ROOTS OF INDIGENOUS GOVERNANCE

A Facilitator's Guide to Indigenous Nationhood for Visionary Leaders

NEW RELATIONSHIP TRUST

NATIONAL CONSORTIUM FOR INDIGENOUS ECONOMIC DEVELOPMENT

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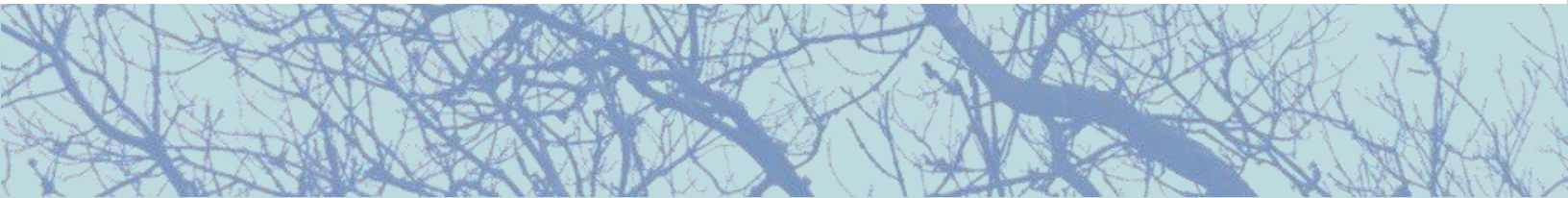

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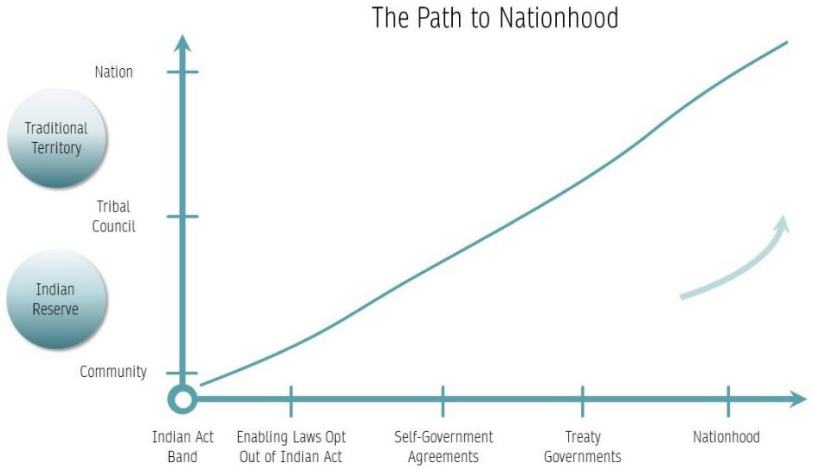
INTRODUCTION

Indigenous Nation governments are at the crossroads of decolonization and self-determination. A strong Government with a great Governance system enables Indigenous Nations to assert their inherent right to self-determination and self-governance – the path to Indigenous Nationhood.

Indigenous governments in Canada align along a Nationhood continuum that starts with First Nations following the *Indian Act* and progresses to more complex Nation governments that assert self-determination beyond Treaty and territorial agreements. Along this spectrum are tribal council governments, First Nations that opted out of *Indian Act* through sectoral enabling legislation, communities under self-government arrangements with the federal government, and communities and Nations that operate under the governance provisions of modern Treaties. The diagram below outlines the path of the Nationhood continuum.



More specifically, and in terms of the themes in this guide, Indigenous governments in Canada differ in terms of:

People
from reserve community to Nation

Governance
from *Indian Act* to First Nation own constitution (process)

Government
from *Indian Act* band council to Nation governing body (structure)

Land
from Reserve to traditional territory, and all resources

Economy
from dependency to self-reliance

These five dimensions are addressed with this guide as **pillars of Nationhood**.

Most First Nations operate under Crown-delegated authority set out by the *Indian Act*; however, a small number operate under some form of delegated authority that may have been achieved by opting out of certain provisions of the *Indian Act* under federal enabling legislation, or under self-government regime and other arrangements with the federal government. A small but growing number of Indigenous governments work under the auspices of a modern-day Treaty. Most Indigenous governments are community-focused governments and only a few are Nation governments, though most reflect the fact that the Indian Band (not the Indigenous Nation) is still the basic unit of government for Indigenous communities in Canada.

Indigenous governments are diverse and range in complexity, from Nation authorities and jurisdiction, to administering parts of programs and services typically delivered by various levels of other governments.

This guide is designed to support the majority of micro- to mid-size Indigenous Nations that wish to assert their inherent right to self-determination and self-government. It offers ideas to address the distinctive challenges that Indigenous Nations face in Canada, particularly British Columbia, now and into the future. It provides a perspective deeper in scope than that of the conventional band councils, which choose to operate under the auspices of the *Indian Act*. Accordingly, the topics in this assessment tool may or may not fit the specific condition or situation that every Indigenous Nation wants to address.

"Nation-Building: One size does not fit all,
but the foundations are the same."

