



## MISSISSAUGAS OF THE CREDIT FIRST NATION GOVERNANCE NARRATIVE

The Mississaugas of the Credit First Nation (“MCFN”) are the descendants of the “River Credit” Mississaugas, an Indigenous Ojibway nation.

Pre-contact, Ojibway laws and government were regulated by life; reflected by the way of living in small, mobile groups. “Law” consisted largely of customary norms that tended to recognize personal and family autonomy through ties of actual and spiritual kinship; communal sharing of resources and possessions; flexible, consensual, community-based decision-making processes; and the necessity of spiritual balance with the natural environment.

The various clan segments and/or extended family groups, met in council to negotiate a consensus on each matter of common concern. Consensus was required because the Mississauga did not have any formal or coercive laws or institutions that could enforce decisions. Social pressure ensured that conformity with custom was attained without restricting the personal liberty of individuals. The primary objective was to restore balance to the community.

Mississauga laws and government did not cease upon the introduction of British law and institutions into Upper Canada. On the contrary, their continuity was recognized, supported, and actively encouraged by colonial and imperial officials. This is seen by the executing of treaties with the Mississauga. It is important to note that the treaties did not identify how the Mississauga were to govern themselves on their reserve and territory, and no effort was initially made to impose colonial laws and institutions onto the Mississauga.

With more settlers arriving on Mississauga lands, demographic changes forced the Mississauga to compromise. Realizing that their world was changing, the Mississauga, being a **practical** people, decided to transform with it. The effect of these environmental changes, seen in the 1820s by the suffering of the Mississauga from poverty, disease, and malnutrition, forced the Mississauga to reorganize themselves. This **remarkable** people became a literate society in a matter of twenty years; being instructed in reading, writing, and agriculture. They became industrious, creating a village at the River Credit, where they lived from 1826 to 1847.

Customary law and government, to the extent that they still existed, and were not inconsistent with reserve conditions, continued to regulate the Mississauga community. The Mississauga continued to be a self-governing people; defining their own internal constitutional and legal structures. They made their “own laws” for their reserve. These new laws did not come from a new system but rather represented the continuity, in a new form, of the traditional aboriginal customary system that existed prior to European contact.

This demonstration of legal evolution of Mississauga laws and government is recorded in the Mississauga 1830 Constitution, which incorporated certain British-inspired legal principles within an aboriginal system that was based on, as the constitution itself stated, the “old customs of our nation.” The 1830 Constitution contained provisions on the constitutional structure of reserve government, the office of chief and the basic executive, legislative, and judicial functions that chiefs were to perform: how chiefs were to be selected according to the old customs; the apprehension, trial, and punishment of criminal offences and penalties for offences; the regulation of land and resource use; the regulation of building homes and improvements to property; matters of immigration, adoption, public welfare, public enterprises, labour, and private business; and the appointment of a road master, constables, chapel keepers, and tax collectors.

The written constitution for the Mississauga was much more than just a codifying of what custom was. It introduced, for the first time in indigenous law, some significant changes to the pre-contact customary system. For example, it recognized the need to subject government to the rule of law; it constructed a system of checks and balances; and it recognized that criminal disputes were not matters for inter-family/clan retaliation or negotiation, but matters to be adjudicated upon by court-like institutions having coercive powers. However, the constitution confirmed the premise upon which, at least, certain aspects of indigenous customary law and government continued to exist.

As a **progressive** people, the Mississauga constitution reflected a synthesis of legal traditions; the notion that the ancient customs of the nation represented an organic, not frozen, conception of customary law. The 1830 Constitution expressly acknowledged that pre-existing custom was not only the system from which reserve law and government came, but was, to a certain extent, an ongoing component of reserve law.

The move towards a legislative, rather than customary, form of communicating legal norms, arose from the circumstances confronting the Mississauga. The world around them was quickly changing and their survival as a nation within this changing world, demanded speedy, clear, and flexible legislative responses, rather than, or at least in addition to, the more traditional method of law reform.

The Credit River Mississauga governance model demonstrates the dynamism and **resiliency** of Mississauga culture and law. Because the Mississauga adopted these sorts of provisions and **adapted** to their environment and situation, they continued, and continue, to thrive today as a distinct indigenous nation, exercising their rights of self-determination.

With the signing of a Memorandum of Understanding with Canada in June 2017, for the creation of a rights and self-determination table, the MCFN are exploring “new approaches to understanding and implementing treaties between the MCFN and Canada, new governance models, and the resolution of the MCFN’s outstanding [land] claims.” MCFN’s history and current governance discussions are setting the groundwork for implementing and exercising MCFN jurisdiction and law-making in new and evolving ways that suit the needs of MCFN today and for future generations. The path forward is clear.

MCFN will exercise stewardship rights over its traditional territory in order to protect, preserve, and maintain MCFN’s traditional territory, its lands, waters, and resources. By exercising its stewardship rights, MCFN will continue to assert, exercise, and demonstrate its jurisdiction throughout its territory. MCFN will also continue to pursue opportunities to exercise its rights to preserve its culture, language, and heritage, and to be recognized and respected as a host indigenous community across its territory.

MCFN will look to new and evolving ways to exercise and implement MCFN’s rights to sustain, and be sustained by its territory, and to exercise its right to economically benefit from MCFN’s land claims to unextinguished Aboriginal Title to the Rouge Valley and to the waters and beds of water within its territory.

As MCFN continues to move forward in reconciliation with Canada, through establishing a new governance system outside of the *Indian Act*, they will continue to look to their roots to guide their vision for the future as they continue to strive to be a strong, caring, connected community, who respects the earth’s gifts and protects the environment as they prepare to teach the next seven generations its remarkable history and culture.

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