



**Mississauga Nation Meeting  
November 28-29, 2018  
Facilitator's Final Report**

February 5, 2018  
CONFIDENTIAL

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## Summary

The Mississauga Nation (the “Nation”), comprised of Alderville First Nation, Curve Lake First Nation, Hiawatha First Nation, Mississauga First Nation, Mississaugas of the New Credit First Nation, and Mississaugas of Scugog Island First Nation (collectively the “Member First Nations”), has been working to revitalize its political and legal structures. As part of this work, all six Mississauga Member First Nations participated in a governance meeting held in Peterborough, Ontario on November 28 and 29, 2017 (the “Meeting”).

This Report forms part of the ongoing governance discussions between the Six Member First Nations regarding the revitalization and reinvigoration of their traditional governance structures as a part of the Mississauga Nation. Those discussions are confidential to the Six Member First Nations. As part of engaging in the governance discussions and the Meeting, participants were assured that the Report would be kept confidential and that the views, perspectives, and statements voiced by them throughout the Meeting would not be shared outside of the Mississauga Nation. This Report, its appendices, notes, and information related to these governance discussions are not to be shared or distributed beyond the Six Member First Nations without prior written approval.

The notes from this session are included as part of the Appendices located at the end of this Report. Caitlin Beresford, Facilitator, facilitated this two day session.

This Report recommends:

- To the leadership and staff overseeing these governance discussions, suggestions on foundational key structures of the Mississauga Nation;
- Considerations for establishing an engagement plan with each First Nation’s membership to implement community based discussions on the concept of the Mississauga Nation; and
- Next steps in reinvigorating the Mississauga Nation.

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## Goal of the Two-Day Governance Meeting

The goal or outcome of the two-day meeting was to have positive preliminary discussions with all of the Member First Nations on the structure of the Mississauga Nation. These preliminary discussions aim to inform a draft engagement plan that can be taken back to each Member First Nation for the purposes of having internal discussions with the leadership, as well as with the membership, regarding the Mississauga Nation, its structure, priorities, roles, and responsibilities.

## Guiding Questions for the Purposes of Discussion

Guiding questions were provided to those participants in attendance to assist in moving the discussion forward around a Mississauga Nation. These questions included the following:

- What is each First Nation wanting to achieve through the Mississauga Nation?
- What is each First Nation prepared to put on the table?
- What is each First Nation willing to talk about to get a good outcome?
- Are we all starting from the same place?
  - Do some First Nations have more laws/processes in place, for example, than others?
  - If we have the Mississauga Nation in place, how will each Member First Nation fall under the umbrella Nation in this regard? Will some Member First Nations have to catch up? Will some/other Member First Nations have to share resources/processes/etc?
  - Should we all be starting from the same place before we move forward in our discussion on Nation status?

## The “Parking Lot”

The “Parking Lot” was a facilitation tool used during the meeting to identify ideas and issues that were raised by participants but were to be addressed at a later time during the meeting or at a later date. By “parking” these ideas or issues on a board, we ensured that these items were not forgotten and were able to stay on track with the agenda. All of the topics identified as “Parking Lot” topics are pivotal for the “Mississauga Nation” conversation and therefore, require further discussion from all Member First Nations.

The “Parking Lot”<sup>1</sup> for the Meeting included:

- Guiding Documents for the Mississauga Nation
  - BCRs?
  - Bylaws?
  - How to pass?
- Defining what projects require a unified voice vs. a First Nation opting out of a project
- Membership
  - Values?
  - Citizenship code?
  - Status?
  - Card holder?
  - Who is a member?
  - Inclusive?
  - Each First Nation to decide or as a Nation?
- What comes first – Treaties or Nation?
  - Include in documents
  - How to deal with Ontario/Canada and historical issues?
- Deal with land claims as a Nation vs. each First Nation separately
- Governance vs. Government<sup>2</sup>

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<sup>1</sup> See Appendix A for the “Parking Lot” Poster.

<sup>2</sup> See Appendix D for the Mississauga Nation Poster. Please note that Appendix D contains 6 Posters. This includes the Administration Poster; the Advocacy Poster; the Culture Poster; the Justice Poster; the Mississauga Nation Poster; and the Resources Poster.

## Definitions

For the purposes of this Report, the following definitions have been included for clarity:

### ***Citizen***

An individual member of each Mississauga First Nation or an individual member of the Mississauga Nation.

### ***Community***

Is used to describe the citizens or members of an individual First Nation or citizens or members of the Mississauga Nation.

### ***Governance Table Committee***

Is inclusive of the Chief, Governance Coordinator, and Economic Development Coordinator of each of the six Mississauga First Nations:

- Alderville First Nation;
- Curve Lake First Nation;
- Hiawatha First Nation;
- Mississauga #8 First Nation;
- Mississaugas of the New Credit First Nation; and
- Mississaugas of Scugog Island First Nation.

### ***Member First Nations***

Are inclusive of:

- Alderville First Nation;
- Curve Lake First Nation;
- Hiawatha First Nation;
- Mississauga #8 First Nation;
- Mississaugas of the New Credit First Nation; and
- Mississaugas of Scugog Island First Nation.

### ***Member***

See “citizen,” above.

### ***Nation Membership***

See “citizen,” above. Could also refer to each Member First Nation, inclusive of:

- Alderville First Nation;
- Curve Lake First Nation;
- Hiawatha First Nation;
- Mississauga #8 First Nation;
- Mississaugas of the New Credit First Nation; and
- Mississaugas of Scugog Island First Nation.

