DISCUSSION PAPER

Miawpukek Band
Self-Government Structure

Role of The Grand Council and Traditional Government in Miawpukek self-Government Structure

Introduction:

This presentation sets forth a possible government structure for the Miawpukek Band’s self-government process. The challenge in developing a government structure for the community’s consideration is to address the following concerns and realities:

1. The government structure must represent the entire band and its membership not just the on reserve members. The Corbeire court case and the current First Nations Governance Act (FNGA) makes this a reality we must face.

2. The band membership on reserve represents our largest block of eligible electorate and it is reasonable to assume that the on reserve membership will want to maintain the status quo or some semblance of it and will be concern with off reserve members voting in band elections.

3. Off reserve members will want assurances that their voice will be heard in decisions affecting them. (i.e. Corbeire decision).

4. A contingent of band members will want to see the traditional Government (i.e. Grand Council) instilled in the government structure while another contingent of band members will be fearful that a life system of governance will affect principles of democracy.

5. Among the aforementioned mix of concerns and differing opinions, the band must get 51% of our total band membership to ratify the proposed structure.
The structure roles and responsibilities presented below are intended to start the discussion on the government structure and to inform Chief and Council and community consultations on the subject matter.

Basic Government Structure:

The government structure as presented in the organizational chart is a three level government structure that combines elements of the current band based government, Canada’s federal parliamentarian structure, and traditional Grand Council Government. As well the structure addresses the issue of the rights and voting of off reserve members.

**Level # 1:**

Grand Council can be incorporated in the structure through the district Chief and Keptins (Herein after Ilnu Saqamoutie). Although the Ilnu Saqamoutie may be the traditional government for all the Newfoundland Mi’kmaq it is up to each band to constitutionalize this structure as they see fit.

The role of the Ilnu Saqamoutie shall be strictly ceremonial, cultural and spiritual. Much like the continuation of the Governor General in Canadian Government as symbolizing the Common Wealth’s (from which Canada evolved) traditional form of Governance (i.e. Monarchy) the Ilnu Saqamoutie is a continuation of the Mi’kmaq traditional form of government in a modern formal democratic First Nations Government Structure.

**Ilnu Saqamoutie Roles and Responsibilities:**

1. To open and close the sitting of the Miawpuek Band Council in traditional ceremony;

2. To open and close the sitting of the Miawpuek Senate in traditional ceremony;

3. To be the final signatory of laws, legislation, bills, bylaws of the Miawpuek Band. The signing by the Ilnu Saqamoutie will be required before such becomes official law. Such signatory being obligatory and not permissive;

4. To represent the Grand Council to all Mi’kmaq and Band’s in Ktaqamkuk District;

5. To swear in elected Chiefs and Councilors and elected Senators;

6. To assist in the instillation of culture, tradition, spiritualism when called upon in public and private events/ functions of the Miawpuek Band;
Selection of Ilnu Saqamoutie shall be as per costume which is?????? Do all the Newfoundland Mi’kmaq bands that recognize the Traditional District Chief get to vote in the replacement.

Miawpukek Band Senate

The Senate shall be the upper house of government that will be required to read and provide a second passing of bills, legislation, by-laws, agreements, treaties and land claims agreements, etc., that affect the collective rights of the entire band membership. Such bills, agreements, treaties, does not become law until passed by the senate and finally signed of by the Ilnu Saqamoutie.

Selection: The Senate shall be chosen by a democratic vote in which all members of voting age on and off reserve have a right to vote and run in the election.

Miawpukek Band Council shall be responsible for governing the affairs of the Miawpukek Community and the Miawpukek Band much the same way as it has been doing with the exception of the requirement of a second reading and passage by the Senate of matters affecting the collective rights of the Band. As well the ceremonial role of the Ilnu Saqamoutie as envisioned above will be applicable.

Selection: As per current practice of voting by on reserve members.
Constitutionalizing Role of Grand Council in M.B. Self-Government Structure

Grand Council

Ilnu Sagamoutie
Ktaqamkuk District
District Chief
and
Keptins

Mikmaq Bands  Mikmaq Bands  Miawpukek Bands

Miawpukek Band Senate

Miawpukek Chief and Council