



**Kaska Dena Council**

**Kaska Dena Treaty  
Negotiations**



**Building Treaty  
Awareness**

**Returning to Self-  
Governance**



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# Kaska Dena Self-Governance

## Introduction

Long before European settlement and the imposition of European laws and ideals on aboriginal culture, Kaska Dena were a self-governing First Nation. Our own laws, culture, and way of life prevailed.

With the imposition of the *Indian Act*, our self-governing ways were taken away, but we have never lost our inherent right to self-governance.

Self-governance is foundational to Kaska Dena Nation building, empowering Kaska to shape our social and economic well-being, and enabling us to participate in the decisions that affect our lives and the lives of our children.



This pamphlet has been put together to provide information, answer questions and create greater understanding as to what self-governance means in today's modern context so that, together, we can make decisions that will shape our future and that of our future generations.

## What is Self-Governance?

Self-governance refers to a First Nation's right to assume greater authority and control over decisions that affect their lands, resources, communities, and citizens.

Essentially, it is a system whereby citizens, as a group, rule themselves, free from external government control or outside political authority.

## How are Kaska Dena Currently Governed?

Indigenous people in Canada, except for those who have negotiated a self-government agreement (e.g. Treaty), are governed by the *Indian Act*. The *Indian Act* is a Canadian law that was set up in 1876 to control and manage Indigenous people.

Although there have been amendments since 1876, the current Act still requires the Minister of Indigenous Affairs and Northern Development (INAC) to affect our lives in many ways, including: managing Indian reserve lands and moneys belonging to *Indian Act* bands, deciding who can be a Band member and approving or disallowing band bylaws. The Act also defines who is a status Indian and maintains control over the issuing of status cards.

Our Band Councils are set up according to INAC's rules and our Chief and Council must answer to the Minister of INAC. INAC imposes a majority-elected Band Council system, and ignores the traditional way we governed ourselves. The main function of Chief and Council is to administer and deliver programs that are set up and funded by INAC.



## What Would be Different with Self-Governance?

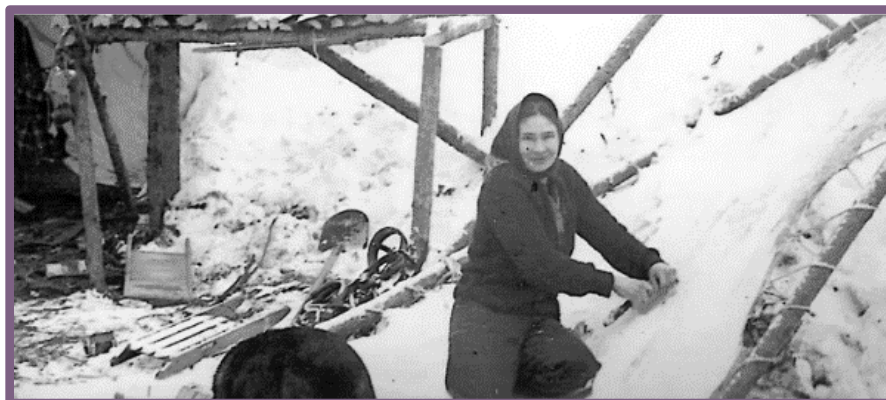
Kaska would be independent of the federal government. As a First Nation with a modern treaty, we would be self-governing and would have a constitution and law-making authority over treaty land, providing programs and services to Kaska citizens according to our values and needs.

Self-government authorities may include:

- Education
- Social Services
- Land and Resource Stewardship
- Financial Administration
- Language and Culture
- Housing
- Public Works
- Culture, Language, and Heritage
- Health Care
- Child Welfare
- Environmental Protection
- Structure of Government

Kaska Dena were self-governing before the *Indian Act* came into effect. We had a traditional system of government. We lived in accordance with our own laws and our own way of life. With self-governance, we would return to being independent - out from under the authority of the *Indian Act*. We would decide on our own government system, our own priorities, and would be able to bring traditional teachings and practices from our elders and ancestors into our modern-day government.

Our Past	Our Present	Our Future
Traditional system of government	Governing structure determined by <i>Indian Act</i>	Government structure defined in our Constitution based on what works for us.
Kaska Dena were stewards of the land. We lived in accordance with our cultural values and took care of our people	Minister of Indian Affairs is in charge under the <i>Indian Act</i> .	Governed by our own Constitution. We define how our government operates based on who we are.
Independent – our own laws and way of life prevailed	Government imposed priorities and solutions	Independent – we identify our priorities and solutions.