How to Use the Guided Government Assessment Tool

This tool was designed for use by the Indigenous Governance Advisory Team (IGAT) led by New Relationship Trust. It is designed to identify the current status of self-determination authority and jurisdiction and self-government responsibilities (e.g., laws, practices, procedures, systems, institutions, programs, government administration), by checking if a tool is in place or it needs updating or creation.

The Facilitator's Guidebook is to be used in a workgroup setting where the key decision makers (Chief and Council, senior administrators) are led by a trained facilitator (e.g. IGAT Advisor) to conduct a systematic review of the Indigenous Nation.

While reviewing this guide, consider the resources and capacity you will need to support the Nation to determine its Nationhood Vision. This assessment tool will help you to identify the gaps that need to be addressed so that the community can fulfill its Nationhood goals.

Upon the completion of the guided assessment tool, you will have a list of what the Indigenous community has in place and what needs to be achieved to strengthen the Nation's governance systems. For example:

- ☐ Overview of the inherent right to self-determination and self-governance.
- ☐ Awareness of current situation.
- ☐ Vision of what the community wishes to accomplish in order to achieve their Nationhood aspirations.
- ☐ Understanding of what needs to be done to help the community to achieve its Nationhood goals.

Who Should Use this Assessment Tool?

- ✓ Indigenous Nation Government Governing Body – Chief and Council, Hereditary Leadership
- ✓ Senior Administrators
- ✓ Management team – Program Directors and Managers

About the Guide

This guide represents three of a four phase series.

The Nation's history, values, principles and ways of life:

- Who are we as a People?
- Where do we want to 'go' and 'be" as a Nation (big goals)?
- What makes us a distinct Nation?
- Are we using our traditional laws, protocols, customs and ceremonies to strengthen our Nation?

How the Nation forms its Institutions of governance:

- Where do we require support to rebuild our Nation?
- Are we on our journey back to Nationhood?
- What is our level of readiness (Commitment and Capacity) to achieve our self-defined Nation goals?
- What will be our relationship with Canada?

How our government organizes to deliver our mandates and fulfill our Nationhood Vision:

- Defining who we are as a People
- Detailed description and mapping of our territory
- Developing a modern constitution by transforming our traditional laws and practices
- Goals to assert authority and jurisdiction over our lands and citizens
- Creating a governance development plan for our Nation with timelines and resources

Phase Four content will be found in separate documents, which will include:

- Tailored modules to align with the needs of the individual Nation's governance development plans.
- Opportunities for nations with similar needs to collaborate on training.

Each phase has questions related to the following five pillars of Nationhood:

People	Who we are - what defines us as a People
Governance	Develop a modern constitution based on our traditional values, principles, and practices. Create a governance development plan for our Nation with timelines and resources.
Government	Create effective government Institutions and systems to attend to the needs and aspirations of our Nation.
Land	Assert control over our ancestral territory and resources, and their relevance to our Nation.
Economy	Focus on economic prosperity and self-sufficiency, and how we will build the economy of our self-reliant Nation.

Next Steps

Upon the completion of the assessment tool, you will share with the Nation a list of what they have in place and what needs to be done to strengthen their Nation. Once the assessment session is completed, the governing body (Chief and Council and senior administrators in most cases) will work with the IGAT Advisor to establish a work plan to address the identified gaps and deficiencies (e.g. next step is to plan and deliver a strategic planning session with members of the Chief and Council, senior administrators and program managers).

After the completion of the guided assessment session, the Nation should update its planning documents (strategic plan) to support a system of continuous capacity development. The gap analysis should also be addressed in the work plans of the senior administrators and the appropriate departments (e.g., health department to establish equitable health care system) and programs delivered by the Nation.

> "The process of Nation rebuilding must be done from the inside out."
> -- Gwen Phillips, Ktunaxa Nation Council

PHASE 1:

REAFFIRMING OUR NATIONHOOD

Indigenous Nations thrived through the adherence of the principles, values and laws of our ancestors, and how these were applied to their decision-making, use of lands and resources, and relationship with others. In this section, you are invited to identify the important ancestral foundation of your Nation and how they relate to your Nation-building and efforts to assert your inherent rights.

This section explores ancestral strength and asks you to identify the foundational principles, teachings, customs and beliefs that define the resilience and longevity of your Nation. This includes social and cultural practices that define Nations, with a focus on ancestral governance that helped shape Nationhood today. The section reviews the importance of land and the resources in building a self-reliant economy, with questions that focus on the fundamental aspects of evolving culture and economic sources.