## Step-by-Step Approach to Establishing the Mississauga Nation<sup>3</sup>

The following provides the Facilitator’s recommended step-by-step approach to establishing the Mississauga Nation following discussions at the November 28-29, 2017 Meeting, as well as in considering the content of the *Mississauga Relationship Accord* (the “*Accord*”). This recommended approach is provided to assist Member First Nations in moving discussions forward within the Governance Table Committee, as well as to assist in drafting an engagement plan or framework for the purposes of community engagement.

### Step 1: History of the Mississauga Nation

As stated in the *Accord*, the “Mississauga peoples constitute a Nation by virtue of our creation, our shared histories, language, culture, values, traditions, beliefs, and aspirations...”<sup>4</sup> It is these shared histories and experiences that provide the foundation to the Mississauga Nation and permeates all that the Mississauga members do. This was reiterated by participants during the Meeting.

As such, the Member First Nations that make up the Mississauga Nation should consider drafting a shared story of its history, culture, traditions, customs, language, values, and beliefs. Drafting a shared Mississauga narrative would allow the Mississauga Nation and Member First Nations to tell their story, in their own words, and facilitate speaking as “one voice.” This would be a powerful reclamation of history for the Mississaugas, as a Nation, and as individual members of that Nation.

It is likely that engaging in this work would require some additional historical research, so as to uncover information that has been lost or buried. This research could address:

- *When* the six Member First Nations came together historically;
- *Why* the six Member First Nations came together historically;
- *What* the six Member First Nations did when they came together historically; and
- *What* the six Member First Nations did when they separated from this gathering.

This research could also assist in uncovering information about traditional Mississauga social, cultural, and governance institutions and structures. It was noted during the Meeting that it is important to research and come to a solid understanding of the clan or dodem system that was once in place and utilized by the Member First Nations. “Dodem” is the Anishinaabemowin word for “clan” (plural “Dodemag”) that was one of the traditional structures of Mississauga culture and social organization.<sup>5</sup> The Mississauga *Naakinagewin* Project Final Report, Part 1 (the “*Naakinagewin* Report”), begins to identify the dodemag that were recognized within the Mississauga communities. The *Naakinagewin* Report was identified during the Meeting as being

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<sup>3</sup> See Appendix F for an illustrated Step-By-Step Approach to Establishing the Mississauga Nation.

<sup>4</sup> “Preamble,” *Accord* at 1. See Appendix B for the *Mississauga Relationship Accord*.

<sup>5</sup> As identified in footnote 1 of the Mississauga *Naakinagewin* Project Final Report, Part 1, “...Some elders at the gathering asserted that using the word clans was detrimental since they do have different meanings and associations in both languages...” To maintain consistency across reports, “dodem” will be utilized within this Report. See Appendix C for the Mississauga *Naakinagewin* Project Final Report, Part 1.

a good starting point for the research that will need to be undertaken, so as to re-establish the traditional governance structure of the Mississauga Nation.

Drafting a shared history of the Mississauga Nation would allow the Member First Nations to share information and discuss traditional governance models that have been used by the Mississauga Nation in the past. In establishing a shared history, culture, traditions, and values, the Member First Nations will be able to work together "...in the spirit of trust and cooperation..."<sup>6</sup> to discuss whether it is possible to utilize, and how to utilize, this traditional governance system in the modern context. It will likely provide the Member First Nations with the opportunity to build strategic plans that transition the current governance structures of the Member First Nations to a traditional governance system; identifying where, and how, traditional structures may need to adapt to reflect and encompass modern governance realities.

In discussing how to transition current *Indian Act* governance structures to a more traditional-based governance model, a phased or "step by step" approach may be useful. It can often seem overwhelming to try and address everything in one swoop. Using a phased approach, the Member First Nations could set measurable milestones to ensure a smooth transition from *Indian Act*-based governance structures to structures that reflect the Mississauga Nation's history, traditional institutions, and values.<sup>7</sup> A phased approach allows the Member First Nations to establish a "road map" for how to move governance goals forward, together. It also provides focus on community engagement throughout the transition, to ensure that members are informed, yet not overwhelmed, by information and change.

A shared history and phased approach would allow the Member First Nations to start articulating and grounding the governance changes in their history, structures, institutions, and laws. This would provide clarity to members of the Mississauga Nation about the path forward, as well as establish a unified and strong voice when dealing with governments and stakeholders that the Mississauga Nation is "One Nation, One Voice!"

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Project based research across all six Member First Nations to draft a shared story, including, but not limited to:
  - History;
  - Language;
  - Culture;
  - Customs;
  - Values;
  - Traditions;
  - Beliefs; and
  - Aspirations.

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<sup>6</sup> *Supra* note 4 at 2.

<sup>7</sup> *Supra* note 5 at 8.

This could provide all Mississauga First Nation members with the information necessary to establish a shared understanding of their similarities and differences, as well as the opportunity to begin to identify with what it means to be a part of the Mississauga Nation today.

- Project based research across all six Member First Nations to uncover information about, and understand, the Mississauga *dodem* system, which could provide a basic governance structure for the Mississauga Nation.
- Community engagement to get input and approval on the drafted shared story of the Mississauga Nation, the research undertaken on the *dodem* system, as well as moving forward as members of the Mississauga Nation more generally.

## **Step 2: Structure of the Mississauga Nation**

As is clearly set out in the *Accord*, and by those who participated in the Meeting, the Mississauga Nation consists of the six Member First Nations:

- Alderville First Nation;
- Curve Lake First Nation;
- Hiawatha First Nation;
- Mississauga #8 First Nation;
- Mississaugas of the New Credit First Nation; and
- Mississaugas of Scugog Island First Nation.

