30 September, 2002

Self Government Policy Directorate
Department of Indian Affairs
10 Wellington Street, Room 2008
Hull, Quebec

Attention: Paulette Panzeri

Dear Madame:

Re: Self Government Developmental Initiative
Conne River, NF

In the spirit of the exploratory discussions, the Miawpukek First Nation wishes to establish a joint First Nation-DIAND partnership to reach agreement on the appropriate next steps toward Miawpukek achieving its self-governing goals. The exploratory discussions funded under Gathering Strength were intended as an interim step toward self-government negotiation. Both DIAND and Miawpukek had questions with respect to the implications of self-government for the Band and wished to find ways to explore those questions before deciding on the appropriate path to follow. The exploratory discussions have supported discussion and learning.

In keeping with the discussions of the exploratory discussions, Miawpukek First Nation wishes to submit a proposal including workplan and budget for the next steps of the self government discussions for the community of Conne River.

Sincerely,

Saqamau Mi’ikma

Cc: Mr. Mark Davis
Miawpukek Next Steps

MIAWPUKEK FIRST NATION PROPOSAL

1. Background

In 1998, the Miawpukek First Nation (MFN) indicated the Government of Canada its desire to move toward self-government negotiations. Recognizing the nature and scope of achievements of the community within its short existence as an Indian Act Band, departmental officials offered a unique exploratory discussions process involving appointed representatives rather than staff or negotiators. This process was implemented in late 1999 and continued through to Spring 2002. The objectives were to explore and assess the implications and challenges of exercising the Band’s 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.

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 discussions have 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 First Nation and DIAND use of independent representatives also allowed detachment from operational issues and created a candid, positive environment that encouraged innovative thinking and action. The following proposal reflects both the community’s aspirations and INAC’s desire to move forward from the exploratory phase to the next phase which involves determining next steps but to retain its cooperative, non-adversarial, and innovative characteristics.

2. Proposal:

To continue the innovative partnership approach by working jointly with DIAND to accomplish two objectives:

1) DIAND-Miawpukek agreement on next steps in respect to self government beyond the exploratory discussions phase; and
2) Assess the ‘lessons learned’ in the exploratory process discussions process and document the Miawpukek model that emerged.

Description/objectives:

1) Next steps

In the spirit of the exploratory discussions, establish a joint First Nation-DIAND partnership to reach agreement on the appropriate next steps toward Miawpukek achieving its self-governing goals. The exploratory discussions funded under Gathering Strength were intended as an interim step toward self-government negotiation. Both DIAND and Miawpukek had questions with respect to the implications of self-government for the Band and wished to find ways to explore those questions before deciding on the appropriate path to follow. The exploratory discussions have supported discussion and learning.

As that work has taken place outside the usual self-government negotiation process, the Band is interested in determining now whether there may approaches to move forward toward clarifying its powers/jurisdictions without entering into the usual lengthy self-government negotiation process. Is there a way to continue the partnership relationship to that end, and if so, what are the next steps and how could it work? That work can only be done successfully in partnership with the key federal partner DIAND, although Band priorities, e.g. justice, suggest it may be necessary to consider as part of the discussion on next steps how best to involve other federal departments. Considering the nature of the federal-provincial-band interests, the role and interests of the province would also have to be included in the context of any alternative approach.

Therefore, we suggest a joint Miawpukek – INAC effort that will see both parties working jointly toward defining a set of recommendations for next steps toward self-government. Those recommendations would focus on determining whether Miawpukek aspirations can only be achieved through the current self-government negotiation process or whether there are alternative approaches/processes that would achieve those aspirations in a more consensual and/or partnership fashion.

The Band will maintain the active community participation approach used in the exploratory discussions to seek views and recommendations on 'next steps', while at the same time continuing to work in partnership with DIAND to consider options and approaches that could move the innovative exploratory discussions into the recognition of self-government. Key to the Band’s participation will be the role of the self-government advisor in coordinating the work in the community, including a facilitated workshop for Band members. As well that advisor will represent the Bands interests in the work with DIAND representatives to develop and consider options for the next steps.
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2) Lessons learned – a case study

We propose a two part assessment of the exploratory process itself, focusing on:

a) the ‘Miawpukek model’ a description of the community participation model that has emerged. That would document the approach, nature and extent of the Miawpukek community work over the course of the exploratory discussions process.

b) the Miawpukek – INAC exploratory discussions process itself. The exploratory discussion phase has provided many lessons. Considering that it has been an innovative approach it provides an opportunity to assess those lessons for future policy and relationship planning both for the Band and for DIAND.

The proposed terms of reference for a case study on lessons learned is attached.

Miawpukek will have the study carried out by an independent consultant, as part of the continuing partnership arrangement DIAND would participate by sitting on a Steering Committee for the project.

3. Miawpukek Objectives

Building on the community’s 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 entry into self government negotiations;
- 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 next steps, setting the stage for a potential Miawpukek ‘Model’ which can be implemented sector by sector if necessary.

4. Focus Activity Areas

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
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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 off-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.

