

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

Backgrounder- A Brief History of the Meadow Lake Tribal Council

The Meadow Lake Tribal Council began in 1981 when the First Nations of the Meadow Lake District united to form the Meadow Lake District Chiefs Joint Venture. Co-operation between the region's First Nations strengthened and in 1986 the Meadow Lake District Chiefs became officially known as the Meadow Lake Tribal Council.

A Brief History of the Meadow Lake Tribal Council

Originally, ten participating First Nations established the Meadow Lake Tribal Council. Joseph Bighead First Nation was a part of the original Meadow Lake Tribal Council. The Tribal Council was formalized and mandated through an agreement between them titled the Convention Act. In the winter of 1987, the Chiefs of the Meadow Lake First Nations, through the Tribal Council, began to consider alternative means by which self-government might be achieved. By October 1989, the Chiefs of the Meadow Lake First Nations formally submitted to the Minister of Indian Affairs a Framework Proposal for the Meadow Lake First Nations Government. This provided the basis for further discussion and the development of a more detailed framework agreement to negotiate self-government and a new relationship with the federal government.

The nine First Nations that currently form the Meadow Lake Tribal Council are Birch Narrows Dene Nation, Buffalo River Dene Nation, Canoe Lake Cree Nation, Clearwater River Dene Nation, English River First Nation, Flying Dust First Nation, Island Lake First Nation, Makwa Sahgaiehcan First Nation and Waterhen Lake First Nation.

Today, the Meadow Lake Tribal Council, with the guidance of the nine Chiefs develop work plans, create programs and deliver services according to the needs of the communities. With a high level of cooperation in governance and practical goals for community development, the Meadow Lake Tribal Council works to assist the nine First Nations in reaching their full potential. Economic development is a good example of this.

Meadow Lake Tribal Council is currently striving to promote positive growth for the nine Meadow Lake First Nations. Through self-government negotiations with the federal and provincial governments, eight Meadow Lake First Nations have decided to work towards the transfer of jurisdiction in several subject matters through a Governance Agreement. Jurisdiction should be understood as law making powers for each of our Meadow Lake First Nations.

The Health and Social Development sector of the Meadow Lake Tribal Council has been very successful in providing First Nations Health and Wellness programs. Today these programs provide valuable healthcare services to all nine communities. The Meadow Lake Tribal Council is forever committed to the health of its member First Nations.

The Meadow Lake Tribal Council has grown from humble beginnings into a major developer of the nine member communities. As an advocate for First Nations issues, the Meadow Lake Tribal Council has given a loud voice to the Meadow Lake First Nations. Our goal has always been to create Health, Community Wealth and Good Governance for the communities we represent in northwestern Saskatchewan.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 1-
History of Negotiations**

History of Negotiations

In the late 1980s following the failure of the 1982-97 Constitutional discussions, the Meadow Lake First Nations and the Meadow Lake Tribal Council began preparing for negotiations with Canada and Saskatchewan to achieve restoration and recognition of Meadow Lake First Nation Governments.

The Meadow Lake First Nation Governance Negotiation Team negotiated the 1991 Framework Agreement for comprehensive negotiations with Canada. There were 12 sub-agreements that were tabled in specific areas by the Meadow Lake Tribal Council on behalf of the Meadow Lake First Nations. A Memorandum of Understanding (MOU) was signed between Meadow Lake First Nations, the Meadow Lake Tribal Council and the province to make Saskatchewan a party to the negotiations in 1996. This brought about the signing of the Comprehensive Agreement-in-Principle (CAIP) between the Meadow Lake First Nations, the Meadow Lake Tribal Council and the federal government in 2001. At the same time, the Parties signed the Tripartite Agreement-in-Principle (TAIP).

The Meadow Lake First Nation (MLFN) Governance Negotiating Team continues to work towards increasing membership awareness, supporting each Meadow Lake First Nations Governance Committee and continue negotiating the Governance Agreement, Tripartite Governance Agreement, Financial Arrangements Agreement, Lands, Resources and Economic Development Framework Agreement, and Non-Resident Citizens Framing Agreement.

