April 9, 2001

Self Government Policy Directorate
Department of Indian Affairs
10 Wellington Street, Room 2008
Hull, Quebec, K1A 0H4

Attention: Paulette Panzeri

Dear Ms. Panzeri;

Re: Self Government Developmental Initiative
Building Consensus - Phase Two
Conne River, NF

As you are aware, work has been completed on the Miawpukek First Nation’s Self Government developmental project. While the process was innovative, the pre-negotiation effort has proved to be a worthwhile endeavor. I feel much progress has made over the past few months. One of the items the process has already identified is the need to involve staff and community members throughout any self-government initiative, not just at the end when informed consent and ratification are required. We need their views, objectives and expertise to be sought and incorporated in the earliest stages of designing self-government objectives and alternatives. We have reflected this need in our joint work plan for pre-negotiations by including an element for community involvement.

I ask that you accept this as a proposal for funding the second phase of our self governance initiative. I look forward to your early reply.

If you have any questions I ask that you contact, please feel to contact the undersigned.
Sincerely,

Saquamaw Mis’el Joe

cc.
Clarence MacClennan
Manager, Newfoundland & Labrador
Atlantic Region
MIAWPUEK EXPLORATORY DISCUSSIONS
WORKPLAN 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 2001. 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 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 proposal 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.

2. Workplan Outline

The exploratory discussion phase left many lessons, including a paramount theme that to be effective there must be a balance between discretion of the principals, and accountability to all the stakeholders--the community, chief and council, DIAND region and DIAND headquarters. This proposal seeks to make that balance by stating clear objectives, identifying five areas of focused activity, outlining anticipated processes in each area along with commitments for reporting in each, and establishing ongoing procedural accountability through innovative
Building Community Consensus

mechanisms. Moreover, as with the exploratory discussions process this proposal continues with building upon membership issues, input and direction. This "grass roots" building process will enable the Miawpukek Band to effect self-government negotiations based on a "Miawpukek Band's self-government agenda and model.

3. The Objectives

Building on the membership'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 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.

4. Focus Activity Areas

The building consensus process will focus activity in five areas—Programs; 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 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 result is a proposal to focus activity in the five focus areas. A brief description of each follows:
4.1 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.

It is expected that each group will as a minimum: examine existing systems; consider
options and a range of implications including jurisdiction, fiscal, on- and off-reserve
interests and capacity matters and; develop preferred alternatives. To do so, the Advisor
and one or perhaps two senior staff shall travel to the most appropriate First Nations
group(s) across the country that is active in self-government processes in the field, and
hold private discussions on all aspects of their experiences. Each would prepare
summaries for presentation to the relevant working group and for later posting on the web
site.

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

4.2 Communications & Involvement
The community demands current, quality information and coordination of efforts to allow
monitoring of all the pieces; so too will some related parties. As this community’s
families are comfortably functional with e-mail and internet use, as too are other involved
parties, this medium will be used extensively.

To encourage and maintain involvement, 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... There are also communications needs in keeping less involved members
abreast of events, off-reserve members current, and other involved parties aware. The
communities plan will involve the development of e-mail groups and other medium for
working group notices; perhaps develop an e-mail group for periodic overall updates on
the process; and develop and post substantive updates and notices on a dedicated web site
from the community's server.

The support staff will also be preparing 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.

4.3 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 will ensure that some of the common second and third level functions of governance (EG. Policy development, law making process, data management...) are considered earlier.

This area will also ensure that as program options come forth they can be examined in light of larger issues. This analysis should include implications for common elements, identification of new issues, and consideration of governance capacity development needs. As the stage ends, a much more 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 Miawpukek Model will be delineated which outlines where MFN wants to go and where it currently is at in terms of governance.

4.4 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 also must be done while at the same time not allowing provincial views to limit exploration of alternatives, nor to dismiss concerns they may raise.

4.5 Management & Coordination
This process requires 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 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.

5. Progress and Reporting

Based on lessons from the exploratory discussions 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.

The exploratory stage showed that needs changed as we proceeded along, and that changing the workplan proved to be a difficult and time consuming task. This stage is to be driven by local needs which are even more unpredictable. 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 four level reporting and accountability framework. First, we offer the ongoing updates to a public web sites. Anyone can log into the site and see the latest events and materials, as well was the cumulative work-to-date, and future plans. We will also seek feedback directly through the site or e-mail. Second, we will prepare summary updates against the objectives and the five focus areas on a quarterly basis. These will be posted on the site and will be provided in hard copy to DIAND. Thirdly, we will provide a comprehensive face-to-face presentation to DIAND at both six month and 12 months. Fourthly, we propose to offer detailed expenditure reports on a quarterly basis to the designated DIAND staff. These will show where any financial variances have occurred.

Complementing all of these levels will be additional in-community mechanisms. Daily access to the storefront office, regular Band financial reporting, regular reporting to Council which are open public forums, and other special events like the annual general meeting, all contribute to providing a strict progress, reporting and accountability framework.