Minister for Canada. Once a settlement is reached that is considered by the First Nation leadership to be the best possible offer, it will go to the First Nation membership for a vote.

As an additional issue, the parties have also been in discussions regarding the best possible way to ensure the lands are protected, with First Nations stewardship, now and for future generations.