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Miawpuket First Nation
Governance Workshop - May 14, 2002

1 Introduction

Miawpuket Tribal Nation has undertaken a unique exploratory process to determine and assess the implications and challenges of exercising its inherent right to self-governance. Chief and Council directed that this exploration be community-based and community-driven.

As part of that commitment, a series of community workshops were designed and delivered in November, 2000. The workshops were successful in their purpose, which was to provide community members with a foundation with which to assess the self-government initiative and an opportunity to provide input and direction to the negotiators and the leadership.

As a follow up to these workshops, a one-day workshop was held on March 14, 2002 to provide relevant information to participants and to solicit feedback with respect to concerns, challenges and advice on potential governance structures. Information on existing governance models in use by Aboriginal governments was presented, unique considerations for the Miawpuket Tribal Nation government was determined, and a draft governance model(s) developed.

Attendees included the Band Councillors, program directors and staff, community members, Elders and youth representatives. Representatives from the federal Department of Indian Affairs and the Provincial Aboriginal Affairs Directorate attended as observers at all sessions.

Workshop handbooks were prepared for each session containing the agenda, workshop slides and relevant background information with respect to self-governance drawn from current research, the report of the Royal Commission on Aboriginal Peoples, and existing self-government agreements across Canada. During the presentation, participants were asked discuss the current Miawpuket First Nation governing structure and to reflect upon how a revised governance model under a self-government approach might better address the First Nation’s needs and priorities.

The participants were divided into groups and spent significant time discussing and debating the issues at hand and drafting alternative models of governance to the current system. They then presented these conclusions in plenary session. The level of participation in the working groups was excellent and the results of those deliberations as recorded in this report are reflective of the wisdom shared.
The evaluation of this workshop was very positive. While a great deal of detailed information was presented during the workshop, participants were able to quickly grasp the basic concepts and principles for governance structures and apply them in the development of Miawpukek options. It was also recognized that this workshop was but one of a longer process designed to assist the Miawpukek First Nation in reaching a decision on whether to pursue self-government negotiations with Canada and the Province of Newfoundland & Labrador. Should the community make that decision, the products of this workshop, and others held as part of this process, will provide an excellent starting point for the detailed work to follow.

2 Setting the Stage

2.1 Opening Activities

Tammy Drew, General Manager, opened the workshop by welcoming everyone and expressing Band Council’s expectation that the workshop would elicit preliminary development of a potential model or models of governance for Miawpukek First Nation. Then, the meeting was turned over to the facilitator, Gerry Kerr.

2.2 Introductions, Review of Agenda & Workshop Handbook

Participants introduced each other and spent some time reviewing the expectations for the workshop. Specifically, it was acknowledged that developing a model of governance for the First Nation is a monumental task, but certainly one that is achievable. In drafting a model of governance, there are numerous issues to consider. The purpose of the workshop was to begin to think about developmental questions and to take initial steps to draft a potential model or models for Miawpukek community governance.

The workshop agenda was reviewed and an overview of the workshop handbook was presented. This was followed by a presentation which brought a number factors in government development to the fore.

2.3 Foundations of Governance

The workshop began with a review of the exploratory work Miawpukek First Nation has undertaken to date with respect to self-government. Basic concepts, such as “governance”, “jurisdiction”, and “inherent right” were reviewed. This was followed by an overview of fundamentals of core governance and the issues that will be discussed during self-government negotiations.
During this discussion, a comparison was made between the current Indian Act regime and self-governing First Nations. Importantly, time was devoted to reviewing important structural questions to consider when designing a governance model as well foundational matters, such as branches of government, principles of governance, constitutional development and roles and responsibilities of governing bodies.

2.4 The Benefit of Others' Experiences

For the past twenty years or so, First Nations in Canada have successfully negotiated self-government agreements with Canada. In doing so, they have faced similar issues that Miawpukek First Nation is currently facing. In order to learn and benefit from their experiences, an overview of a number of different self-government agreements was presented along with different models of operating First Nation governments. This assisted the participants to begin to envision the viable options for the design and ultimate execution of a Miawpukek First Nation government.

3 Building a Government

3.1 Task #1 - Features of the Current Miawpukek Government

Following the presentation, participants formed four groups to consider what features of the current Miawpukek government structure were working well and which could be improved upon. While a summary of the discussions is presented below, Appendix A contains details about the result of each group's deliberations.

3.1.1 Positive Elements of the Miawpukek Government

The following were identified as being strengths of the Miawpukek Government and elements that should be continued in the future:

- Administration of government services should continue to be separate from politics
- Band Council's frequency of consultations with the community
- A distinct hierarchy with clear authorities
- Clear job descriptions and portfolios
- Cooperation between political and administrative functions
- Accountability to the community
- Leadership elections (rather than appointment)
- Open door policy of the Chief and Council and openness to community participation
✓ Communication with the community to keep members up to date on current issues
✓ Youth representation
✓ Elder input
✓ Availability of services
✓ Long term funding arrangements enable long term planning
✓ Traditional considerations
✓ Consistency of services and departments from one elected term to the next
✓ Existing solid policies and procedures
✓ Relationships with external organizations, e.g., Coast of Bays Corporation

3.1.2 Key Challenges of the Miawpukek Government

✓ Roles and responsibilities of different parties
✓ Economic and social responsibilities and structures should be separate
✓ Jobs and portfolios should be separate and distinct
✓ Community engagement in processes and decision-making
✓ Neutral party to mediate conflict/differences of opinions
✓ Clear decision-making process
✓ Improved law-making capacity and enforcement
✓ An Elders' Council should be formed
✓ Selection processes for Chief, Councilors and directors/managers, e.g., election or appointment
✓ Off-reserve membership
✓ Integrating community directives and leadership action
✓ Re-directing reliance on governance for every day challenges
✓ Additional youth programmes
✓ Terms for elected leaders should be long enough to be effective
✓ Services and programming need to be expanded to meet growing demand, e.g., childcare