A Comprehensive Agreement-In-Principle formed the basis of the Governance Agreement. The Governance Agreement is to transfer law-making powers and authority to Meadow Lake First Nations over areas such as lands, citizenship and governance.

All Meadow Lake First Nations are participants in the Meadow Lake First Nations Governance negotiations except Buffalo River Dene Nation. Both the Chiefs' Advisory Committee and the District Elders Council oversee negotiations and provide guidance to the Meadow Lake First Nations Negotiating Team. The Meadow Lake First Nations Governance Negotiation Team receives direction on all major decision items from the Meadow Lake First Nations Chiefs.

The Governance Agreement has now moved from the Main Table to the lawyers for legal/technical review and drafting. Subject to ratification, the Governance Agreement will empower the eight Meadow Lake First Nations to once again govern themselves.



Fact Sheet 2 -

Communications and Consultations

A core team was hired by Meadow Lake Tribal Council to undertake community-based work, and in particular work on the Meadow Lake First Nation Constitutions, Consultations and Communications.

Communications and Consultations

The eight Meadow Lake First Nations promote community-based participation and therefore, increased awareness is required as the Governance Agreement deals with a comprehensive and wide array of subjects including the law-making powers of Meadow Lake First Nations, and the government-to-government relationships between the Meadow Lake First Nations and Canada.

The Meadow Lake First Nations have initiated a number of communication and consultation activities during the last number of years to convey information to members on the Governance Agreement. The two most powerful tools that are used with the community consultations are the Cree and DeNe languages. Enough cannot be said about the positive responses people have with the usage of the languages. The Governance Secretariat have noticed changes between the Meadow Lake First Nations and the Main Table of the governance negotiations. This is a positive direction because we are finally starting to present all our presentations in the two languages. The eight Meadow Lake First Nations wish to continue with the solid foundation established previously and create concerted communication and consultation efforts during the next year leading up to Ratification.

The eight Meadow Lake First Nations believe it is essential to inform, consult with, and update their communities on the Meadow Lake First Nations Governance Agreement. Informing the community is necessary to ensure that educated decisions can be made at the point of Ratification, and to encourage input regarding the development of a new First Nation based and designed governance system. Consultation is required to ensure that input from the communities and the members is brought to the attention of the negotiating team during the course of the negotiations.

A Communications Strategy will be developed to outline how the eight Meadow Lake First Nations, Canada and Saskatchewan will communicate key messages on the Governance Agreement to all residents of Saskatchewan and the Canadian public.

The three parties to the negotiations, namely the Meadow Lake First Nations, Canada and Saskatchewan will develop a document which summarizes the communications activities of each party with respect to the Meadow Lake First Nations Governance Agreement. This document will be called the Executive Summary of the Communications Strategy, and it will display the graphic identifiers (logos) of each party. There will also be newsletters, brochures, posters, a DVD, and Cree and DeNe summarized translations of the Governance Agreement as part of the community consultations and communications.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 3 -
Governance Agreements**

The Governance Agreement describes mechanisms by which the members of the eight Meadow Lake First Nations will decide how they will govern themselves and how their governments will relate to the Governments of Canada and Saskatchewan.

Along with the Governance Agreement and Tripartite Governance Agreement, the Constitutions are important building blocks for the eight Meadow Lake First Nations Governments. The communities continue to work on developing Constitutions for their First Nation. The Governance Committees have been created in each community for this purpose. The Constitutions provide a framework for community governance. In general, they describe the relationship between citizens and their government, and are based on community norms and values. Each Meadow Lake First Nation Constitution addresses the unique needs of each community. Because of this, Constitutions can vary widely between the Meadow Lake First Nations. The Constitutions are to be completed and approved at the same time as the Governance Agreement so that the membership of the communities will have a “complete picture.”

