Self Government Developmental Initiative
Council of Conne River Micmacs
Interim Report
August 2001 - December 2001

Objectives of the Project;

1. To develop strong community understanding of the options and implications of key jurisdictional issues that would arise in any possible self-government initiative;

2. To maintain a cooperative, candid, participatory process that develops functional information but does not commit any party to future negotiation positions;

3. To create an atmosphere that invites expanded involvement of members on and off-reserve and key federal and provincial agencies;

4. To build toward community consensus on whether self-government is a good idea and if so, what features it should have thus setting the stage for a "Miawpukek Model" which can be implemented sector by sector if necessary.
PREAMBLE

We are pleased to offer the following interim report of the Miawpukek First Nation Self Government Developmental Initiative.

Recognizing and establishing the strengths and weaknesses by which a communities and their members organize action, cooperate, and interact with each other and with outsiders are critical to building a solid foundation for self government. Members of the Self Government Working Group have spent the second phase of their 12 month mandate looking at ways to address the needs and desires of Miawpukek First Nation. In designing educational and training workshops or determining appropriate and applicable standards, the Working Group has adopted an integrated approach. Long term solutions and users which encourage active participation by key stakeholders and beneficiaries which will be impacted by the self governance designed by Miawpukek First Nation, particularly First Nations leadership, administrators and community members.

With the support of the Miawpukek First Nation, the Working Group has facilitating the design of several workshops for the community. This has ensured that the sharing of information and development remain an integral part of this joint initiative and a sustained element supporting Miawpukek First Nations development of a self government model in the future.

Marking the second year interval of the partnership between Miawpukek First Nation and the Department of Indian Affairs, this Interim Report details the community’s progress to date and the goals still to be accomplished over the coming year.

Miawpukek First Nation
Miawpukek Representative
Judy A. White
Executive Summary

The Miawpukek First Nation Self Government Developmental Initiative represents a unique partnership and opportunity. Bringing together professionals, who have considerable knowledge of the First Nation and DIAND, and can still maintain objectivity, has opened up the potential for innovation, practical solutions and long-term thinking.

In September 1996 the Miawpukek Band submitted a request to enter self-government negotiations with the federal government. The request was submitted to the Department of Indian Affairs (DIAND) and in 1997 DIAND requested further information including an indication of provincial participation in a self government process. This information was provided in a revised submission to the Department of Indian Affairs on May 6, 1998.

A June 1998 meeting with DIAND officials from region and headquarters informed the Band the self government submission will have to be reviewed by region and headquarters and if the submission is recommended, it will be forwarded to a senior management committee for final approval. On December 8, 1998 the Miawpukek Band wrote Minister Stewart expressing concern over the length of time it was taking for the review process to be completed.

Minister Stewart responded to the Miawpukek Band on April, 1999 and indicated that the assessment of the self-government proposal has now been completed. Minister Stewart further stated:

"In many respects, and as you note, The Miawpukek First Nation has demonstrated that it is ready to commence self-government negotiations, having effectively delivered programs and services to its people for some time. Moreover, the presence of an existing governance infrastructure, the capacity to manage large capital projects and a good financial management record further contribute to a positive assessment of the Miawpukek First Nations readiness to negotiate self-government".

Minister Stewart suggested a development phase as a precursor to negotiations, which would:

"... look at the larger context in which the Miawpukek First Nation operates, the nature of relationships with other groups and linkages to other processes."

"The developmental phase could also look at the linkages to the work of the Atlantic Policy Congress, which is now considering governance in the context of the political accord on social programs and services, to which the Miawpukek First nation is signatory".

The need for a developmental phase was further discussed at a May 3, 1999 meeting of Miawpukek Band and officials from DIAND region and Headquarters at Conne River. The
meeting determined that it would be beneficial to undertake a developmental phase before proceeding to actual self-government negotiations.

In October, 1999 with funding provided by Gathering Strength, the federal governments response to the Royal Commission on Aboriginal Peoples report, the Miawpukek Band hired a consultant and commenced with the Self Government Developmental Initiative.

This process was implemented and continued through to spring 2001. The objectives were to explore and assess the implications and challenges of exercising the Band are inherent right to self-government. The resulting process was one of a cooperative partnership among the representatives of the Band and DIAND that examined fundamental issues relating to governance and focused on understanding community and member concerns over what self-government might mean.

Directed by the Working Group consisting of a Miawpukek First Nation representative and two Department of Indian representatives, the Self Government Developmental Initiative pursued tangible results under the heading of self government. Within this rubric, the Project had focused on four critical areas of development; environmental scan with the view to determine how the Miawpukek First Nation operates relative to its self-government goals; to develop an inventory of barriers and priorities as well as other self-government issues; to identify relationships with other groups and processes and determine how the Miawpukek First Nations self-government process will impact on the other groups and vice-versa and to identify planning variables and negotiating issues which must be addressed before self-government negotiations commence.

The exploratory discussions showed that while there was genuine interest in self-government, there were many issues that members wanted to more fully understand, debated and resolved before moving toward any formal negotiations. There was also a clear commitment by many to involve themselves in working groups and committees to fully explore, assess and understand the implications of such a fundamental change in community governance and jurisdiction.