The Miawpukek next steps proposal includes continuing the active role of an independent self
government advisor in management and coordination of the actives, including a community
workshop; continuing the internal communications and information sharing established in the
exploratory process; and analysis of issues, developing options and recommendations; and
working jointly with government officials to maintain and further develop the successful
working relationships established in the exploratory discussions. The management and
coordination involves 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 an evolving one and requires excellent judgement and balance of wide-ranging
views and interests, and amendments on short notices to ensure objectives are still attainable.
Management and coordination of community-based activities and roles of other governments is
essential to the success of this project.

Progress and Reporting

Based on lessons from the exploratory discussion stage, we propose that an innovative
relationship holds us accountable for achievement of objectives, allows discretion to respond
quickly to change, and increases the ongoing accountability for progress and events.

We feel attainment of the objectives is the real goal, and that should be the bedrock of
accountability. While we have indicated the intent on processes and steps to achieve them, we
also know that these will change as input arrives. To stay on track towards the objectives, the
process must be flexible enough to allow changes in process and specific events to be made with
little difficulty.

That said we understand the need and our community will demand, that this process be held
accountable at many levels. We propose a reporting and accountability framework, including;
ongoing updates to a public web sites. Anyone can log into the site and see the latest events and
materials, as well as the cumulative work-to-date, and future plans. We will also seek feedback
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directly through the site or e-mail. As well the Self Government advisor will be responsible for regular reporting to Council reporting, public forums, and other special events which are open meetings.

Expenditure reports will be provided to DIAND designated officials as required.

See attachments for:

- COSTING
- TERMS OF REFERENCE FOR 'Assessment of the Exploratory Process and the emerged Developmental Model'
- Miawpukek-INAC joint workplan schedule
WORKPLAN
MIAWPUKEK FIRST NATION (MFN) - DIAND
October 2002 to June 2003

JOINT ASSESSMENT OF NEXT STEPS

1. Joint Analysis of Issues

The exploratory process was established to jointly address the following issues identified in an assessment of a MFN self-government proposal:

- the small size of FN
- off-reserve members
- delivery options for programs and services in an off-reserve setting
- identification of jurisdictions
- role of the province and
- linkages with other processes.

For each issue:

a) describe the nature of the problem/issue
b) identify what work/activities were undertaken through the exploratory process (i.e. workshops, reports, meetings)
c) assess if issue has been resolved, and if so how.
d) if the issue has not been resolved, why?: what is outstanding, what would be needed for resolution

2. Joint Review of Available Options

Brief analysis of various options (including but not limited to):

- FNGA
- FNLMA
- practical arrangements with the province (e.g. administration of justice)
- APC process on social
- First Nation Education Program Reform
- self-government (comprehensive, umbrella or sectoral)

For each option identify:

a) objectives
b) advantages and disadvantages
c) implications

d) models, if appropriate

In particular, with regard to self-government, analyse options and implications for moving into self-government negotiations, review self-government entry criteria, assess models and identify priority areas of interest.

3. MFN Community assessment

Deliver a workshop to community members to review issue assessment and options. Community development of vision for next steps.

4. Joint Assessment of Options

Identify outcomes from perspectives of both DIAND and MFN, areas of coincidence of interest, areas where the interests may differ, and the implications for both parties of various options.

Products:

- report on the community workshop by March 31, 2002
- draft report on joint assessment/recommendations of next steps by April 30, 2002
- final report on joint assessment/recommendations of next steps by June 30, 2002

CASE STUDY

MFN and DIAND has agreed with the need to document and assess both the innovative exploratory process and the developmental model which emerged from that process using MFN as a case study. MFN will have the study carried out by an independent consultant.

MFN will be responsible for the contract management and administration, will organize contractor community visits, identify community processes, focus groups, file identification, etc.

An MFN - DIAND Steering Committee will be put in place to look jointly at the following activities:
1. **Joint Development of Terms of Reference**

Gather information and jointly develop the Terms of Reference which will broadly define the mandate. Research and identify consultants that have expertise in the area of evaluation/assessment.

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2. **Call for Proposals**

MFN will prepare and send letters to invite identified consultants to submit a proposal for the case study.

3. **Proposal Review**

Steering Committee will review and assess proposals based on agreed-upon evaluation criteria.

4. **Contract award**

Steering Committee will recommend awarding the contract to the selected consultant. MFN will notify the selected consultant and will prepare the contract. Relevant material will be provided to the consultant. Steering Committee will organize meeting(s) with the consultant.

5. **Review of draft report**

Steering Committee will review draft report and will provide comments to the consultant.

6. **Approval of final report**

Steering Committee will review the final report, will ensure proposed changes are incorporated and will approve the final report.

**Products:**

- Terms of Reference by October 15, 2002
- Invitation letters by October 22, 2002
- Draft report of the Case Study/assessment findings by December 15, 2002
- Final report of the Case Study/assessment findings by February 1, 2003
REPORTING AND ACCOUNTABILITY

Ongoing updates to MFN web site so that any band member can log into the site and see the latest events/activities and relevant materials as well as cumulative work-to-date, and future plans. Seek feedback from members through the web site or e-mail. Regular reporting to band council, public forums and other special events. Expenditures reports to be provided to DIAND's representatives as required.