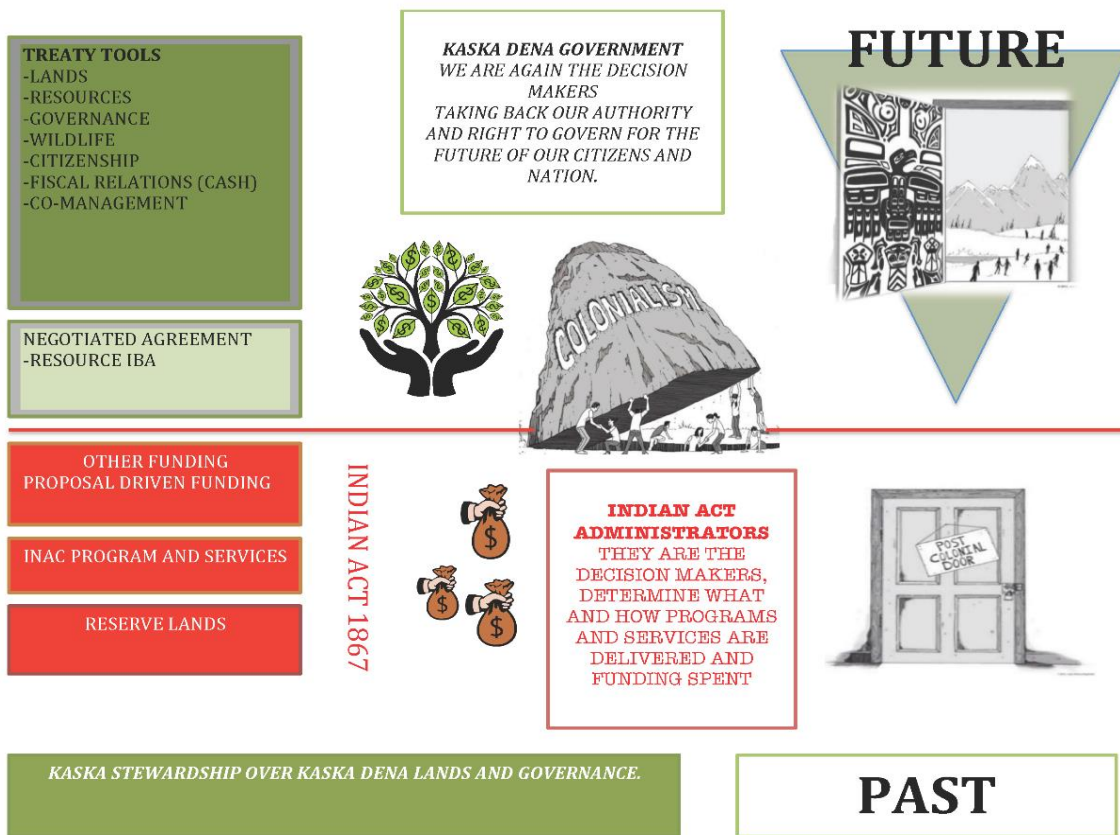




While we are making great strides towards being strong, resourceful communities, there is a ceiling imposed by the Indian Act that we struggle to break through to free ourselves from the shackles of that archaic piece of legislation. While we can access relatively small amounts of funding through proposals for special projects or initiatives, largely, INAC still controls the funding and decides on how

funding can be spent. Through a treaty, we would regain jurisdiction and authority to govern our lands, resources, education, and health for the future of our citizens and our Nation. We would have the tools to generate much needed revenue that would allow us to determine and focus on our own priorities and enhance much needed services for our people.

*The graphic below was developed to illustrate that we governed in the past (at the foundation), the challenges and lack of control created by imposition of the Indian Act (in red), and how we can free ourselves from the weight of colonialism and using the tools in Treaty, once again be self-governing.*



*“What is encouraging, is that despite the challenges, many of our Nations have already walked through, or are walking through, the “post-colonial door,” are reconciling with the Crown, and are establishing strong and appropriate governance with their own institutions of governance and the range of powers they need to govern. While considerable work remains, we are well on our way to realizing our collective vision.”<sup>1</sup>*  
 (Jody Raybould Wilson)

<sup>1</sup> [www.bcafn.ca/wp-content/uploads/2016/06/Governance-Toolkit.pdf](http://www.bcafn.ca/wp-content/uploads/2016/06/Governance-Toolkit.pdf)



## Where Do We Begin?

We begin by setting out our own rules in a Constitution. We do this by involving Kaska citizens, and building the Constitution from the ground up.

## What is a Constitution?

A Constitution is the highest law of a society. It defines who you are as a people and includes your highest principles and values.

Moreover, it is the law to which all your other government's laws and members of your society must abide by.