In sum, the direction of the community was that the exploratory discussion stage allowed the community to isolate issues it felt important and to lay out a path to building community consensus on whether entering formal self-government negotiations was appropriate. The use of representatives also allowed detachment from operational issues and created a candid, positive environment that encouraged innovative thinking and action. The following phase reflects both the community’s aspirations and the desire to move forward from the exploratory phase to the next phase, which involves building community consensus, but to retain its cooperative, non-adversarial, and innovative characteristics.
The Objectives

Building on the membership awareness of issues and procedures stemming from our last stage, this new stage aims to:

- develop strong community understanding of the options and implications of key jurisdictional issues that would arise in any possible self-government initiative;
- maintain a cooperative, candid, participatory process that develops functional information but does not commit any party to future negotiation positions;
- create an atmosphere that invites expanded involvement of members on and off-reserve and key federal and provincial agencies;
- build toward community consensus on whether self-government is a good idea and if so, what features it should have thus setting the stage for a "Miawpukek Model" which can be implemented sector by sector if necessary.

Focus Activity Areas

The building consensus process will focus activity in five areas--Problems; Communications and Involvement; Governance Architecture; Provincial Roles, and Management and Coordination.

The exploratory process confirmed strong member interest in several items. The first item was to work through in a detailed manner certain program areas to develop an understanding of the different jurisdictional options and their implications. The second item was to ensure widespread dispersion of all information and to offer meaningful participation opportunities to those who wish to be involved. Third, was to gather various ideas on the overall design of governance options including methods for protection of on and of-reserve interests. A fourth major area for more work is clarity of provincial interests, roles and responsibilities in present relationships, in any negotiation process, and in the various governance options. Finally, the exploratory work indicated that the nature and quality of the overall process had to be maintained; people and groups had to feel welcome to participate yet not threatened, and those leading the process must be appropriately accountable to members, Council, and federal staff.

A brief description of each follows:

1. Programs.
A process that has already been tested and proven in our community will be adopted to guide activities in four program areas--Fiscal Relations, Child & Family Services, Policing and Justice, Education, and Lands (the latter is defined to include Public works, environment, natural resources and fishery).

For each program area an initial community workshop would be held where the scope of the topic is defined, objectives are set, a process is determined, and resource needs are identified. Selected staff in Miawpukek and other governments with pertinent expertise would also be invited. Perhaps the most important output is establishment of working
groups, which would be mandated to carry out the approved process. The groups would meet on a periodic basis or as required to move the agenda ahead. Administrative, professional and procedural support and coordination with other efforts would be arranged through the Band governance office.

To date the area canvasses thoroughly were Justice & Policing, Membership, Health & Social Services.

Each group has examined the existing systems as it relates to Justice & Policing, Membership, Health & Social Services. It has considered options and a range of implications including jurisdiction, fiscal, on- and off-reserve interests and capacity matters. To date they have developed preferred alternatives.

(i) **Justice & Policing** – This area has had alternative development and implementation where possible. A Justice Department model has been created by consensus. Capacity needs have been identified both highlighting the positions necessary and the funds required. A Police Commission has been established and implemented with its newly developed policies & procedures. Band by-laws have been reviewed, revisited and revised so as to reflect the concerns of the community. In addition, to ensure that any particular statues such as the *Highway Traffic Act* are mirrored and adapted where possible. This ensures the community is enforcing their own laws at all times while still ensuring safety and peace. In the event there is no such by-law, the working group drafts pertinent by-laws to cover these gaps. A fine system has been developed but not yet implemented to ensure there is consistency with infractions of these by-laws. A band member acts as a prosecutor for these by-laws. Currently the Working Group is trying to get a band member appointed as magistrate to precide over these matters. In criminal matters, a Justice committee has been established and deals with post charge and pre-charge infractions. The pre charge has been especially beneficial for the youth in the community, while allowing them to be accountable for their wrong doings, they take ownership of their process of retribution. Police policies and procedures have been reviewed and are in the process of being revamped to ensure consistency with the policies and procedures currently developed. Community discussions has generated the idea that the Justice Model should be negotiated first as the model is designed.

(ii) **Membership** – This area has been canvassed exhaustively. A working group has been established to develop a membership code. The code has been ratified by the community through a number of workshops, group discussions and finally by a majority vote. The code did not conform to Department of Indian Affairs criteria and now the working group is revisiting the code before it’s brought back to the community.

(iii) **Youth Component** – The Miawpukel Youth has organized a youth group. This has spun directly from their attendance at general population workshops. This group’s mandate is to become aware of any decision, which impacts them as a whole. This group is involved in every aspect of the program and governance discussions. This group has elected a representative to sit with Chief and Council. This individual is apart of all
Council discussions and decisions. In turn this individual reports back to the group. The Youth Group hold their own forums with the assistance of the self-government advisor. After they have reached a consensus regarding any given issue, a working group is selected to partake in the general population workshops and discussions. This group has been instrumental in shaping the Justice & Policing model.