The *Accord* clearly states that “...each First Nation in the Mississauga Nation has its own Council and manages its own affairs within the limits of its territory independently of the other First Nations...”<sup>8</sup>

In considering the intentions of the *Accord*, as outlined above, as well as the discussion that took place at the Meeting, there appears to be consensus with respect to how the Mississauga Nation could be structured and how it could operate.

### ***Guiding Principles***

The *Accord* identifies a set of guiding principles that each Member First Nation is expected to follow as a member of the Mississauga Nation:

- The parties recognize and respect our governments, territories, and rights;
- The parties recognize our respective mandates;
- The parties agree we are stronger when we speak with a unified voice;
- The parties agree that we can benefit from learning about each other’s perspectives through the sharing of knowledge and information;
- The parties commit to advancing our interests in political discussions amongst ourselves and with all other levels of government; and

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<sup>8</sup> *Supra* note 4 at 1.

- This Accord does not limit or affect the mandate or ability of any signatory to pursue their respective political mandates provided by their citizens.<sup>9</sup>

These Guiding Principles provide some assistance in determining how to balance shared jurisdiction and authority of the Mississauga Nation with the governance mandates of each Member First Nation. It sets out agreements about how the Member First Nations are to interact with each other and provides a framework in which discussions about what the “respective mandates” of individual Member First Nations are and what requires a “unified voice” or approach under the Mississauga Nation.

### *Mission Statement*<sup>10</sup>

Similarly, a mission statement can be extrapolated from the *Accord*: **that the Mississauga Nation comes together to support and enhance the economic, political, social, and cultural well-being of its peoples.** This statement could embody the philosophy or approach of how each Member First Nation relates to each other as Mississauga Nation Members and exemplifies where the Mississauga Nation sees itself headed into the future.

### *Purpose*

The *Accord* sets out the following purpose:

To modernize, elaborate and strengthen Mississauga Nation relations based on respect, responsibility and renewal through:

- Ceremonial affirmation of our mutual intentions;
- Setting out and confirming our kinships;
- Identifying our territories and addressing shared territory boundaries and governance;
- Codifying our traditional laws and practices;
- Informing external governments and development proponents of our common interests and intentions; and
- Acting in a unified manner.<sup>11</sup>

This purpose, particularly as it relates to matters between and among the Member First Nations, can assist in informing a mandate for the Mississauga Nation’s internal governance functions and approach. This internal-governance building work will be critical in allowing the Mississauga Nation to function as “One Nation, One Voice” when engaging as a Nation with other external government partners, industry proponents, and the public.

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<sup>9</sup> *Supra* note 4 at 2-3.

<sup>10</sup> Instead of a Mission Statement, the Member First Nations may prefer to include a Vision Statement as part of the structure and/or guiding documents for the Mississauga Nation.

<sup>11</sup> *Supra* note 4 at 2.

## ***Governance Structure***

Following discussions in the Meeting, it was still unclear as to how the Mississauga Nation should be structured. Discussions took place around the following questions:

- What do you envision the structure of the Mississauga Nation being?
- How do you envision the Mississauga Nation being structured? What will it look like?
  - Do you foresee the Mississauga Nation being operated by a third party? Would a Terms of Reference be required?
  - Do you foresee the Mississauga Nation being structured as a Tribal Council?
  - Do you foresee the Mississauga Nation being structured as a Government?
  - Do you foresee the Mississauga Nation as overseeing all matters within its purview or would separate entities or portfolios be created, where members of these portfolios would be experts in their field?
  - Do you foresee the Mississauga Nation being structured as a legal entity, such as a corporation, partnership, or cooperative?

There did appear to be consensus regarding an approach to the basic structure or framework for how the Mississauga Nation could function; by revitalizing historical or traditional governance models adapted to function in the twenty-first century. As discussed above, additional research would assist in terms of outlining what some of these traditional governance structures and institutions were (i.e. *dodemag*) in terms of coming to a common understanding of how these governance roots can be built upon in the present day.

From the information available in the *Naakinagewin* Report it appears that traditional governance structures focus on sharing resources, of all kinds, as well as supporting each Member First Nation on any issues, claims, or projects that one or many of the Member First Nations is challenging a level of government on. Based on these principles of sharing and support, and others that may be identified through the Step 1 research, Member First Nations can begin to articulate the processes built upon these principles for the Mississauga Nation today.

Participants discussed the option of incorporation, however, it was confirmed by all Member First Nations that they did not want to incorporate the Mississauga Nation as a corporation, or other legal entity; leaving any incorporation to take place as part of the Mississauga Nation's economic development opportunities or projects.

## ***Mississauga Nation Leadership***

Participants were clear that there would be no one seat of power for the Mississauga Nation; no Mississauga Grand Chief. All six Member First Nation Chiefs would equally participate in the leadership of the Nation.

Looking to traditional governance structures, it appeared that many of the participants agreed that autonomy would remain with each Member First Nation, leaving situational-dictated leaders, who would be selected on a case-by-case basis. By way of example, historically, members of First Nations would have selected a leader to represent them at treaty negotiations and signing but would have been given a "mandate" for what terms they could negotiate on.

Participants in the Meeting considered having Nation portfolios that each Chief would be assigned (i.e. Justice, Culture, Resources, etc), where they could take on projects or action items, moving their portfolio forward and being accountable to the six Member First Nations, as well as the membership, as a whole, for decisions.