These Constitutions will be the “supreme Meadow Lake First Nation law” of each Meadow Lake First Nation. All other laws passed by the Meadow Lake First Nations must conform to the Constitutions.

While the Governance Agreement will provide for Canada’s recognition of Meadow Lake First Nation law-making power in a wide-range of subject areas, it is the individual Meadow Lake First Nation Constitutions, which will outline how each government, will be structured and how it will operate.

The Constitutions will describe how the Meadow Lake First Nations want to govern themselves, how their governments will be held accountable to the communities, and what laws Meadow Lake First Nation governments may make.

The Governance Agreement will require that each Meadow Lake First Nation have a written Constitution, which covers certain items. The Governance Agreement does not, however, state how each of these items should be dealt with. Although the eight Meadow Lake First Nations will want to make sure that their Constitutions are strong and effective, they will have the flexibility to customize their respective Constitutions. The Constitutions do not have to be approved by Canada and Saskatchewan. The development and ratification of the eight Meadow Lake First Nation Constitutions will, therefore, be the first major law of the Meadow Lake First Nations towards taking control of their future.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 4 -
Law-making Powers**

The Governance Agreement enables Meadow Lake First Nations to pass laws without approval from the Minister of Indian Affairs in a manner set out in their Constitutions. Meadow Lake First Nation law-making powers and authorities belong to each Meadow Lake First Nation. These may be delegated to other bodies. Meadow Lake First Nation laws apply only on Meadow Lake First Nation reserve lands and to residents or users of those lands. Federal and provincial laws would continue to apply until Meadow Lake First Nations pass their own laws. If Meadow Lake First Nations pass laws and there's a conflict between federal, provincial and Meadow Lake First Nation laws, Meadow Lake First Nations laws will prevail in most cases. Meadow Lake First Nations may, when ready, pass laws in the following areas including:

- structure and operation of Government;
- citizenship;
- lands, resources and environment;
- cultural (language, arts and crafts);
- health and social (education, child and family);
- economic and business development;
- physical (public and private works, infrastructure); and
- justice.

One of the more important features of Meadow Lake First Nation Government is that each Meadow Lake First Nation will have its laws recognized by Canada and Saskatchewan, in most areas of government. Law-making powers will be different from the powers Band governments currently have under the Indian Act. Right now, a Band Government can pass only by-laws (essentially, laws passed under the authority of another government) in a few, limited areas, and even then, the Minister has the power to approve or disapprove them. Under the Meadow Lake First Nation Governments, Meadow Lake First Nations would be able to pass laws in a very wide range of areas, and they would not need the Minister's approval for their laws to apply.

In the Governance Agreement, each subject area identifies what types of laws the Meadow Lake First Nations will be able to make. There are however, some limited subject areas in which the Meadow Lake First Nations will not have the ability to pass laws and a few subject areas in where applicable federal and provincial laws will be paramount – that is to say that in the event of a conflict between a Meadow Lake First Nations law and a federal and provincial law, the federal and provincial law will prevail or take precedence.

In addition, the Agreement provides the Meadow Lake First Nations to request that Canada and Saskatchewan to enter into future negotiations with respect to subject areas which are not included and which relate to:

- designation of Indian status for Meadow Lake First Nation Citizens; and
- off-reserve members.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 5 -
Lands**

The importance of the land to the Meadow Lake First Nations and their members cannot be overstated. The Meadow Lake First Nations have maintained their close relationship to the land and natural surroundings, through spiritual and holistic practice in nature and keeping in harmony with natural law. The land is sacred to the

Lands

Meadow Lake First Nations whose role is to be a steward over the land, to protect and enhance it for the use and benefit of future generations.