Pillar	History, Values and Principles of Nationhood
People	Know who we are as a People Understand what makes us distinct Nations Identify where we want to 'go' and 'be' as a Nation (big goals) Knowing our ancestral societies' values and principles, customs, beliefs, and ways of life
Governance	Have a vision of where we want to 'go' and what we want our Nation to 'become' Asserting our inherent right to self-government and self-determination
Government	Describe the functions of government in ancestral times Apply our traditional laws protocols and ceremonies to rebuild our Nation
Land	Define our traditional territory, centrality of land, and balance with nature
Economy	Know our ancestral economy

YOUR CHECKLIST

1 People

1.1	Do the citizens of your Nation know and follow the beliefs, teachings, values, customs and ceremonies that guided your ancestors?	☐ Yes	☐ No	☐ NA
1.2	Do your citizens know what makes your Nation distinct? For example, how you differ from other Nations (i.e. language, protocols, ceremonies).	☐ Yes	☐ No	☐ NA
1.3	Do your citizens continue to share the oral stories about how your ancestors lived? (e.g. what they lived in, what they ate, how they shared knowledge, how decisions were made, what roles people had, etc.)	☐ Yes	☐ No	☐ NA
1.4	Does your Nation know the location of your sacred sites and ancestral burial grounds?	☐ Yes	☐ No	☐ NA

2 Governance

2.1	Does your Nation know how your ancestors organized its governance model?	☐ Yes	☐ No	☐ NA
2.2	Do you know how your ancestors made Nation decisions (e.g. consensus, voting, other) Did this change over time and/or in different circumstances?	☐ Yes	☐ No	☐ NA
2.3	Does your Nation practice cultural activities and conduct traditional ceremonies within your traditional territory?	☐ Yes	☐ No	☐ NA

3 Government

3.1	Does your Nation have its values, principles, customs and beliefs defined so that they can be communicated to others?	☐ Yes	☐ No	☐ NA
3.2	Does your Nation use ancestral laws, principles and values to guide decision-making and government administration?	☐ Yes	☐ No	☐ NA
3.3	Does your Nation incorporate traditional governance practices into the current governance system and programs?	☐ Yes	☐ No	☐ NA
3.4	Does your Nation know how your ancestors shared resources? If so, does your Nation still follow these resource-sharing practices?	☐ Yes	☐ No	☐ NA

4 Land

4.1	Does your Nation have traditional stories that define your territory and boundaries?	☐ Yes	☐ No	☐ NA
4.2	Does your Nation know what lands and natural resources your ancestors used, and do your citizens continue to depend upon them today?	☐ Yes	☐ No	☐ NA
4.3	Do your citizens gather, hunt, fish, use or visit cultural sites in your traditional territory?	☐ Yes	☐ No	☐ NA
4.4	Does your Nation have its traditional Indigenous place names documented and recognized, such as ceremonial sites in the territory?	☐ Yes	☐ No	☐ NA
4.5	Does your Nation know what lands your ancestors had control over? Was this shared with others? (i.e. neighbouring Nations, protocols for shared and overlapping lands and resources)	☐ Yes	☐ No	☐ NA

5 Economy

5.1	Does your Nation know what the main economic drivers were of the ancestral economy and how they influenced social interaction and cultural practices?	☐ Yes	☐ No	☐ NA
5.2	Does your Nation know how wealth was regarded and defined? Does your Nation know if your ancestors shared wealth, and, if so, how wealth was distributed?	☐ Yes	☐ No	☐ NA

PHASE 2:

GAUGING OUR CAPACITY AS A NATION

Governance is a foundational component of Indigenous Nationhood, along with language and culture. Traditionally, Indigenous Nations had their own governance systems, developed their own laws and enforced those laws. These customary laws were often based on the principle of land stewardship – understanding the connection between the land and the people. For Indigenous peoples, land is more than physical land: it includes water, air and all living creatures. Subsequently, traditional laws, customs and beliefs were oriented toward protecting the land as part of a complete ecosystem that they relied upon.

This phase examines the key governance institutions of your Nation government. Attention is given to pillars of governance, law-making, the mandate of government, the special role of the governing body to lead your Nation and establishing the essential infrastructure to rebuild the economy. These questions lead to determining your level of readiness - commitment and capacity – to achieve your self-defined Nation goals, and what your Nation requires to support its journey back to Nationhood so that the next seven generations are strong and prosperous.

Pillar	How Indigenous Nations Organize their Governance Institutions
People	Understanding citizen roles within Nation institutions
Governance	Framing the governance change management processes to strengthen the Nation. Defining the relationship with Canada.
Government	Inherent right to self-determination and self-governance. Gauge level of readiness (commitment and capacity) to achieve self-defined Nation goals.
Land	Assert authority and jurisdiction over traditional territories and the resources.
Economy	Understanding economic infrastructure and working within economic markets.

YOUR CHECKLIST

1 People

1.1	Does your Nation continue to follow the same cultural and ancestral values, principles, customs and way of life as your ancestors?	☐ Yes	☐ No	☐ NA
1.2	Do your citizens play a role in governance matters, such as transitioning into a modern constitution, law-making, Visioning, economic development and land usage?	☐ Yes	☐ No	☐ NA
1.3	Has your Nation developed mechanisms and communication systems to ensure decision making is transparent, accountable and culturally appropriate?	☐ Yes	☐ No	☐ NA

