On February 23, 2007, at the Membertou First Nation, the Mi’kmaq and the provincial and federal governments signed a “Framework Agreement” under the long-term process of negotiating Mi’kmaq rights and title - known as the “Made-in-Nova Scotia Process”.

Where did this agreement come from, and where is it leading?

For thousands of years, prior to the arrival of Europeans, there was a bustling and sophisticated aboriginal existence in what is now Nova Scotia. The Mi’kmaq were a practical people who creatively used the natural resources of the sea and the land to establish a livelihood for themselves. They had a system of regional governance that stretched across the Maritimes and even had formal intergovernmental relations with neighbouring tribal groups in Quebec and Maine.

Everything changed for them with the arrival of new settlers. Eventually, in an attempt to ensure their security and livelihood, the Mi’kmaq signed treaties with the British settlers in the 1700s. These treaties were ultimately ignored.

After centuries of debate about the significance of these treaties, a rebalancing began when Canada’s highest court recognized the binding nature of Mi’kmaq treaties and began to interpret them in a modern context. In 1999 the Supreme Court of Canada released a decision that recognized the treaties of 1760-61 and reconfirmed the Mi’kmaq right to earn a moderate livelihood through fishing, hunting and gathering. In addition to treaty rights, the Supreme Court has also recognized Mi’kmaq Aboriginal rights that pre-date the signing of the treaties.

These decisions mean that the federal and provincial governments must seriously address Mi’kmaq claims of rights and title. This is the right thing to do and now is the right time to do it.

For decades governments and aboriginal groups across Canada have mainly used lawyers to determine the existence and scope of Aboriginal rights and title. And repeatedly Canadian courts have told the parties to
learn to work together - to “negotiate – not litigate.” The Nova Scotia government has heeded this advice and is the first province in the East to comprehensively establish a long-term process toward resolving issues of Mi’kmaq rights and title.

This started with the signing of an overarching Umbrella Agreement in 2002. The signing of the Framework Agreement last month marks the completion of the next step in this process.

The Framework Agreement establishes what is on the table for discussions and how the parties will move through these issues. It is a road map of sorts to promote efficient, effective and timely negotiations.

The agenda of subjects covered in the negotiations is comprehensive. It relates generally to issues of natural resources, land and governance. For example, what management systems can be put in place for the Mi’kmaq to access timber for domestic purposes. This is an Aboriginal right confirmed by the Supreme Court of Canada. The parties are currently collaboratively developing a list of early priorities and longer term goals.

There is much to do. Reaching agreement will not be easy. We expect to encounter many differences. Every side will need to show flexibility and maintain the spirit of respect that has characterized discussions in the last few years.

While negotiations continue, issues requiring immediate attention will arise. The Made-in-Nova Scotia Process needs to be responsive to current realities and not allow existing critical issues to fester until a final agreement is reached. Already the Process has demonstrated an ability to address immediate pressures on some natural resource issues. For example, the parties have collaborated to improve the management of moose hunting in the Cape Breton Highlands. Although initial steps may be modest, they lay the foundation for more ambitious areas of cooperation in the future.

It is expected that finalizing a definitive Accord will take many years. But by maintaining a spirit of goodwill and by ensuring that all Nova Scotians are informed about the process, we will, in due course, forge a new relationship with the Mi’kmaq.
We have experienced generations of strife that have left an unacceptable gap in the living standards between the Mi’kmaq and the rest of Nova Scotia. We can’t re-write history, but we can start a new history together.

All Nova Scotians can benefit from a stronger healthier Mi’kmaq population. The signing of the Framework Agreement sets a solid foundation for building a better tomorrow and is a turning point in reconciling problems that have existed for centuries.