(iv) Child & Family – This area has been canvassed by a working group. A working group consisting of the Self Government advisor, Director of Health & Social, Counselor whose portfolio is Health & Social, General Manager and a provincial social worker who is placed in the community has reviewed all the relevant models relating to Child & Family. In addition this working group traveled to Standoff, Alberta to view the Blood Tribe model. The trip was a tremendous success in that it allowed the Working Group first hand knowledge of the workings of this model and of the disadvantages and advantages. This group is now in the process of designing a community workshop, which is targeted for, mid-March. This group will provide to the community the options relating to Child & Family, as well as review a range of implications including jurisdiction, fiscal, on and off-reserve interests and capacity matters and develop preferred alternatives.

(v) Lands – This area has had some review. Currently, meetings were held with department of Indian Affairs regarding extension to reserve boundaries. The process has begun with the self-government advisor assisting.

(vi) Fiscal - has been incorporated in the various program areas. For example, with Justice & policing for example, a cost analysis has been completed for the capacity needs, as well as the required facilities. A cost analysis has not been completed for Child & Family.

(vii) Fisheries – The Fisheries Department has had all staff consultations completed. These include guardian program, enhancement program, and food fishery. There were a number of frank and open discussions with some preferred alternatives. These discussions have yet to go to a community level.

After all four working groups complete their tasks, a final all encompassing workshop will be convened to consider the individual results and the cumulative effect on overall governance architecture.

Communications & Involvement

This community demands current, quality information and coordination of efforts to allow monitoring of all the pieces. As this community’s families are comfortably
functional with e-mail and Internet use, as too are other involved parties, this medium has been the one of choice.

The program based activities require ongoing administrative, scheduling and secretarial support in the form of meeting spaces, minutes, tasking, posting of material, invitations to guests, notification of events, presentation preparation.

To date a web page is being designed to encourage and maintain involvement. The communities cable station is utilized extensively.

The support staff prepares materials as required, recording minutes, arranging for space, and running a storefront office where anyone can seek more details on any aspects of the process. In sum, this position is essential to effective communication, ongoing accountability to all parties, and encouraging involvement.

**Governance Architecture**

There are two levels to considering the options and implications for design of governance--program based views and comprehensive perspectives. Much of the former will be brought forward through the program working groups. This item has ensured that some of the common second and third level functions of governance (EG. Policy development, law making process, data management...) are considered earlier.

Many discussions have occurred around governance, law making, policy development and the designing of Miawpuek’s own Governance Act. Consultations have taken place with the community but not as extensively as the other programs. Common themes are emerging which will be incorporated in Miawpuek’s governance model. The common themes are the desire for an elders council, similar to a senate; traditional chief and administrative chief clearly defined; youth representative; representation of off-reserve membership such as a seat on council to be filled by an off-reserve member.

This area has also ensured that as program options come forth they can be examined in light of larger issues. This analysis has included implications for common elements, identification of new issues, and consideration of governance capacity development needs. As the stage ends, a much clearer picture of the nature of preferred governance structure and implications should emerge.

The current government structure at MFN has traits of traditional governance and Indian Act governance. A Miawpuek Model will be delineated which outlines where MFN wants to go and where it currently is at in terms of governance.
Provincial Roles

Awareness of the importance of the relationship with provincial jurisdiction both at present and in any future relationships has grown. This area of activity is to be a constant reminder to ensure the process will be managed with discretion to encourage provincial participation at the most appropriate level and in the optimum places. This has been done while at the same time not allowing provincial views to limit exploration of alternatives, nor to dismiss concerns they may raise.

Meetings with the Provincial Minister of Justice have occurred, meetings with Provincial Court Judges and with the Provincial Aboriginal Affairs Minister. These meetings have been beneficial in that they allow the relationship to grow and put both parties on a better playing field.

Management & Coordination

This process has required intergovernmental relations at all levels, research, writing of papers, preparation of financial and progress reports, analysis of events and materials, coordination of internal and external efforts, securement of specific expertise as required, and provision of presentations to a variety of audiences.

This process is also an evolving one and with the community of Miawpukek it requires excellent judgement and balancing of wide ranging views and interests, and amendments on short notices to ensure objectives are still attainable.

Summary

The Miawpukek First Nation self-government process has progressed over the past six months despite some obvious delays. However this pre-negotiation, non-adversarial process has proved to be a worthwhile endeavor and has enabled the community to discuss relevant issues respecting self-government. Miawpukek is determining it's own destiny.
SELF GOVERNMENT DEVELOPMENTAL INITIATIVE
WORKING GROUP

Miawpukek First Nation Representative
Judy A. White
P.O. Box 224
Conne River, NF A0H 1J0

Department of Indian Affairs Representative
Karen Allen - Executive Consultant
Rawson Group Initiatives Inc.
222 Argyle, Suite 300
Ottawa, ON K2P 1B9

PROJECT STAFF & SUPPORT

Sherry McDonald - Assistant
Miawpukek First Nation
Conne River, NF
A0H 1J0

Shayne McDonald - Legal Counsel
Miawpukek First Nation
Conne River, NF
A0H 1J0

Tammy A. Drew - General Manager
Miawpukek First Nation
Conne River, NF
A0H 1J0