2 Governance

2.1	Does your Nation have a Vision Statement approved by its citizens?	☐ Yes	☐ No	☐ NA
2.2	Does your Nation have its own, or is it signatory to, a formal Declaration of Nationhood / Sovereignty?	☐ Yes	☐ No	☐ NA
2.3	Does your Nation have Mission Statements approved by its governing body for: ☐ Government – governing administration ☐ Departmental programs and services ☐ External agencies – social, industry and business	☐ Yes	☐ No	☐ NA
2.4	Does your Nation formally adhere to and practice the principles set in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)?	☐ Yes	☐ No	☐ NA
2.5	Does your Nation know what relationship it wants with Canada? If so, has your Nation defined a formal relationship agreement with the federal/provincial/territorial governments (e.g. health care authority)	☐ Yes	☐ No	☐ NA
2.6	Does your Nation have a written constitution created and formally approved by the members of your Nation?	☐ Yes	☐ No	☐ NA
2.7	Does your Nation exercise authority and jurisdiction over the use of natural resources in your traditional territories through its own: ☐ Laws ☐ Permits ☐ Licenses	☐ Yes	☐ No	☐ NA

2.8	Does your Nation have laws for the following: ☐ Citizenship ☐ Elections ☐ Governance Structure ☐ Heritage and Culture – include site use ☐ Safety and Security ☐ Policing and Enforcement ☐ Land Development and Usage ☐ Financial Reporting ☐ Registration of corporations, sole proprietorships, partnerships, trusts, etc. ☐ Taxation ☐ Own-source Revenue ☐ Fisheries, wildlife, migratory birds and renewable resources ☐ Licensing, regulation and operation of businesses	☐ Yes	☐ No	☐ NA
2.9	If your Nation has enacted laws as listed above, are they enforced in the traditional territory outside the reservation boundaries? (e.g., do they apply within the broader traditional territory?)	☐ Yes	☐ No	☐ NA
2.10	Does your Nation have a citizenship code or membership code? Have future generations been considered in the development of this code?	☐ Yes	☐ No	☐ NA

3 Government

3.1	Does your Nation have protocols and terms of reference in place for: ☐ Delegation of power and authority to Chief, Council, and senior administrators ☐ Roles and responsibilities of officials (e.g. Chief and Councilors)	☐ Yes	☐ No	☐ NA
3.2	Does your Nation conduct an orientation program for the governing body (Chief and Council) at the start of each term? The orientation program may include: ☐ Ceremony of taking office to serve its citizens ☐ Assignment of portfolios to each governor ☐ A formal statement of governing body members' oath of office to be signed by each governor ☐ Conflict of interest policy ☐ Public relations and social media policy	☐ Yes	☐ No	☐ NA
3.3	Does your Nation have a communication policy and protocol which identifies the Nation and government spokesperson, and message principles?	☐ Yes	☐ No	☐ NA

3.4	Is your Nation affiliated with any of the following provincial political organizations? ☐ Assembly of First Nations ☐ First Nations Summit ☐ Union of BC Indian Chiefs ☐ BC Assembly of First Nations	☐ Yes	☐ No	☐ NA

4 Land

4.1	Does your Nation collect and document evidence of your historic and continued use of the land?	☐ Yes	☐ No	☐ NA
4.2	If so, does this evidence support your claims to Aboriginal Title, and/or does your Nation document your continued use of the land to assert your Aboriginal Rights (including oral history)?	☐ Yes	☐ No	☐ NA
4.3	Does your Nation have its traditional territory clearly delineated in maps, which include: ☐ Total area of the traditional territory of your Nation ☐ Traditional place names of all relevant geographic features and ancestral settlements ☐ Areas of interest and sites used by your ancestors and citizens today	☐ Yes	☐ No	☐ NA
4.4	Does your Nation have agreements / protocols with neighbouring Indigenous Nations on overlapping and shared lands and resources and addressing related issues that may arise?	☐ Yes	☐ No	☐ NA
4.5	Does your Nation have a Land / Marine Use Plan that details your territory, and your authority and jurisdiction in your territory?	☐ Yes	☐ No	☐ NA
4.6	Does your Nation have a statement of land values and guiding principles highlighting community and land stewardship?	☐ Yes	☐ No	☐ NA

5 Economy

5.1	Does your Nation have a set of economic governance measures to allow businesses to operate more efficiently? For example: ☐ Building code bylaw ☐ Building permit bylaw ☐ Business licensing bylaw ☐ Community Investment Code ☐ Culture and Heritage Protection and Use bylaw ☐ Development Cost Charges bylaw ☐ Fire Services bylaw ☐ Nuisance bylaw ☐ Property taxation bylaws ☐ Sanitary Sewer bylaw ☐ Sign bylaw ☐ Solid Waste Connection bylaw ☐ Trespassing bylaw ☐ Water Works bylaw ☐ Zoning bylaws	☐ Yes	☐ No	☐ NA
5.2	Does your Nation have taxation and own-source revenue as a means to fund the operation of government through the following options: ☐ Property taxation ☐ First Nation GST ☐ Service charges and local taxation ☐ Land leases ☐ Resource use licenses and permits ☐ Recovery of development cost charges ☐ Fee for services ☐ Impact Management Benefit Agreement (IMBA) revenues.	☐ Yes	☐ No	☐ NA
5.3	Does your Nation have fiscal arrangements with federal and provincial governments through the following means: ☐ Resource revenue sharing agreements ☐ Fiscal transfers ☐ Equalization payments ☐ Tax administration agreements	☐ Yes	☐ No	☐ NA
5.4	Does your Nation have a clear idea of the infrastructure and resources needed to develop the economy of your community?	☐ Yes	☐ No	☐ NA

PHASE 3:

DEFINE YOUR TRADITIONAL AND MODERN INSTITUTIONS OF LAW MAKING AND GOVERNANCE

Indigenous Nationhood involves traditional values and principles in governance with modern institutions. This section focuses on services and programs that your Nation requires from its government, on how the governing body and administration work. It also considers the important topic of how engaged your Nation is to remove itself from under the *Indian Act*.

