



Wolastoqewiyik NEQOTKUK

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Resolution No.

16-163

Dept. File No.

Date Submitted

2019 12 18

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2019 12 18

Date Approved

Purpose of resolution: Tobique First Nation Governance Act

WHEREAS the Council of Tobique Nation (“the Council”) identified a need for a constitutional governance act (“the Act”) to support and enhance its governance capacity and to meet its formal strategic goals and objectives;

AND WHEREAS has contracted Great Earth Consulting of Fredericton, NB to assist with the development of this Act, the final version of which is titled “Tobique First Nation Governance Act”;

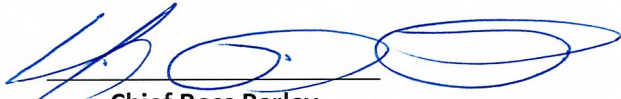
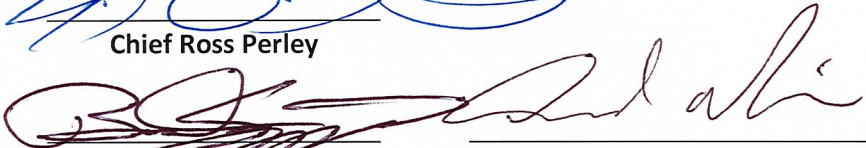
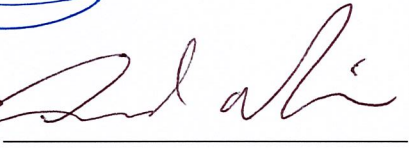

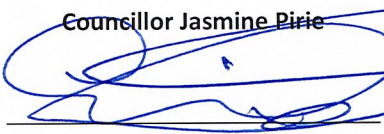
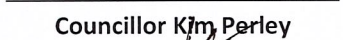
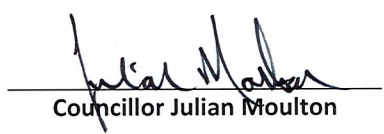
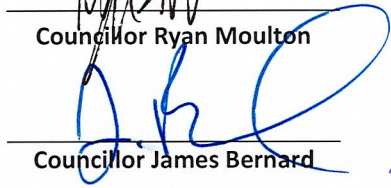
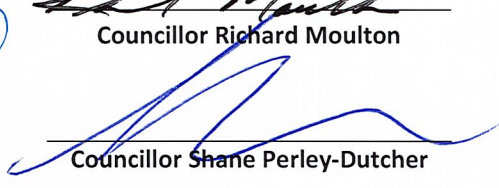
AND WHEREAS the Act and related documentation has been developed and submitted to the satisfaction of the Council;

THEREFORE, BE IT RESOLVED as a duly convened meeting, that the Council of Tobique First Nation approve and adopt the subject Act, with the following provisions, based on input from community members and the Steering Committee:

- That the name of the Act be: “Tobique Governance Act”, without reference to the work “constitution”;
- That the document be classified as a “living document,” to be posted on a purpose-designed website and presented in such a way as to facilitate and encourage ongoing community discussion and input;
- That ongoing community input be reviewed and that the Act be updated annually to reflect and incorporate such input;
- That as a matter of acknowledgement and inclusion, the input of community members who are critical of the governance act project for ideological reasons be recognized and included “on the record” in a special section of the main document, to be worded as follows:

“During the consultation process for this Governance Act, important feedback was received from some community members that was critical of the project for ideological reasons. Several expressed the view that any form of engagement with the Canadian state’s structure of ‘Indian administration’ is by its very nature irremediably colonial, and that First Nations’ constitutions, governance acts, rights agreements, etc. that work within federal regimes represent the ongoing imposition of colonial rule and reflect a colonial agenda. In this view the purpose of such agreements is not their ostensible purpose, because in reality they can never be put to use by First Nations in a way that would achieve true self-determination. Some interviewees also referred to forms of governance under the Indian Act or other federal legislation as attempts to impose a constitutional vision of Canada they would relegate Indigenous governance to a “fourth level” of government. In this view as well, self-government and self-determination cannot be achieved through working with the state. It follows that band councils elected through the Indian Act system are not legitimate governing authorities; in this view they are at best just administrators of the state’s oppressive system of Indian administration under the act. To the extent that these band councils pass governance acts or constitutions, they are simply acting as an extension of the state apparatus and continuing colonial control. Even where these Councils have a democratic mandate from membership to engage in this work, several interviewees

expressed the view that their legitimacy extends no further than the administration of government programs within originally designated “administrative boundaries” of the reserve. Following on this, this group of interviewees were also of the view that the band council has no authority off the reserve, including in relation to the exercise of treaty rights off reserve. The range of issues that a band council might legitimately deal with is therefore very narrow. Essentially, it was felt that any engagement with the state represents a capitulation to the authority of the state and a diminution of Indigenous autonomy and sovereignty. So, a problem of legitimacy arises for these interviewees.”


Chief Ross Perley
Councillor Brad Sappier
Councillor Leonard Nicholas
Councillor Jasmine Pirie
Councillor Edwin Bernard
Councillor Kim Perley
Councillor Shawn Deveau
Councillor Tina Martin
Councillor Ryan Moulton
Councillor Richard Moulton
Councillor Julian Moulton
Councillor James Bernard
Councillor Shane Perley-Dutcher