

# MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 3/12/24 Time: 6 PM

Facilitator: Carol J.

Present: Raymond B., Marcie M., Julie H-C.

## NEW BUSINESS

1. Went over the Attachment #1 prior to the Convention on 3/15/24.
2. Suggestion made that we get rid of the Voting Machines for the elections, especially the small reservation. It is a very expensive process.
3. Bernadine R. sent the Drafting committee information about grants given out for Tribal Healing to Wellness Courts. This is very interesting concept and something to look into after we are all set up in the new reformed governance. It is given out annually.
4. The issue was brought up about helping our drug dependent family members to get help. An ability for family to sign an member into drug treatment. This would help with mental health issues also.
5. Children in the workforce is a problem on the reservations. Kids are working 12 hours shifts because of lack of staff.
6. There is a need for the exact language of the UNDRIP Article , rather than just a summary. We need to talk in the same as others when we get into negotiations and implementing UNDRIP. Any Reference in court proceedings should be referred to the specific language as well. This will be important when we write grants, etc.
7. The first step to implementation of UNDRIP is to endorse it. Attachment #2 is a draft of a Resolution Endorsing the Declaration.
8. Looked at an example of implementation of Free Prior Informed Consent (FPIC)

<b>FREE, PRIOR, INFORMED CONSENT (FPIC)</b>			
<b>DEFINITIONS AND ISSUES</b>	<b>Process</b>	<b>Departments (All are under the Administration and Supervisory Council)</b>	<b>Local Constitutions</b>
<b>Free</b> <b>Definition</b> <ul style="list-style-type: none"> <li>• Consent under force, threat, intimidation, or</li> </ul>	<b>Develop a General Policy, a Consultation Code, and Procedure:</b>	All departments involved in consultation, negotiation, and decision-making are responsible for implementing this right.	

<p>manipulation is not voluntary.</p> <ul style="list-style-type: none"> <li>• Consent is obtained before authorization or commencement of activities at the early stages of a development or plan.</li> </ul> <p><b>Prior</b></p> <ul style="list-style-type: none"> <li>• Prior implies that consent is obtained before an activity is associated with the decision.</li> <li>• It includes the time necessary for Indigenous Peoples to undertake their decision-making processes.</li> </ul> <p><b>Informed</b></p> <ul style="list-style-type: none"> <li>• Implies that Indigenous Peoples have been provided with all information relating to the activity and that information is objective, accurate, and presented in a manner and form that is understandable to Indigenous People.</li> </ul> <p><b>Consent</b></p> <ul style="list-style-type: none"> <li>• Implies that Indigenous Peoples have agreed to the activity that is the subject of</li> </ul>	<ul style="list-style-type: none"> <li>• The Grand Council has an oversight role.</li> <li>• The Central Council, in coordination with the Department of Administration, will identify and develop policy objectives. They will also consult any appropriate Departments for input.</li> <li>• The General Assembly will write the Code and Procedure based on the policies.</li> <li>• The Department of Legal Department will review the documents for legalities.</li> <li>• The Grand Council reviews the draft before posting it.</li> <li>• The Tribal Records Department will post the documents and announce they are available for review.</li> <li>• The citizens and the Citizen Council will have an opportunity to review the posted Code and procedures and may submit suggestions or objections to the Grand Council.</li> <li>• After reviewing concerns or</li> </ul>	<p><b>Implementation and Enforcement</b></p> <p>The Administration and Supervisory Council has the ultimate role of implementation and supervising enforcement under the oversight of the Grand Council.</p> <p>The Administration and Supervisory Council Departments will determine the mechanism of enforcement.</p>	
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<p>the relevant decision, which may also be subject to conditions.</p> <ul style="list-style-type: none"> <li>• A freely given decision that may be a "Yes," a "No," or a "Yes with conditions" includes the option to reconsider if the proposed activities change or if new information relevant to the proposed activities emerges.</li> <li>• A collective decision (e.g., through consensus or majority) is determined by the people, following their customs and traditions.</li> </ul> <p><b>When is FPIC required:</b> prior the approval and/or commencement of any project that may affect the lands, territories and resources that Indigenous Peoples customarily own, occupy or otherwise use in view of their collective rights to self-determination and to their lands, territories, natural resources and related properties.</p>	<p>suggestions from the citizens, the final step is for the Grand Council to either send the documents back to the General Assembly for revision or approve the document for release to the Grand Council Representatives, who will approve or disapprove it. If the majority agrees to the written document, the Grand Council enacts it.</p> <p>Develop a Code and Procedure for <b>Permits</b> for:</p>		
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<p><b>Related UNDRIP Articles:</b>  10, 11 (2), 14 (3), 15 (2), 17 (2), 18, 19, 22 (2), 23, 28 (1), 28 (2), 29 (2), 29 (3), 30 (1), 30 (2), 31 (2), 32 (2), 36 (2), 38.</p> <p style="text-align: center;"><b>Development</b></p> <p>Ensure mechanisms for citizen participation and consent for tribal government decisions regarding natural resources and other matters.</p> <p>Set tribal consultation expectations for both:</p> <p>external agencies</p> <p>entities operating under tribal jurisdiction.</p> <p>Codify a tribal FPIC code that defines consultation as:  "The formal process of cooperation, negotiation, and mutual decision-making between two sovereigns."</p> <p>The Code states that "federal agencies have the obligation of seeking out tribes and providing meaningful opportunities for consultation," which should be ongoing.  <i>(see Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians)</i></p>	<ul style="list-style-type: none"> <li>• Required licenses before businesses engage in commences on Tribal land.</li> <li>• Businesses operating on tribal lands and with tribal entitles. <ul style="list-style-type: none"> <li>○ Include a baseline level of information the business shall provide to the Tribe.</li> </ul> </li> <li>• Development on Tribal lands and Tribal entities.</li> <li>• Research regarding the Tribe and its resources.</li> </ul>		
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<p>Establish a "permitting process" regarding business operations on tribal lands and with tribal entities.</p> <p>Code requires that business licenses be acquired before any business commences within the Maamawiino Anishinaabeg Nation (Aka Chippewa), including special businesses, wholesale sellers, and retail sellers.</p> <p>It requires businesses operating on Tribal land to provide a baseline level of information about their business to the Tribe. <b>(see The Swinomish Tribe).</b></p> <ul style="list-style-type: none"> <li>• Establish a "permitting process" regarding development on tribal lands and with tribal entities. <b>(see The Tlingit and Haida Indian Tribes of Alaska).</b></li> <li>• Establish a "permitting process" for research regarding the Tribe and its members. <b>(see Colorado River Indian Tribe and The Hopi Tribe).</b></li> </ul>			
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**Next meeting:** 3/19/2024 at 6 PM