The focus of the questions involves asserting inherent rights to self-determination and self-governing your traditional territory. The questions also involve Aboriginal rights and title, consultation and accommodation, and free, prior and informed consent as it relates to the Indigenous–Crown relationship and the Indigenous Nation–Business / Industry relationship.

Pillar	How and What Indigenous Government Delivers
People	Distinguish your People – collect information on who you are for effective planning. Programs and services needed by the citizens to support Nationhood building.
Governance	Sanction your modern constitution based on your traditional laws and practices. Create a governance development plan for your Nation with timeline and resources.
Government	Set goals to assert authority and jurisdiction over our lands and citizens. Establish revenue goals that foster self-reliance and self-sufficiency.
Land	Have a detailed description and map with traditional names of sites in your territory. Know how land management and administration functions in today's Indigenous Nations' territories.
Economy	Implement economic strategies, policies and programs that foster prosperity.

YOUR CHECKLIST

1 People

1.1	Does your Nation conduct a citizen census regularly?	☐ Yes	☐ No	☐ NA
1.2	Does your Nation offer a structured cultural program?	☐ Yes	☐ No	☐ NA
1.3	Does your Nation offer health care and services? For example: ☐ Health centre in your community ☐ Community health nurse ☐ Other services	☐ Yes	☐ No	☐ NA
1.4	Does your Nation develop and deliver its own social programs and services? For example: ☐ Assisted living and Homemaker Services ☐ Children out of parental home assistance ☐ Child / Day care services ☐ Disability initiative ☐ Elders' programs ☐ Family care home ☐ Family programs ☐ Family violence prevention ☐ Financial Hardship Emergency assistance ☐ Funeral assistance program ☐ Income assistance ☐ Non-insured health benefits ☐ Homeless services / shelter ☐ Special needs ☐ Work opportunity program ☐ Youth programs	☐ Yes	☐ No	☐ NA
1.5	Does your Nation have the following community infrastructure departments in place? ☐ Capital and Public Works ☐ Community Buildings and Facilities ☐ Water and Waste management ☐ Community Safety and Security ☐ Housing (Authority or Department)	☐ Yes	☐ No	☐ NA
1.6	Does your Nation offer employment, training and career development services to your citizens?	☐ Yes	☐ No	☐ NA

1.7	Does your Nation offer an entrepreneurship development / business skills program to its citizens?	☐ Yes	☐ No	☐ NA
1.8	Does your Nation have a communications program including social media?	☐ Yes	☐ No	☐ NA

2 Governance

2.1	Does your Nation have a governance development plan with timeline and resources?	☐ Yes	☐ No	☐ NA
2.2	Does your Nation have targets for measuring government performance indicators? (These should reflect the Nation's Vision.)	☐ Yes	☐ No	☐ NA
2.3	Does your Nation have goals defined for its organization and each program, department and agency?	☐ Yes	☐ No	☐ NA
2.4	Does your Nation have a formalized process for Council meetings and minutes?	☐ Yes	☐ No	☐ NA
2.5	Do Nation citizens receive or have access to leadership meeting minutes?	☐ Yes	☐ No	☐ NA

3 Government

3.1	Does your Nation primarily operate as an: ☐ *Indian Act* band council government ☐ One based on your Nation's inherent right to self-government (traditional)	☐ Yes	☐ No	☐ NA
3.2	Does your Nation operate as a(n): ☐ Independent First Nation – not affiliated with a tribal council ☐ Nation government – member of a Nation government / tribal council ☐ Nation with a self-government agreement with Canada	☐ Yes	☐ No	☐ NA
3.3	Does your Nation have access to a qualified team of advisors – accountant, lawyer, insurance broker, IT specialist, retired banker / business executive?	☐ Yes	☐ No	☐ NA
3.4	Does your Nation have risk management strategies, insurance coverage for all relevant assets, and analysis of liability exposure for all relevant risks?	☐ Yes	☐ No	☐ NA

3.5	Does your Nation have the following plans and strategy that are annually reviewed / developed? For example: ☐ Government Strategic Plan ☐ Annual work plans for all departments, staff and agencies ☐ Infrastructure and Capital Management Plans ☐ Economic Development Strategy ☐ Emergency Response and Preparedness plan	☐ Yes	☐ No	☐ NA
3.6	Does your Nation have a system for collecting, managing and protecting IT data?	☐ Yes	☐ No	☐ NA
3.7	Does your Nation have agreements for the following: ☐ Police services agreement ☐ Local education agreement ☐ Post-secondary agreement ☐ Child and Family Service delegation agreement ☐ Citizenship training agreement	☐ Yes	☐ No	☐ NA
3.8	Does your Nation exercise its inherent right to draft and enforce its own laws?	☐ Yes	☐ No	☐ NA
3.9	Does your Nation have a publicized consultation and accommodation policy, and does it collect fees for consultation cost recovery (e.g., provincial referrals)?	☐ Yes	☐ No	☐ NA