Meadow Lake First Nation lands will continue to be "lands reserved for Indians" under s.91 (24) of the Canadian Constitution. Meadow Lake First Nations can pass laws to govern, manage and control reserve lands. Prior to Meadow Lake First Nations assuming management and control of its lands, an environmental site assessment will be completed and if required, remedial action will be undertaken. It is open to each Meadow Lake First Nation to protect their lands for future generations through their Constitutions. Title will remain with the Crown. There is a commitment to a process leading to detailed negotiations about Traditional Territories. That agreement is called the Meadow Lake First Nations Framework Agreement respecting Lands, Resources and Economic Development.

The Governance Agreement deals with current Meadow Lake First Nations Lands.

The Meadow Lake First Nations have indicated that they want to begin exercising jurisdiction over their lands as soon as the Governance Agreement comes into effect. To do this, the Meadow Lake First Nations will have to develop their own laws for example in developing Lands Management Codes. These laws will need to be consistent with the Constitution and will set out in greater detail how lands are to be managed. Once a Meadow Lake First Nation passes a law in relation to land management and control, all the legal power and responsibility to manage the lands will transfer from Canada to each Meadow Lake First Nation.

In the Governance Agreement, interest in MLFN Lands means any estate, right or interest of any nature in MLFN Lands, but does not include any title or licence to MLFN Lands.

MLFN Lands means, in relation to an MLFN, lands that are lands within the meaning of s.91(24) of the Constitution Act, 1982 and that are reserves as defined in paragraph (a) of the definition of "reserve" in subsection 2(1) of the Indian Act. That is, "a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band."



Our Way, Our Vision, Our Future

Fact Sheet 6 - Citizenship

Citizenship

Under the Governance Agreement, the eight Meadow Lake First Nations will have control over Citizenship. Meadow Lake First Nations may make laws about their own Meadow Lake First Nation citizenship. Meadow Lake First Nation citizens includes both on and off reserve members. Designation of Indian status for Meadow Lake First

Nation citizens is not part of the Governance Agreement. It shall be addressed at a separate forum.

The purpose of the Constitution is to provide a foundation for the structure and operations of government and the passage of First Nations laws in accordance with the democratic principles, values, culture and special constitutional rights and status of the First Nations.

The Governance Agreement recognizes the authority and law-making powers of the First Nations including the Constitution. The Constitutions really determine the rights and responsibilities of the Meadow Lake First Nation citizens. Through these mechanisms and processes described in these Constitutions, the Meadow Lake First Nations will provide for the governance of the First Nation in responsible, effective and accountable manners that are transparent to all their citizens. The laws passed by each of the Meadow Lake First Nations shall apply to their citizens as well as to all persons and businesses on First Nations lands.

Not only do the citizens have all the rights described in each of their Constitutions, but the Canadian Charter of Rights and Freedom, the Canadian Bill of Rights and the Canadian Human Rights Act also apply. All rights in these Constitutions are guaranteed equally to female and to male citizens. Citizens over 18 years of age are eligible to:

- vote in elections and referenda;
- stand as a candidate and hold public office;
- participate in the General Assemblies; and
- participate in discussions respecting laws enacted under the Constitutions.

Citizens also have rights to access information regarding First Nations laws and the operations of government in accordance with the procedures established by each Meadow Lake First Nation laws.

There is also a Framework Agreement respecting Meadow Lake First Nations Non-Resident Citizens. It is the document that sets up further negotiations to determine the rights and responsibilities of First Nations that are living off reserve. There is a rapid increase of Meadow Lake First Nations members leaving the reserves for various opportunities and the purpose of this Framework Agreement is to have them participate in creating a government that is sensitive to the needs of all citizens. According to recent surveys, there are 55 percent of Meadow Lake First Nation members living on reserve lands and 45 percent living off reserve.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 7-
Financial Arrangements
Agreement**

The funding of Meadow Lake First Nation governments will be included in a separate agreement between Canada and the Meadow Lake First Nations called the Financial Arrangements Agreement or FAA. The FAA is different from the Governance Agreement in a number of ways. Firstly, the FAA is an agreement between Canada and the Meadow Lake First Nations; Saskatchewan is not part of the agreement. Secondly, it is renegotiated every five years.

