



*The following statement is distributed on behalf of the Epekwitk Assembly of Councils*

**For Immediate Release**

**Charlottetown, PEI – 22 April 2021**

**Statement by the Epekwitk Assembly of Councils (EAC) to clarify inaccuracies made in April 21 news release by the Native Council of PEI**

In a recent statement by the Native Council of PEI, the organization made a series of claims in which they misrepresent themselves as representatives of the Indigenous people of Epekwitk (Prince Edward Island).

On behalf of Lennox Island First Nation and Abegweit First Nation, the Epekwitk Assembly of Councils is providing the following clarification:

- In Canada, the duty to consult exists to protect the collective rights of Indigenous Peoples and is owed to the Indigenous group that holds them.
- On Prince Edward Island, Aboriginal and Treaty Rights belong solely to the Mi'kmaq People.
- The Epekwitk Mi'kmaq are self-governing and are represented by their duly elected governments, Abegweit First Nation and Lennox Island First Nation Chiefs and Councils. This includes those who are non-status and living off the reserves.
- No organization has the right or authority to represent the rights of the Mi'kmaq People unless they have been authorized to do so by the Epekwitk Mi'kmaq governments.
- Both the Governments of Canada and Prince Edward Island correctly understand that their legal obligations in this regard are with the Mi'kmaq, on and off reserve, and their authorized representatives.
- The relationship and protocol were formalized in the Mi'kmaq-Prince Edward Island-Canada Framework Agreement in 2019. The Framework Agreement was preceded by the tripartite Consultation Agreement executed in 2012 by the three orders of government – Mi'kmaq, Provincial and Federal – which outlined the formal duty to consult process among the parties.
- The Native Council of PEI is an association that advocates certain issues of importance for the members of their association. They have no authority to represent the rights of the Epekwitk Mi'kmaq and have no "consultative rights".

In regard to the Native Council's comments regarding representatives at the Bridge Table:

- The Mi'kmaq Confederacy, on behalf of the Mi'kmaq Governments, has provided essential input to the Bridge Table since its inception, and has never "vacated" its seat.
- The Confederacy has recently identified a new representative to sit at the Table and will continue to serve its vital role of ensuring the needs of all Indigenous People are supported by this collaborative table.

## **Background**

### **The Epekwitk Assembly of Councils**

The Epekwitk Assembly of Councils is the joint forum that oversees and governs organizations that act in the shared interest of Abegweit First Nation and Lennox Island First Nation.

Comprised of the full Councils of both First Nations, the Assembly currently administers two organizations that are Provincial in scope: L'nuey and The Mi'kmaq Confederacy of PEI.

L'nuey's mandate is focused on protecting and advancing the Aboriginal and treaty rights of the Epekwitk Mi'kmaq, including negotiations, consultation, and governance development.

The Confederacy's role is to deliver shared programs and services on behalf of both First Nations, on and off reserve as well as serving as a Tribal Council, which provides services and technical supports to each First Nation's administration.

### **The Native Council**

While the Native Council is an Indigenous organization, it is not a Mi'kmaq organization. An individual does not become a beneficiary of Mi'kmaq Aboriginal and treaty rights by virtue of membership with the Native Council. Further, an individual is not entitled to be a beneficiary of constitutionally entrenched rights in this province by being "Indigenous"; such rights are derived by virtue of being Mi'kmaq.

### **Chief designation**

The First Nation Chiefs are recognized as Chiefs by virtue of history, culture and legislation. In the case of Ms. Cooper, she is a chief by virtue of the organization's decision that it would adopt such a title in the same way an organization would use the title of president or CEO.

### **Duty to consult**

The PEI Provincial Government and the Governments of Canada's constitutional duty to consult flows from the Aboriginal and treaty rights protected in section 35. Those rights belong to the Mi'kmaq People in this province and the consultation process involves the formal representatives of the Mi'kmaq People – the elected Mi'kmaq Governments of Lennox Island and Abegweit. Contrary to President Cooper's unfounded assertion, the Native Council has no "consultative rights".