4 Lands

4.1	Does your Nation have monitoring and enforcement laws in place to control, manage and protect your traditional territory?	☐ Yes	☐ No	☐ NA
4.2	Does your Nation have a: ☐ Land Committee formally established ☐ Lands Department to manage all aspects of land management and administration	☐ Yes	☐ No	☐ NA
4.3	Does your Nation maintain information on the following: ☐ Legal description and mapping of all easements, rights-of-ways, and other encumbrances affecting any parcel of land of your Nation's reserve lands ☐ All the natural resources (i.e., forestry, minerals, water, oil and gas, fisheries, other) within your reserve lands ☐ Land designation process	☐ Yes	☐ No	☐ NA

4.4	Has your Nation taken steps to replace and enhance the following Indian Act land structures? ☐ Certificate of possession lands ☐ Certificate of occupation (permits) lands ☐ Designated lands ☐ Buckshee lease lands	☐ Yes	☐ No	☐ NA

5 Economy

5.1	Does your Nation have a long-term economic strategy?	☐ Yes	☐ No	☐ NA
5.2	Does your Nation know the economic relevance (i.e., impact, benefits and contributions) of your Nation government and citizens within the regional economy?	☐ Yes	☐ No	☐ NA
5.3	Does your Nation maintain systems that research and study new economic development opportunities?	☐ Yes	☐ No	☐ NA
5.4	Does your government participate in regional and provincial initiatives and organizations on regional planning and advocacy?	☐ Yes	☐ No	☐ NA
5.5	Does your Nation enter into impact benefit agreements and other similar agreements? For example: ☐ First Nation rights and title recognition ☐ Social license from the community ☐ Compensation of negative impact of new or existing developments and/or addressing past grievances ☐ Education, employment, training and apprenticeships for community members ☐ Access to business opportunities through procurement from community- and member-owned businesses ☐ Equity participation and/or economic rent on natural resources used ☐ Management of cultural resources ☐ Mitigation of social impacts on community and members during construction and operation ☐ Mitigation for loss of access and use of ancestral sites of relevance ☐ Management of cumulative effects ☐ Protection of cultural and heritage resources ☐ Emergency plans and cost recovery for disaster impact ☐ Implementation framework ☐ Dispute resolution ☐ Decommissioning of physical structures	☐ Yes	☐ No	☐ NA

APPENDICES

APPENDIX 1. RESOURCES

① Indigenous Nationhood Wise Practices

A'qam First Nation	The whole community was engaged in defining the vision and setting the goals for its government and comprehensive community plan. The plan incorporates cultural values, philosophies and imagery. https://www.aqam.net/	Government – community planning Ancestral knowledge
Citxw Nlaka'pamux Assembly (CNA)	Eight Indigenous Nations from three Nations came together to reaffirm their shared Rights over lands operated by Teck Highland Valley Copper Mine (HVC). The agreement commits HVC to provide benefits to the participating First Nations which has resulted in employment and business opportunities, with benefits resulting in CNA and participating First Nations to create cultural and community initiatives, as well as a land stewardship program. https://www.cna-trust.ca	Economy Land People Governance
Coastal Turning Point First Nations	Coastal First Nations is an alliance of nine Nations along the west coast of BC. They united to govern and ensure the protection of their lands and resources, cultural resources, and use in their traditional territories through planning and the issuing of their own licenses and permits. They also established their own lands watchmen program. https://coastalfirstnations.ca/	Lands management Governance
Fort Nelson First Nation	This northern Nation has remained steadfast while grounded in ancestral values. These values guide them in their participation in the regional economy. They have strong heritage policies and separate politics from business. http://www.fortnelsonfirstnation.org/	Ancestral values Economic participation Lands management Government

Haida Nation	In 1981 the Haida Nation established the Haida Watchmen program to protect heritage sites and resources, through security and education of visitors on Haida culture and values, and through governing tourism activities to cultural sites. The program is funded from several sources, including fees visitors pay to enter Gwaii Haanas. http://www.haidanation.ca/ https://www.readersdigest.ca/travel/canada/haida-gwaii-watchmen/	Land Government Ancestral knowledge
Ktunaxa Nation	The Ktunaxa Nation is centered on "Building the Nation, one Citizen at a Time." Its employment focuses on citizens interests in employment and career training by developing Individual Training Plans, rather than creating an employment strategy that attempts to fit people into jobs or industries rather than pursue careers that are of interest to each person. http://www.ktunaxa.org/	People Economy Government
Nisga'a Lisims Government	Nisga'a was the first modern treaty, negotiated and signed outside the modern-day BC Treaty process. The Nisga'a Nation organized their governance in accordance to their own institutions' values and beliefs. https://www.nisgaanation.ca/	Governance Ancestral values Government organization
Osoyoos Indian Band	The Nation is steadfast in promoting a working culture driven by their ancestors' belief that "Natives have always worked for a living." Nation building began decades ago through agriculture and forestry initiatives, leading in tourism regional planning with neighbouring municipalities, and seeking solid partners and advisors for their economic development activities. http://oib.ca/	Economy Government Governance Planning Partnerships
Tk'emlúps te Secwépemc (TteS)	This Nation has taken leadership in partnerships with municipalities and developers, as well as matrimonial laws. Its agreement with the City of Kamloops includes sewage treated from the *Tk'emlúps* te Secwépemc through an existing sewer agreement, and their biosolids management plan. The Nation also established one of the first Indigenous Nation citizen-approved Matrimonial Real Property Laws. https://tkemlups.ca/ https://www.kamloops.ca/city-services/utilities-services/kamloops-sewage-treatment-centre/biosolids	Infrastructure Government Matrimonial Real Property People