Some of the key parts of the FAA are described below.

1. There are three types of funding that will flow to the Meadow Lake First Nations and Meadow Lake Tribal Council in the FAA.
 - A. Operating funds are for operating the Meadow Lake First Nation governments, Meadow Lake Tribal Council costs of administration and for the delivery of programs and services.
 - B. Capital funds are for the construction and maintenance of major assets such as schools, community buildings, roads, and water treatment facilities.
 - C. Housing funds are for the construction and maintenance of residential housing on Reserve.
2. Operating funds will flow to the Meadow Lake First Nations and Meadow Lake Tribal Council in much the same way as they do now with two exceptions. The first is that there will be greater flexibility so that funds can be moved from one program area to another more easily. The second is that the amounts will be automatically increased every year to take into account inflation and population growth.
3. The FAA will provide a predictable stream of capital funds for the maintenance of existing assets and the construction of new assets.
4. Housing funding will have two elements, a) regular funding for housing in much the same fashion as is the case now, and b) special funding to address long-term housing problems.
5. The ongoing funding from Health Canada and the Department of Indian Affairs will be included in the FAA. The Meadow Lake First Nations and Meadow Lake Tribal Council will continue to apply for funding from other government departments in much the same way as they do now.
6. The Meadow Lake First Nations and Meadow Lake Tribal Council will still be eligible for new programs introduced by Canada after the FAA is signed and will continue to be eligible for annual "project based" funding.
7. In the case of an extraordinary or unanticipated expenditure for a natural disaster or emergency, additional funding from Canada can be negotiated.

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

**Fact Sheet 8 -
Ratification**

As Ratification nears, the eight Meadow Lake First Nations must pursue communications much more aggressively and develop a strategic approach in a concerted manner to achieve the desired results during Ratification. The main goal is to inform and consult the Meadow Lake First Nation membership on the Governance Agreement, Tripartite Governance Agreement, Financial Arrangements Agreement, and each of their Meadow Lake First Nation Constitutions, which would consent to informed decision-making.

If the Meadow Lake First Nation vote is yes, then the Council must pass a resolution to authorize the chief to sign each of the agreements.

According to the joint work plan of the parties, the dates of the Agreements to be ratified by the Meadow Lake First Nations are nearing. The current proposal calls for members residing both on and off reserve, 18 years-of-age and older as of voting day to become eligible voters. It is expected that each Meadow Lake First Nation will determine when the voting will take place. Details on the Ratification can also be found as Schedule C to the Governance Agreement.

A more detailed and comprehensive funding proposal has been developed for the fiscal year, 2006-2007 to include the three components, Administration and Capacity Building Projects, Communications Projects and Community Consultations and Community Information Sharing Projects prior to Ratification.

Ratification: making something valid by formally ratifying or confirming it; "the ratification of the treaty"; "confirmation of the appointment" (syn: confirmation)

**Meadow Lake First Nations
Governance**



Our Way, Our Vision, Our Future

Next Steps...

The Meadow Lake First Nations Governance Agreement and the Meadow Lake First Nations Framework Agreement respecting Lands, Resources and Economic Development negotiations are in their last stages and there is an increased pace to finish the Framework Agreement on Non-Resident Citizens, the Financial Arrangements Agreement and the Tripartite Governance Agreement.

The Meadow Lake First Nations Governance Secretariate continues with the communications and consultations. There are new styles of communications that are being utilized for Round 2, 3, and 4. The first design is the Open House style of consultations where pamphlets, newsletters, Drafts of the Agreements, and Fact Sheets are made available. It will be the responsibility of the Governance Secretariate to distribute these items.

In summary, all the steps lead to the ratification of the Governance Agreements. Dates and additional timeframes are currently being worked out and will be provided to the communities in the foreseeable future.