### ***Elders and Youth Councils***

Re-establishing a formal Elders or Traditional Knowledge Keepers Council, as well as a Youth Council, as important elements of the Mississauga Nation structure, was agreed to by all participants at the Meeting. It was suggested that each Council would meet, at minimum, four times per year, and would support the six First Nation Chiefs through providing guidance and advice on various matters. These Councils would have an advisory role for the Nation Leadership.

Membership in these Councils (eligibility, appointment process, quorum or representativeness from each Member First Nation, etc.) are to be determined.

### ***Decision Making***

The *Accord* explicitly outlines how decision making will take place across the various aspects of the Mississauga Nation. "...[T]he leadership must act by way of consensus, cohesion and discipline with respect to priorities and approaches; ... and" that the Member First Nations "...must forge a coordinated and shared responsibility approach to achieve progress on decisions and direction provided by the leadership."<sup>12</sup>

The content of the *Accord* was confirmed during the Meeting. All participants agreed that decision making should be based on consensus, designating an individual to speak on behalf of the Nation depending on the situation or topic.

The question as to what would happen if consensus could not be reached was posed to the participants. The answers were similar, stating that consensus was the ideal and if a matter required urgent or immediate attention, then a vote by majority could take place. The example provided was regarding those First Nations involved in the Williams Treaties Litigation/Negotiations, where some decisions were required immediately and did not allow for the time needed to reach consensus.<sup>13</sup>

It was suggested during the Meeting that a definition, or definitions, of consensus be included in either a policy document or a core governance document, such as a constitution, to ensure that each plausible scenario that could arise is properly addressed. One such example, could be a non-exhaustive list of types of situations that might require urgent or immediate attention, where a vote by majority might be required. Similarly, the "level" or seriousness of the impact of a project could also be listed within this definition, thereby triggering a vote by majority.

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<sup>12</sup> *Supra* note 4 at 3.

<sup>13</sup> As noted by Chief LaRocca. See Amalgamated Meeting Minutes, under "Slide 16" at 16. See Appendix E for the Amalgamated Meeting Minutes for the November 28-29, 2017 Mississauga Nation Meeting.

Another example, could be where one First Nation chooses to opt out of a project that the other five First Nations choose to be a part of. In this case, consensus would be amongst the five First Nations involved in the project, while the sixth First Nation could provide a supporting or guidance-type of role. The sixth First Nation would not be involved in the decision making process in this scenario.

It was suggested that if consensus could not be agreed upon, then each First Nation would address the situation on its own terms, as an individual body and not as part of the Nation. Issues of quorum and whether, or on what terms, decisions can be made when a Member First Nation is not present, or where delegated-decision making is considered, has yet to be addressed.

### *Spokesperson*

As outlined in the *Accord*, "...In recognition of our Mississauga legal traditions a spokesperson for the Mississaugas will be identified on a situational basis..."<sup>14</sup> Who the spokesperson would be was discussed during the Meeting. It was considered having:

- one designated spokesperson for all situations;
- a representative spokesperson from each Member First Nation; and
- a spokesperson for individual issues or topics as they arose.

Participants suggested that the Chiefs would be the natural spokespeople, and could decide among themselves which of them would speak on behalf of the Nation depending on their experience or knowledge with the subject matter at hand. Once a Chief was selected, one message would be drafted that the spokesperson would adhere to. It was reiterated that each Chief would have an opportunity to review and comment on the spokesperson's speaking notes, ensuring that there was clear consensus on what the message would be. To avoid confusion, Chiefs would need to be clear when they were acting in the "Nation spokesperson" role versus speaking for their individual First Nations. It was also suggested that there could be a designated spokesperson for each Nation portfolio or department.

There was some discussion during the Meeting around seeking input from the community on how they would like the Nation's voice to be represented to external partners, governments, or the public.

Participants also suggested that guidelines, a policy, or protocol be developed that could guide the process in selecting a spokesperson and ensuring that they speak fairly on behalf of the Nation. Some of the topics that could be included in such a guideline or policy could include, but are not limited to:

- How a spokesperson would be selected (including procedures for revoking the selection, if needed);
- What the role of the spokesperson would be;
- What the role of the other Chiefs would be; and
- How a standard message would be drafted and communicated (i.e. a communications protocol).

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<sup>14</sup> *Supra* note 4, "Decision Making," at 3.

### ***Nation Responsibility to its Citizens***

All governments must be accountable and responsible to their citizens. It is no different for Indigenous Nations. Processes will need to be established for the Mississauga Nation to engage, inform, and seek the views of its Member First Nations and its membership in order to ground the Nation's decisions, approaches, and initiatives in the views, perspectives, and voices of its members/citizens. Methods and processes to achieve this were not discussed at length during the Meeting. It was noted, however, that these processes would differ based on the structure or "set up" of the Nation, its mandate, and the division of powers or responsibilities between the Nation and individual Member First Nations.

It was suggested that if there are ongoing projects, a monthly newsletter could be drafted and sent out to the Nation membership. It was noted that each Chief could review and approve the newsletter prior to it being published. Other options for community engagement could include:

- Regular open Nation Leadership meetings;
- Nation "open houses;" and
- Website and social media; a powerful tool for engaging and informing membership across a geographically dispersed area.

Economic development also arose within this discussion, with participants suggesting that if the Nation establishes a corporate body to advance economic development at the Nation level, the mechanism for reporting would have to be clearly outlined to ensure transparency and accountability to all members.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Discussions will need to take place as part of formally setting up the Mississauga Nation, to answer the following questions:
  - What are the Member First Nations going to do with respect to the *Indian Act*?
    - Stay within the *Indian Act*?
    - Get out of the *Indian Act*?
    - How will the *Indian Act* impact the Mississauga Nation, generally?
  - What are the Member First Nations looking at in terms of the structure of the Mississauga Nation?
    - Self-government (i.e. self-administered, where the Mississauga Nation is set up to be administered from within itself and not utilizing outside, government resources)?
    - Governance (i.e. under the *Indian Act*, through Federal involvement as individual First Nations, or outside of the *Indian Act*, as the Mississauga Nation)?