Tsilhqot'in National Government	Tsilhqot'in reaffirmed their Inherent Rights by pushing through to the highest courts its rights and laws over its traditional territories. The Tsilhqot'in Nation v. British Columbia is a landmark case that declares Aboriginal Title beyond the First Nation reserve boundary. The Nation also demonstrated leadership during the provincial wildfires with its Emergency readiness program. https://www.tsilhqotin.ca/wp-content/uploads/2020/12/the-fires-awakened-us.pdf https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do?q=tsilhqot%27in http://www.tsilhqotin.ca/	Aboriginal Rights and Title Governance Emergency readiness
Westbank First Nation	After Westbank First Nation self-government act, citizens developed the Westbank First Nation Constitution, which sets out how the community is governed and how it exercises its jurisdiction. The Nation established an Economic Development Commission as a next stage to economy building, in support of the many entrepreneurs and developers among its citizens. https://www.wfn.ca/docs/wfn-constitution.pdf?RD=1	Government Self-Government Economy

② Powers and Jurisdictions of Indigenous Governments

1. Aboriginal Healers and Traditional Medicine
2. Administration of Justice
3. Adoption
4. Agriculture
5. Child and Family
6. Citizenship
7. Education
8. Elections
9. Emergency Preparedness
10. Environment
11. Financial Administration
12. Fish, Fisheries and Fish Habitat
13. Forests
14. Gaming
15. Health
16. Heritage and Culture
17. Intoxicants
18. Labour Relations
19. Land and Marine Use Planning
20. Lands and Land Management
21. Licensing, Regulation and Operation of Businesses
22. Matrimonial Property
23. Minerals and Precious Metals
24. Oil and Gas
25. Public Order, Safety and Security
26. Public Works
27. Social Services
28. Solemnization of Marriages
29. Taxation
30. Traffic and Transportation
31. Water
32. Wildlife
33. Wills and Estates

(SOURCE: BC AFN Governance Toolkit, https://www.bcafn.ca/sites/default/files/docs/Governance-Toolkit.pdf)

③ Economics of the Indian Act

Mainly for historical reasons and of government colonial policy, the *Indian Act* has several key economic provisions that differ significantly from those that govern the mainstream Canadian economy. The following are the most important aspects of what enables and presents First Nations economy building.

- ☐ The communal property base of India Reserve lands is not compatible with fee simple ownership of private property. Instead, certificates of possession / occupation or temporary permits can be issued by the Minister of Aboriginal Affairs and Northern Development, which allow for the enjoyment of only limited property rights on reserve lands.
- ☐ Limited private ownership rights and transfer of interests on real property, including the sale of such rights and inheritance of land and buildings located on reserve can only be transferred to another member of the same First Nation, resulting in a much smaller number of potential buyers and lower market value for such assets.
- ☐ Reserve lands cannot be sold but can be leased to third parties for a period, after a long, risky and expensive land designation process.

- ☐ Succession rights (inheritance) are restricted on the transfer of real property only to heirs who are registered citizens of the same First Nation.
- ☐ The security that can be offered for loan collateral is limited to the leasehold interest only.
- ☐ No fee simple title is allowed for Indian reserve lands; however, Certificates of Possession may be issued by the federal Minister of Aboriginal Affairs.
- ☐ Ownership and transfer of real property (sale or inheritance of land and buildings) located on reserve can only transferable to other members of the same First Nation, resulting in much lower market value for reserve lands.
- ☐ Reserve lands cannot be sold, but they can be leased by third parties, after the completion of a risky, lengthy and expensive land designation process. Studies conducted by the Fiscal Realities Economists consulting group concluded that it takes six times longer and costs ten times more to bring a project on reserve to fruition than another conventional mainstream economy.
- ☐ Succession (inheritance) rights are not allowed on transfer of real property to heirs not members of the same First Nation of the deceased.
- ☐ Severe restrictions apply on security that may be pledged as collateral for a loan assumed by an Indian living on reserve.
- ☐ The only form of security available to support projects on reserve is the mortgage of the leasehold interest on a designated parcel.
- ☐ Conditional sales agreements are another vehicle that can be used to address security concerns of lenders, but this form of security is not fitted to support real property, although it could be used for other personal property.
- ☐ Loan guarantees are another potential security vehicle, but they are available for larger projects (not small businesses), and only to commercial lenders, not Aboriginal Capital Corporations (ACCs).

