



Introduction: BCAFN Governance Toolkit

BC Assembly of First Nations
Regional Chief Jody Wilson-Raybould
We Wai Kai Nation
Community Meeting
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A new beginning....

- After years of litigation, lobbying and persistence we are gradually rebuilding our institutions of governance and re-establishing jurisdiction, both on our existing reserves and within our traditional territories.
- We are re-establishing governance, negotiating access to lands and resources that are fuelling our emerging economies. We are rebuilding our societies, our Nations.
- We are in an exciting period of change.
- But change is not easy...We must share, communicate and build on our success.



Building on OUR Success **platform**

- Our success stories show that strong, appropriate and effective governance is necessary if we are to reach our full potential and maximize opportunities created as a result of advancements made in the recognition of Aboriginal title and rights, including treaty rights.
- Good governance is necessary for sustainable and long-term economic development.
- Improved governance is demanded by the citizens, progressive leaders, the Federal and Provincial governments and industry partners.



How did we get here?

- Pre-contact – organization
- Contact
- *Indian Act*
- *Constitution Act 1982*, section 35(1): self-government as an Aboriginal right
- *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, Article 3: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”



Ensuring Effective Government

- Under the *Indian Act*
- Through First Nation led sectoral governance initiatives (e.g. *First Nations Land Management Act, First Nations Fiscal and Statistical Management Act*)
- By developing comprehensive governance arrangements (whether part of treaty or not)
- Implementing future direction from the Courts



Political Challenges & Issues...

- Impact of the Colonial Legacy (poverty, health & social conditions, education/capacity, relationship with the Crown...)
- What is the appropriate unit of governance and for what jurisdiction(s)? (Band, First Nation, Tribe, Nation, Region?)
- Relationship between traditional governance (i.e. hereditary systems) and non-traditional (*Indian Act*)?
- What are the governance implications of the “proper title holder” debate?
- Sharing of information – working together – avoiding duplication
- Role of Provincial and Territorial Organizations and other bodies
- Resources – financial and other
- Developing community support



“No community left out or behind...”

- BCAFN is committed to ensuring all First Nations’ communities in BC have the opportunity to benefit from recognition of title and rights including engaging in governance reform and development.
- This process of reform must start at the community level and be based on each Nation’s vision, leadership and culture. It must be developed from the ground up.



Developing an “exit strategy”

- To re-establish appropriate institutions of governance and exercise jurisdiction, every First Nation, as part of its own critical path, needs an ‘exit strategy’ for getting out from under Canada’s control and ultimately the *Indian Act*.
- This is challenging work requiring leadership, resources and time. It is not a “federal program and service” but about us determining our own future.
- We Wai Kai has begun this process (Land Code, Membership Rules, Election Code, scheduled to First Nations Fiscal and Statistical Management Act).



BCAFN First Nations' Governance Toolkit

- To help advance First Nations' governance and in accordance with our *Building on OUR Success* action plan, BCAFN is developing a “Governance Toolkit” that will be practical and relevant drawing on the experience of First Nations and best practices in governance.
- The Tool is currently in draft form and being reviewed and piloted.
- We Wai Kai is one of the pilots.



Access to the Toolkit

- Toolkit can be used by leaders (policy makers), staff and citizens to undertake a community self-assessment of their governance capacity and needs (both institutional development and scope of jurisdiction) and develop their own governance critical path and workplan.
- Toolkit will be available in hard copy with a Web version with links to documents referenced in the tool. Will be accessed through BCAFN website www.bcafn.ca.
- Toolkit can be used at various levels depending on the needs of the community, stage in governance development etc.



Structure of the Toolkit

- The Toolkit is in two parts:
 - **Part One:** A self-assessment survey in two modules:
 - Module One: Effective Governance (Guide, Self-Assessment and Management Survey)
 - Module Two: Effective Organization (Guide, Self-Assessment and Management & Staff Survey)
 - **Part Two:** The governance report – setting out the various and growing options to implement governance within and beyond the *Indian Act*



Module One: “The Governing Body – Establishing Effective Governance”

- Designed to assist a First Nation in assessing the effectiveness of its core governance functions regardless of the source of authority/legal framework for your current governance system.
- Includes a long survey to be completed by your team and a shorter survey for individual members of Council.
- Leads the users to think about where there can be improvement in governance and governance options for greater control of the institutions and structure and procedures of your government; including elections and the management of the governing body.



Module Two: “The Administration: Establishing Effective Organization”

- Module Two is designed to assist the community in assessing the effectiveness of its administrative operations and to help the First Nation meet the growing demands for excellence in management practices.
- Includes a long survey to be completed by your team and a shorter survey to be completed by each member of the staff.
- Each section addresses a key management responsibility which First Nations should have in place to ensure a well-run administration.
- The scope of a community’s administration varies according to the First Nation’s size, structure and the extent to which a First Nation has assumed jurisdiction or program responsibility or program delivery. The toolkit accounts for this.



After the Self-Assessment...

- The results of the self-assessment can be used to make changes to improve the effectiveness of your Nation's governance and administration where appropriate.
- The self-assessment may reveal further opportunity to move beyond the *Indian Act* and develop our institutions of government and powers of government.
- Develop your 'critical path' – your exit strategy and associated workplan to build / re-build your institutions of governance and the powers / jurisdictions of your government at your own pace and with the support of the community.



The Governance Report

- The Governance Report includes:
 - The options to develop our institutions of governance whether under the *Indian Act* or outside of the *Indian Act* with examples.
 - The range of jurisdictions and authorities available to First Nation through existing programs, policies and initiatives whether under the *Indian Act* and outside of the *Indian Act*, including any requirements for participation in those initiatives.
 - Resources and support that is available to assist a First Nation including any funding for capacity development and negotiation support.



The Governance Report Cont'd

The Report is divided into five sections:

- **Section one:** History of First Nations' governance & the development of options to advance FN governance.
- **Section Two:** Core FN governance, focusing on the structure of First Nations' Government and its institutions (includes Constitution development).
- **Section Three:** Powers (jurisdictions) of the of FN government: 1) unique to First Nation 2) all governments in Canada exercise 3) federal in nature 4) provincial in nature, and 5) local or municipal in nature.
- **Section Four:** Resources available to FNs to help develop their 'exit' strategies from the *Indian Act* [incl. organizations and institutions as well as a guide to using the services of professionals (lawyers, consultants etc)].
- **Section Five:** Opportunities for higher learning (professional development, formal education etc.)



The Governance Report Cont'd

- Options for governance are considered along a continuum:
 - Within the *Indian Act*
 - Sectoral governance initiatives
 - Comprehensive governance arrangements (within and outside of treaty making)



BCAFN ToolKit: Status, Development & Next Steps

- Dialogue Sessions will be held to continue discussions with BC First Nations and seek important feedback from our communities to further shape and refine the toolkit
- Pilot Projects – The draft Toolkit will be tested and feedback given by participating First Nations as they complete a community governance self-assessment to determine their unique governance capacity, needs and priorities.
- Peer Review
- Partnerships
- Target Date for BCAFN Toolkit Completion and Launch:
 - Spring 2011 – BCAFN Special Chiefs Assembly on strong and appropriate governance.



If you have any questions, concerns or additional feedback from the BCAFN Governance Dialogue Session please feel free to contact us:

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