3.2 Task #2 - Designing a Preliminary Model of Governance

The participants were given the opportunity to review sample governance structures and, in their working groups, drafted models that might be appropriate for Miawpukek First Nation as a self-governing nation.
3.2.1 Governance Model One
3.2.2 Governance Model Two
3.2.3 Governance Model Three
3.2.4 Governance Model Four
3.2.5 Common Elements of Governance

After each group had an opportunity to present their models of governance, it became apparent that there were a number of common elements across all the groups. These are:

**Legislative**

Chief and Council

✓ Elected - 4 year term
✓ Portfolio system
✓ 1 councillor per 100 members on reserve
✓ On reserve members select Chief and Council
✓ Opposition on Council - members should match # of councillors

After a brief discussion, the following were added and it was decided that there is a need to discuss these issues at a later date:

✓ Ex-officio youth representative
✓ Challengers instead of opposition
✓ Do we expect Chief and Council to be full time positions?
✓ Chief and Council will be full time paid positions
✓ Challengers will be on a volunteer basis

**Advisory Committee**

✓ Standing committees (minor portfolios, equal male/female participation)
✓ Issues committees

The issue of gender representation on boards, councils, and committees needs to be revisited.

**Executive**

Executive Director

✓ Reports to Chief and Council
✓ Programme directors report to the Executive Director

**Judiciary**

✓ Tribal Council
✓ Separate from Chief and Council
✓ Elected/appointed
The following issues need to be considered at a later date:

✓ Professional qualifications  
✓ Recall system (if elected)

**Traditional**

Traditional Saqamaw
✓ Joe Family but appointed by Grand Council - in our community, it is an advisory position and is a position for life
✓ Advises Chief and Council
✓ Based on an honoraria system

Elders Council
✓ Advises Saqamaw
✓ A resource for the legislative branch

4 **Next Steps**

The Governance Workshop was, by any measure, a great success. Participation was focussed, energetic and thoughtful. The input as reflected in this report provides an initial insight into the issues, concerns and vision that the community holds. By its very nature, these thoughts are preliminary based on a one day workshop.

What is clear, is that while there is a recognition that the current government and administration is generally very effective but limited by the constraints of the *Indian Act*. Self-governance would provide an opportunity to move beyond the dictates of the *Indian Act* and to design a governing structure that more effectively meets the needs of the current and future members of the Miawpukek First Nation.
Appendix A  Features of the Current Miawpukek Government -
Group Discussions

The participants formed four groups to consider what features of the current Miawpukek
government structure were working well and which could be improved upon. While a
summary of the discussions is in the body of this report, the result of each group's
deliberations is presented in detail below.

Group 1

Works Well
✔ Role of directors (ability to run school), e.g., clinic/school - separate from Band
   Government Office
✔ How council consults with community
✔ Each council member hold a portfolio
✔ Accountability through annual assemblies (directors and managers)
✔ Elections for Chief and Council
✔ Open door policy for Chief, Council, directors, managers, etc.
✔ Flow of information out through the community, e.g., newsletters, minutes
✔ Youth representation on Council
✔ Quality/quantity of services

Needs Improvement
✔ Role of directors in government-building
✔ Directors as Councillors
✔ Linkage between economic and social responsibilities - structure should be
   separate
✔ Lack of community participation (quality/quantity) - these things need to be
   looked at and ways to assess and improve this need to be established
✔ Needs a neutral party between Chief and Council
✔ Decision making process should be more defined
✔ Council level should be more defined
✔ Law making should be improved

Group 2

Works Well
✔ One person liked two year terms
✔ Five year funding agreements allow for long-term planning of programmes
✔ Assemblies
✔ Traditional input
✔ Openness - ‘open house’ policy
✔ Our own election act

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Community involvement
✓ Elected, not appointed (Chief and Council)
✓ Little off-reserve input
✓ Hierarchy (community, general manager, directors, managers)
✓ Elder inputs
✓ Elections at large, e.g., 18+, 21+ Chief

Needs Improvement
✓ Two year term should be four year term
✓ No Elders Council!
✓ No consistent community involvement
✓ Directors/general managers should be elected
✓ Time between nominations and elections should be one day
✓ Number of councillors
✓ That we have to deal with off-reserve members
✓ Council should have opposition/debate - official
✓ Needs a clear line between what the community wants and what the Chief and Council says

Group 3

Works Well
✓ Health and education services - the fact that they are separate organizations from the administration building
✓ Team work
✓ Elder work
✓ Government accountability to its people
✓ General assemblies (annual)
✓ Open door policy
✓ The fact that government is elected, not appointed
✓ Department structures remain stagnant even when government organizations change, e.g., every two years

Needs Improvement
✓ More community involvement (participation) in decision making processes, e.g., language and culture
✓ Too much dependency on the government structure for day to day problems
✓ Needs more youth programmes, e.g., recreation centre
✓ Two year term for Chief and Council is not quite long enough for elected bodies to become acquainted
✓ Childcare - the facility not large enough to meet the demand
✓ Put more emphasis on economic development, e.g., self-sustaining
✓ Look at future training needs for staff
Group 4

**Works Well**
- Education system - culturally based
- Wellness centre - information for the community
- Nutrition centre - meals for Elders and community members with disabilities
- Open Council meetings
- Youth member on Council

**Needs Improvement**
- Government view on community
- Teachers should have more respect for students
- More job opportunities
- More youth programmes
- Stricter sentences for offenders
- Nurses schedule needs improvement
- Band government - better money management
- Employee representatives