- How are the Member First Nations to proceed in establishing the Mississauga Nation if some First Nations are under the *Indian Act* while others are not?
  - Can the Member First Nations work as a Nation in this case?
  - If so, with respect to what subject matters, or in what ways?
- Are the Member First Nations wanting to take on a sectoral self-government approach (i.e. entering into self-government agreements with Canada with respect to topics or jurisdictions, such as justice, education, health services, etc)?
  - Are there capacity concerns in pursuing this approach?
- The Member First Nations should consider whether a forum to facilitate the participation of all six Mississauga Chiefs in overseeing the running of the Mississauga Nation should be established. This could take the form of a Nation Council, Leadership Assembly, or other body, which would allow for regular meetings and discussions of the Mississauga Nation leadership to take place.
- The Member First Nations should consider that once decisions on the structure of the Mississauga Nation are made, it would be prudent to start confirming or writing down some of these decisions, as part of the Mississauga Nation constitution work.
- Ongoing community engagement to get input and approval on the basic structure of the Mississauga Nation, as noted above.

### **Step 3: Mississauga Territory**

The *Accord* states that “each First Nation in the Mississauga Nation has its own Council and manages its own affairs within the limits of its territory independently of the other First Nations.” It further states that the Member First Nations, have “...inherent and treaty rights including the right to self-determination, stewardship of our traditional lands, waters, and other resources...”<sup>15</sup> Based on the principles outlined in the *Accord*, the traditional lands of the Mississauga Nation can be interpreted to encompass the territory of each Mississauga Member First Nation, with each individual Member First Nation’s territory making up a part of the whole Mississauga Nation territory.

In moving forward with the Mississauga Nation, it will likely be imperative that a description of the Mississauga Nation’s territory be drafted. Clearly setting out the territory of the Mississauga Nation will be important for the Nation when engaging with other governments, third parties, or the public at large; to know when they are on Mississauga Nation lands or waters. An integral part of describing the Mississauga Nation Territory will be determining, and clearly communicating, the shared or separate elements of this Territory. For example, for consultation about projects on Mississauga Nation Territory, should proponents or the Crown contact the Mississauga Nation or the Member First Nations? For what purposes should a Mississauga Nation Territory map be used

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<sup>15</sup> *Supra* note 4 at 2.

or not used? It will be important to clearly set this out for governments, proponents, and others, so as to avoid confusion.

During the Meeting, participants also discussed the need for an internal protocol that describes what the territory of the Mississauga Nation means to each of the six Member First Nations. This protocol could address matters that affect the broader territory, such as cumulative effects, shared-decision making, territorial-based management, conservation needs, etc.

It was also suggested by participants that a protocol be developed that details what information can be shared publicly regarding the lands of the Member First Nations; for example, related to cultural or other sensitive or spiritual sites.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Utilizing traditional land maps of each First Nation to draft an overarching definition or description of the Mississauga Nation territory.
- Draft an internal protocol document that describes what the territory of the Mississauga Nation means to each Member First Nation.
- Draft a protocol document that details what information can be shared publicly regarding the Mississauga Nation territory.
- Community engagement to get input and approval on what the territory of the Mississauga Nation is or should encompass, including engaging with Elders and Traditional Knowledge Keepers to determine, and confirm, the boundaries of the territory, as needed.

### **Step 4: Mississauga Nation Founding Documents**

During the Meeting, it was clear that the *Accord* was the foundational guiding document in establishing the Mississauga Nation. As discussed above, while the *Accord* outlines many of the principles on which the Mississauga Nation is established, there are still outstanding questions related to how to build the processes, procedures, and mandates necessary for the Mississauga Nation to function as “One Nation, One Voice.”

In particular, there was discussion around what other guiding documents, or documents generally, would be required to allow the Nation to function and operate properly.

These documents could include, but are not limited to, the following:

- ***Constitution*** – for each First Nation and the Mississauga Nation (which can encompass many of the subject matters outlined below, including the structure of the Nation and balancing of roles/responsibilities between the Mississauga Nation and individual Member First Nations, membership, decision-making, etc);
- Membership in the Mississauga Nation and community engagement;

