

Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 3053	Subject: Arbitration Proceedings for MMBC Distribution Question	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D 1 1	M 0 5
	Y 2 6	Province Gepeg

WHEREAS, in 2013, the Listuguj Mi'gmaq Government ("LMG") became a shareholder in the Mi'gmawei Mawiomi Business Corporation ("MMBC") alongside the Mi'gmaq communities of Gespeg and Gesgapegiag (collectively, the "Shareholders");

WHEREAS, in 2013, the Shareholders entered into a unanimous shareholder agreement ("USA"), which outlined several key issues (the "Term Sheet Items") to be addressed in a subsequent, more comprehensive agreement that would better reflect the intentions of the parties and reinforce the shared vision for MMBC's governance and success;

WHEREAS, among these Term Sheet Items, the Shareholders intended to develop a formula for the division of MMBC's income distributions, with the intention of ensuring each of the Shareholders' communities receive fair and equitable benefits;

WHEREAS, in 2013 LMG, Gespeg, and Gesgapegiag also became Limited Partners in the Mi'gmawei Mawiomi Resources Limited Partnership ("MMRLP") to ensure that our communities see meaningful benefits from responsible resource development; the initial MMRLP agreement also included a term sheet indicating the parties intentions to reach a future agreement that would include a formula for the fair and equitable distribution of income from the partnership between LMG, Gespeg, and Gesgapegiag;

WHEREAS, in 2014 the MMRLP partnership agreement was amended to add the Mi'gmawei Mawiomi Secretariat ("MMS") as a limited partner; the amended MMRLP agreement also included a term sheet indicating the parties intentions to reach a future agreement on a formula for the fair and equitable distribution of income from the partnership between LMG, Gespeg, and Gesgapegiag;

WHEREAS, despite good faith efforts over the years, LMG, Gespeg, and Gesgapegiag have not been able to agree on a formula for the fair and equitable distribution of income from MMBC and MMRLP;

WHEREAS, the parties' failure to reach a consensus has prevented the communities from receiving any distributions of income over the past fourteen years, thereby precluding our communities and people from benefiting from the MMBC and MMRLP's successes;

Moved: George Martin

Seconded: Gordon Isaac Jr.

Abstain: -

Opposed: -

Absent: Chris Wysote

Status: Passed Defeated Tabled

Quorum 7

Councillor Annette Barnaby

Chief Scott Martin

Councillor Sheila Swasson

Councillor Sky Metallic

Councillor Erwin Peter Molley

Councillor Dr. Cathy Martin

Councillor Christie Caplin

Councillor Wandell Metallic

Councillor Macy Metallic

Councillor George Martin

Councillor Gordon Isaac Jr.

Councillor Tanner Isaac

Councillor Chris Wysote

Mi'gmaq Nation

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WHEREAS: resolving this matter is essential not only for LMG but for the collective prosperity of the Mi'gmaq of Gespe'gewa'gi, and so LMG has determined to seek a fair and timely resolution of this matter through arbitration;

AND WHEREAS: LMG acknowledges its legal obligation to seek the consent of Gespeg and Gesgapegiag, MMBC, and MMS before proceeding to arbitration, and urges its fellow Shareholders and partners to support this course of action to unlock shared economic benefits and promote the prosperity of our communities.

NOW, THEREFORE, LMG MAKES THE FOLLOWING ORDER-IN-COUNCIL:

1. The appropriate LMG staff and legal counsel are directed to seek the consent of Gespeg, Gesgapegiag, MMBC, and MMS to initiate arbitration to settle the question as to how distributions from MMBC and MMRLP will be divided amongst the Shareholders and limited partners, respectively.
2. Provided the parties agree in principle to arbitration, LMG staff and legal counsel are instructed to work with representatives from Gespeg, Gesgapegiag, MMBC, and MMS to develop the necessary arbitration agreement and to return to Chief and Council with a final draft Council's review and approval.