④ Impact Management Benefit Agreement Components

- ☐ Recognition of Aboriginal rights and title of affected First Nations
- ☐ Compensation for negative impact of new or existing developments and/or addressing past grievances
- ☐ Education, employment, training, and apprenticeships for community members
- ☐ Access to business opportunities through procurement opportunities for Indigenous-owned businesses
- ☐ Equity participation and /or economic rent on natural resources
- ☐ Management of cultural resources
- ☐ Mitigation of loss of ancestral practices – hunting, fishing, food gathering

- ☐ Environmental assessment, protection, management and monitoring of initial and cumulative impacts
- ☐ Protection of cultural and archaeological heritage resources
- ☐ Emergency preparedness and disaster management procedures
- ☐ Implementation framework
- ☐ Term of contract, renewals and updates
- ☐ Dispute resolution
- ☐ Decommissioning of physical structures

⑤ Government and the Economy

Economic Role of Government	Government Strategies for a Stronger Economy
☐ Establish sustainable revenue base to cover government expenditures (investment and expenses) ☐ Provide public goods (goods and services) services to citizens and communities ☐ Protect property rights – land title registry, tenure and other property rights ☐ Foster a healthy economy – establish an environment conducive to business investment and development ☐ Develop skilled and diverse labour force ☐ Establish fair tax system ☐ Foster economic development ☐ May go into business ventures with other partners	☐ Exercise jurisdiction in implementation of economic policies ☐ Promote economic development through fiscal incentives, investment in people, partnering with others and marketing economic opportunities ☐ Improve and expand the skills of community members through training subsidies, apprenticeships and individual training plans ☐ Enter into Impact Management Benefit Agreements with key stakeholders in the region ☐ Expand access to land and capital ☐ Expand tax base ☐ Reduce economic leakages ☐ Establish economic linkages with neighbouring communities

APPENDIX 2. INDIGENOUS AGENCIES AND RESOURCES

British Columbia First Nations Service and Industry Organizations

Aboriginal Financial Officers Association of BC	www.afoabc.org
BC Aboriginal Child Care Society	www.acc-society.bc.ca
British Columbia First Nations' Data Governance Initiative	www.bcfndgi.com/
First Nations Education Steering Committee	www.fnesc.ca
First Nations School Association	www.fnsa.ca/
First Nations Fisheries Council	www.fnfisheriescouncil.ca
First Nations Forestry Council	www.forestrycouncil.ca
First Nations Energy and Mining Council	fnemc.ca
First Nations Health Authority	www.fnha.ca
First Nations Housing and Infrastructure Council BC	fnhic.ca
First Peoples Cultural Council	www.fpcc.ca
First Nations Public Service Secretariat	www.fnps.ca
First Nations Schools Association	www.fnsa.ca
First Nations Technology Council	technologycouncil.ca
First Voices	www.firstvoices.com
Indigenous Tourism BC	www.Indigenousbc.com
New Relationship Trust	www.newrelationshiptrust.ca

National Supporting Agencies

Aboriginal Financial Officers Association of Canada	www.afoa.ca
BC Energy Regulator	www.bcogc.ca
Council for the Advancement of Native Development Officers (CANDO)	www.edo.ca
Centre of Excellence for Matrimonial Real Property	www.coemrp.ca
First Nations Finance Authority	www.fnfa.ca
First Nations Financial Management Board	fnfmb.com
First Nations Land Management Resource Centre	labrc.com
First Nations Market Housing Fund	www.fnmhf.ca
First Nations Tax Commission	fntc.ca
Indian Oil and Gas Commission	www.pgic-iogc.gc.ca/eng/1100110010458/1100110010464
Indigenous Skills Employment Training agencies	/www.canada.ca/en/employment-social-development/programs/Indigenous-skills-employment-training.html
Lands Advisory Board	landsadvisoryboard.ca
National Indigenous Economic Development Board	www.naedb-cndea.com
National Aboriginal Capital Corporations Association	nacca.ca
National Aboriginal Lands Management Association	nalma.ca

Enabling Legislation

First Nations Election Act	Establishing own First Nations Election Code	https://www.sac-isc.gc.ca/eng/1456169046927/1596138281280
First Nations Commercial and Industrial Development Act	Commercial and Industrial Developments on Reserve	https://www.sac-isc.gc.ca/eng/1100100033561/1498848820817
First Nations Fiscal Management Act	Authority over financial management, property taxation and local revenues, financing for infrastructure and economic development	https://www.rcaanc-cirnac.gc.ca/eng/1393512745390/1498849002682
First Nations Goods and Service Tax Act	Administration of the First Nations GST Taxation	https://www.rcaanc-cirnac.gc.ca/eng/1100100016434/1539971764619
First Nations Land Management Act	Enact own land management code to opt out of *Indian Act* lands management	https://www.sac-isc.gc.ca/eng/1327090675492/1327090738973
First Nations Oil and Gas and Moneys Management Act	Option to manage and regulate oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada	https://www.sac-isc.gc.ca/eng/1100100032341/1581870840468