- **Document outlining how decisions will be made by consensus** - including a process for dealing with non-consensual matters or where a vote by majority is required (see “Decision Making – Step 2,” above);
- **Policy or Protocol on how a spokesperson will be selected** to represent situational matters of the Mississauga Nation – including how a Chief will be selected to speak on behalf of the Nation and approving speaking notes (see “Spokesperson – Step 2,” above);
- **Mississauga Nation Strategic Plan/Vision;**
- **Investment and Economic Development Strategy;**
- **Bylaws and Law-making powers;**
- **Protocol and Description of the Mississauga Nation’s territory** (see Step 3, above);
- **Communication Protocols** – for communicating with on/off reserve members, media, governments, and the public;
- **Information Sharing Protocol** – for sharing information across the six First Nations and for sharing information with the public and governments;
- **Resource Sharing Protocol** – for sharing resources across the six First Nations and/or with other First Nations:
  - Would likely require a non-disclosure agreement; and
  - Would likely require details on what would need to be in place to be able to share resources (for example, if the First Nations wanted to share housing inspectors amongst each community);
- **Policy-type document that details what it would mean for each First Nation to opt out of a project** (see “Decision Making – Step 2,” above);
- **Document establishing an Elders/Knowledge Keepers Council** – including role/responsibilities, composition, membership or selection criteria, decision-making processes or principles, how often the Council would meet (suggested at Meeting that Elders Council meet at a minimum, 4 times a year);
- **Document establishing a Youth Council** – including role/responsibilities, composition, membership or selection criteria, decision-making processes or principles, how often the Council would meet (suggested at Meeting that Youth Council meet at a minimum, 4 times a year);
- **Protocol or Policy on Leadership and Community Engagement** – including, how often, when, and how items will be reported on. Reporting may be required for:
  - The Mississauga Nation Coordinator;
  - Any Committees established;
  - Elders Council;
  - Youth Council;
  - Any Mississauga Nation corporations; and
  - Ongoing projects;
- **Engagement Protocol or Policy for engaging with community members;**
- **Terms of Reference** for any individual priorities or pillars; and
- Other.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Determine whether a document detailing the Shared History of the Mississauga Nation (see Step 1, above) is required as a guiding document of the Nation.
- Draft a framework for engaging with the community members about:
  - What the Mississauga Nation means, generally, as well as what it means for its members;
  - How the Mississauga Nation, as a government, is structured, defined, or described – is it a body or is it a philosophy or approach of how each member relates to each other;
  - How the Mississauga Nation government structure is defined or described;
  - What does each Member First Nation, as well as each member or citizen, get by becoming a member of the Mississauga Nation; and
  - What does each Member First Nation, as well as each member or citizen, give up by becoming a member of the Mississauga Nation.
- Meetings to further discuss the foundational questions identified above, related to how the Mississauga Nation will be structured, how decision-making processes will work when there is no consensus, how the various Councils proposed will be established, and what role they will play for the Nation, etc.
  - Deep community engagement across each of the Member First Nations will assist in guiding this work and ensuring that the Mississauga Nation governance structure reflects the goals, perspective, and vision of the Member First Nation communities.
- Based upon the answers to these foundational questions, determine whether working groups or committees should be established to draft some or all of the guiding documents that can then be shared with the entire Governance Table Committee.
- Community engagement to get input and approval (method to be determined) on what the Mississauga Nation means for its members (following the framework drafted for community engagement).

### **Step 5: Priority Areas and Jurisdiction of the Mississauga Nation**

Setting out what areas are to be advanced at the Nation-level, and which are to be advanced at the individual Member First Nation-level is one of the first questions the Member First Nations need to answer. Identifying Priority Areas for the Nation to support or advance work on, is one way to outline what the initial jurisdictions (or areas of authority) are for the Nation. It may be that some matters can be advanced concurrently at the Nation and Member First Nation-levels, however, it will be important to clarify for the Crown, Industry, the public, and others, when to deal with the Mississauga Nation and when to deal with the Member First Nations individually regarding a particular subject matter or area of jurisdiction.

The *Accord* outlines that

...the signatories agree to work in a collaborative and inclusive way on issues and initiatives of common interest or concern among the parties beginning with:

- a) The development of an approach and response to potential resource development or other development projects which may have a cumulative and common effect on the parties;
- b) Facilitating Elder and Youth relations and knowledge sharing;
- c) The pursuit of common positions on Treaty matters;
- d) Addressing land and resources matters;
- e) Facilitating annual Mississauga gatherings; and
- f) Generally, to work together on issues to advance the interest of the parties in local, regional, and national forums and processes.<sup>16</sup>

During the Meeting, these priorities were reaffirmed. It was agreed upon by many of the participants that the priorities outlined in the *Accord* are the starting place for shared priorities of the Mississauga Nation. Additional discussions will be needed to identify the processes and ways that these shared priorities can be advanced by the Mississauga Nation, while respecting what is determined to be the individual autonomy and mandate of the Member First Nations.

The priorities in the *Accord* have been discussed at past Governance Table Committee meetings and overlap with the priority areas, as described within the *Naakinagewin* Report,<sup>17</sup> which states that

The leadership has proposed the following sections of Governance for a revitalized Mississauga Nation. A streamlined 5-section plan will allow flexibility, community accountability, and avoid a top-heavy structure that has plagued some other Indigenous organizations. [These sections include:]

**Culture:** Culture and language are the foundation of the Nation and permeates all that we do and accomplish.

**Justice:** Pursue the revitalization of Mississauga Governance Structures and Dispute Resolution Systems.

**Administration:** Enable Mississauga Nation activities with policies, finances, and support.

**Resources:** Protecting the Land, but also facilitating sustainable development to enrich the Nation.<sup>18</sup>

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<sup>16</sup> *Supra* note 4, “Ongoing Process of Dialogue and Relationship Building,” at 3.

<sup>17</sup> *Supra* note 5 at 16.

<sup>18</sup> *Ibid.*

Further discussion is required on how these priorities can be advanced by the Mississauga Nation, on behalf of the Member First Nations, as well as how to identify in what areas projects can be taken on by the Mississauga Nation, on behalf of the Member First Nations. As noted above, in step 2, projects within these priority areas will, and are, being taken on by each Member First Nation on a selected basis already. It may be that some of these projects could be advanced at the Mississauga Nation-level as well, concurrently, or instead of, moving these priorities ahead at the Member First Nation-level.

Participants discussed that certain projects could be opted out of by a Member First Nation, as part of the Mississauga Nation, depending on the weight of the impact of that individual project. In this instance, the opting-out Member First Nation would act in a supporting role to the other Member First Nations as part of the Mississauga Nation.

By way of example, it was discussed that financial or business related projects undertaken by the Nation would require all six Member First Nations to participate, with no option of opting out of the project. In the alternative, where a Nation-level project were to consider a curriculum, under education, one Member First Nation may opt out of this project, if they already have a curriculum in place. They would support and provide guidance to the other Member First Nations.

Aside from these examples, it was not discussed during the Meeting what the definitions of “opt in” or “opt out” projects would include, nor was it discussed what the definitions of “big” or “small” projects could entail. Examples provided, included business and financial-type projects that could not be opted out of by any Member First Nation, while education or policing-type projects, could be opted out of. As identified in the “Parking Lot,” above, defining these types of projects is necessary in moving forward with Nation-level projects. Additional discussions will be needed to identify the processes and ways that these shared priorities can be advanced by the Mississauga Nation, while respecting what is determined to be the individual autonomy and mandate of the Member First Nations.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Member First Nations should consider, as a first step, before advancing the conversation around priority areas, as noted above, to have discussions about what subject matters are going to be clearly identified as those undertaken by the Member First Nations and those that will be undertaken by the Mississauga Nation. Is there going to be overlap of priority areas or powers, or is there going to be a clear division of powers with exclusive control? Will there be Mississauga Nation “business” and Member First Nation “business?”
  - By way of example, in looking to the priority areas in the *Accord*, it is agreed upon by the Member First Nations that they will “...work in a collaborative and inclusive way on issues and initiatives of common interest or concern...,”<sup>19</sup> such as “...d) addressing land and resources matters...”<sup>20</sup> If a proponent is wanting to look at establishing a project on Mississauga First Nation territory where is the

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<sup>19</sup> *Supra* note 4, “Ongoing Process of Dialogue and Relationship Building,” at 3.

<sup>20</sup> *Ibid.*

notice being sent? Is it to the Member First Nations who are impacted by the proponent's project directly? Or is it to all Member First Nations, as parties of the Mississauga Nation? How is the proponent going to know who to consult and engage with? In order to advance this priority, does consultation now happen at the Nation level, and not the First Nation level?

- If this isn't clearly laid out in writing, there will be confusion among proponents and governments alike.
- Draft an operational or strategic plan on how these priority areas will be undertaken:
  - Who will work within each priority area;
  - Who will be the spokesperson for each priority area; and
  - Within each priority area, what does the Nation want to focus on or direct their work towards.
- Draft a document defining what types of projects could and could not be opted out of by individual Member First Nations, or those that required participation by all six Mississauga Member First Nations.
  - It was suggested that “big projects,” such as financial or business related projects undertaken by the Nation, would require all six Member First Nations' participation to move forward, while “small projects,” such as policing on each First Nation reserve, could be undertaken by individual Member First Nations independently.
  - The purpose in dividing activities in this way, ensures clarity and consistency across all six Member First Nations. Additional clarification about the responsibilities (mandate) of the Nation versus the role of Member First Nations would assist in advancing these projects or priorities in a clear and transparent manner.
- Community engagement to get input and approval on what the Mississauga Nation's priority areas are, or should be, and what focus the Nation should take in beginning to implement and carry out projects within these areas.

## **Step 6: Sharing Resources among the Mississauga First Nations**

There was much discussion during the Meeting around the sharing of resources across all six Member First Nations as part of the mandate of the Mississauga Nation. Examples of these shared resources could include house inspectors, police services, or expertise from one department, such as the Mississaugas of the New Credit First Nation's Department of Consultation and Accommodation. Participants suggested that a Resource Sharing Protocol or document be drafted in order to formalize the process and to detail what needs to be in place to be able to share and receive resources, such as materials, energy, services, staff, knowledge, or other assets. Included with this document would be a non-disclosure agreement, ensuring the privacy and confidentiality of the resources being shared.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Drafting a Resource Sharing Protocol or other type of document that details what needs to be in place and what is required to share and receive resources across each of the Member First Nations. Such details, may include, but are not limited to:
  - What is the resource?
  - Who has the resource?
  - Who requires the resource?
  - Is the resource sharing protocol between all, or only some, of the Member First Nations? Or is sharing always at the Nation level?
  - Why is the resource required?
  - Where is the resource required?
  - When is the resource required to be sent/received?
  - How will the resource be sent/received?
  - Is there anything specific that needs to be in place for the sharing and receiving First Nations?

Such an example might be in sharing a resource such as house inspectors. What would need to be in place in order to share the resource or services of house inspectors in one First Nation across the other five Member First Nations? Would it be the case where the house inspectors in one First Nation would train other members in another First Nation so that they can service their own community? Or does it make more sense to have one First Nation be the host First Nation of that resource and provide services for that function across all six Member First Nations?

- Community engagement to get input and approval on what the Mississauga Nation's priority areas are, or should be, what limitations, and what focus the Nation should take in beginning to implement and carry out projects within these areas.

### **Step 7: Membership and Citizenship in the Mississauga Nation**

Although membership was not discussed at length during the Meeting, there were points raised by participants related to the following questions:

- Who would be a member of the Mississauga Nation?
  - Each First Nation; and
  - The individual citizens of each First Nation;
- What would the role of members be?
  - For each First Nation as members; and
  - For each citizen of the Nation; and
- What would the responsibilities be for members?
  - Of each First Nation; and
  - Of each citizen of the Nation.

It was stated during the Meeting that some of these answers have begun to be teased out within the *Naakinagewin* Report.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Answers need to be provided on:
  - Does each Member First Nation currently define their own membership codes;
  - What it means to be a Mississauga citizen of the Mississauga Nation;
  - Does the Nation have a role in defining citizenship criteria or is it all at the Member First Nation-level for decision making, including an appeal of those decisions;
  - What are the responsibilities of citizenship in the Mississauga Nation for individuals;
  - What is each individual citizen getting out of their membership in the Mississauga Nation;
  - What is each individual citizen giving up as part of their membership in the Mississauga Nation;
  - What do the Member First Nations get out of being a member of the Mississauga Nation; and
  - What does each Member First Nation have to give up to be a member of the Mississauga Nation.
  
- Community engagement to answer the above questions regarding membership and to allow the citizens to comment on what they should be getting out of, or giving up, to be a member of the Mississauga Nation.
  
- Community engagement should also provide citizens with an opportunity to support or reject the proposed process for defining members or citizens of the Nation. Where a Mississauga Nation Constitution is drafted, this would set out processes around citizenship and membership. Approval of the Constitution by the members and citizens would be required.

### **Step 8: Community Engagement within, and for, the Mississauga Nation**

It was very clear from the Meeting that most, if not all, participants needed to go back to their communities and hear from their members on the work that they have undertaken thus far, as members of the Governance Table Committee. Some of the participants stated that they had not approached their membership since the Governance Table Committee was established.

Community engagement and support will be critical throughout the nation-re-building process. Community members need to be informed about the process, as well as have the opportunity to advance their views on how the Mississauga Nation can speak for them and advance their interests.

Community engagement needs to take place throughout the process of revitalizing the Mississauga Nation, as well as needs to continue on an on-going basis to ensure transparency,

communication, and engagement. The individual members need to be informed regularly throughout the revitalization and running of the Nation, to ensure that documents, processes, and decisions can be approved of with ease through the ratification process. It was suggested that the Nation should be run at the grassroots level, as was once done; where members inform or guide the processes carried out by the Nation leadership. Participants noted that it should be like undertaking negotiations for the historic treaties: the people agreed that the selected Chief would negotiate on their behalf within defined terms, and that they were not to speak on behalf of the First Nation members on other matters not included within their “mandate.”

It was suggested that a gathering or series of separate gatherings be held on at least, an annual or seasonal basis, to bring the member communities together, so that issues could be discussed and solutions constructed. In between these gatherings, information sharing measures can be considered to ensure that community members are informed and aware of the ongoing discussions at the Governance Table Committee, or at the leadership level, on a regular basis. A communications or information sharing plan would assist with this and also ensures that consistent information is being shared across all Six Member First Nations about what the Governance Table Committee, or the leadership, is working on and undertaking.

### ***Recommended Next Steps:***

Based on the above, recommended next steps could include the following:

- Establishing a process by which members are engaged on a regular basis to discuss items noted in Steps 1-7, above.
- This process may look to establish how engagement will take place, possibly through, but not limited to:
  - Chief and Council;
  - Newsletters within each First Nation and across the Nation, using social media and other processes to distribute information and solicit feedback;
  - Community meetings at each First Nation; and
  - Hosting an annual or seasonal assembly or gathering where all First Nations can come together to discuss important issues and find solutions.

## **Conclusion: Recommended Next Steps**

Participants were clear that the foundational approach for implementing the intentions and commitments of the Governance Table Committee will be the *Accord*, which establishes that processes moving forward will be based on:

- Greater coordination of relevant personnel among the parties;
- Information sharing; and
- Seasonal meetings or as required for the leadership.<sup>21</sup>

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<sup>21</sup> *Supra* note 4, “Coordinated Action,” at 4.

Although the *Accord* outlines the basic structure for implementing the commitments and priorities discussed among the Governance Table Committee, it is important to note that there are many other items that are actionable, and in particular, there are areas where there are outstanding questions that require answers, so as to assist in moving the Mississauga Nation discussions forward.

As noted throughout this Report, in each “Recommended Next Steps” section, action items have been identified as a step in creating an engagement plan for establishing the Mississauga Nation. These recommended next steps form a step-by-step approach to re-establishing the Mississauga Nation in a manner and form that is rooted in the shared history and traditions of the Mississauga’s governance structures, while allowing the Member First Nations to consider how those structures may need to be developed to meet modern realities and the needs of the Member First Nations today. There is much work to be done. The recommended starting point is to complete and review the research required to answer a number of outstanding foundational questions, and then engage in further meetings to discuss the subjects and questions raised throughout this Report.

Other *recommended next steps*, which could also be considered as each Member First Nation works towards establishing the Mississauga Nation are as follows:

- Considering how to work as a Nation, in a Nation-to-Nation relationship with Canada, and on a government-to-government basis with Ontario; and
- Considering how to work, on an Indigenous Nation-to-Indigenous Nation basis with other non-Mississauga First Nations who have participated in similar processes previously.

In following these steps and engaging with the membership, the Mississauga Nation will be established as “One Nation, One Voice!”

**Appendix A**  
**“Parking Lot” Poster**

**Appendix B**  
**Mississauga Relationship Accord**

**Appendix C**  
**Naakinagewin Project Final Report, Part 1**

**Appendix D**  
**Administration Poster**

**Appendix D**  
**Advocacy Poster**

**Appendix D**  
**Culture Poster**

**Appendix D**  
**Justice Poster**

**Appendix D**  
**Mississauga Nation Poster**

## Appendix D Resources Poster

**Appendix E**  
**Amalgamated Mississauga Nation Meeting Notes**

**Appendix F**  
**Illustrated Step-By-Step Approach to Establishing the Mississauga Nation**