A Constitution is a legal instrument that establishes the structure of your governance system, and sets out how relationships will work between your citizens and your government, and between your government and other governments.

## Why Do We Need a Constitution?

Our Constitution will declare who we are as Kaska Dena, what we want to achieve to govern ourselves once again based on who we are and what we believe in.

A Constitution will also provide a solid foundation for good governance and provide for social and economic stability and success.

## What's in a Constitution?

A Constitution serves many functions, for example:

- Describes who we are and where we come from, and outlines our highest values and principles;
- Defines how our government will be structured, how our government will operate and how Kaska Dena citizens will participate in government;
- Defines who is entitled to be a Kaska Dena citizen and what our individual rights, freedoms and responsibilities are;
- Describes the legal requirements about how government decisions are made;
- Describes how, when and where authority can be exercised;
- Declares what is most important to us and describes how we protect that (e.g. culture, language, land and resources, financial resources);
- Describes how disputes will be settled;
- Describes how the rules (including the Constitution) can be changed so that government is flexible enough to grow as social conditions change, but that changes are difficult enough to make so that there is an adequate degree of legal stability in the system.





## How Do We Develop Our Constitution?

Developing a Constitution takes time, and involvement of Kaska members. It is so important that a Constitution be built “from the ground up”. In other words, for a Constitution to be meaningful and successful, it must be built by the people it represents – Kaska people.

Kaska representatives have been coming to Kaska communities to hold workshops on self-governance to listen and hear what Kaska have to say about our vision for the future and what self-governance means to us. We have been discussing and considering what government functions might be done collectively to share in the costs of government and provision of services, and what authorities need to remain in our communities. There is still a lot of work to be done.

Kaska Dena Council will continue to produce information on self governance and drafts of the Constitution for review by Kaska Dena. Eventually, when the Constitution is complete, it will need to be ratified by Kaska Dena before it can be accepted or implemented.

## Questions Kaska Members Asked About Self-Governance

Will our hunting rights be the same when Kaska are self-governing?

Yes. Kaska Dena will have the same rights to hunt after Treaty as we do now.

Will I lose my status if we are no longer under the *Indian Act*?

No, you will not lose your status. Kaska Dena who are Status Indians will still have status cards and will continue to be eligible for all the programs and services

that you are currently entitled to (e.g. medical, eye glasses). This doesn't change after Treaty.

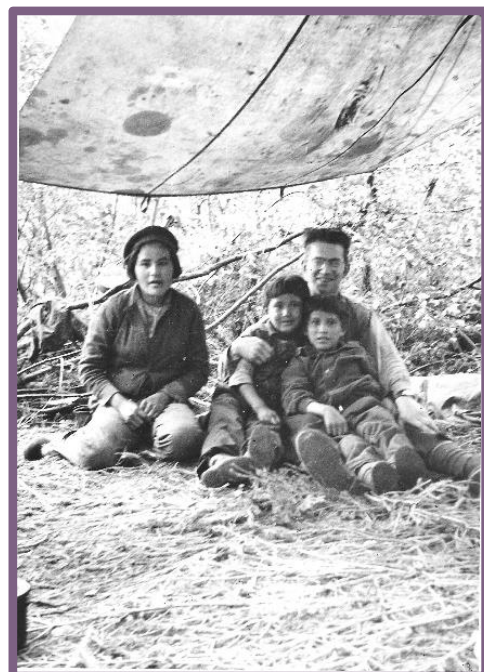
It is the *Indian Act* that governs Status Indians, not the Treaty. While most of the *Indian Act* will not be in effect after Treaty, some provisions will remain; for example, the process for registering as a Status Indian under the *Indian Act*.

## What About Non-Status Citizens?

Non-status Kaska Dena citizens who enroll as Kaska Dena Treaty beneficiaries will be eligible for services through the Kaska Dena Government.

## What About the Programs and Services that Our Bands Receive Funding For?

After Treaty, BC and Canada will provide funding to the Kaska Dena Government for agreed-upon programs and services through Fiscal Financing Agreements. Kaska Dena will continue to be eligible for programs and services available to all Indigenous peoples in Canada and will also be eligible for any programs and service available to any citizen of British Columbia.





## What Happens to Our Bands?

After the Treaty takes affect, Daylu Dena Council, Dease River First Nation, and Kwadacha Nation would no longer be Indian Act Bands. They will transition to Kaska Dena Governments as per the Treaty, structured according to the Kaska Dena Constitution.

## How Will We Elect Our Leaders?

Kaska people will vote for our government representatives according to the Kaska Dena Constitution.

Kaska people will decide on the voting procedure and this will be written into our Kaska Dena Constitution, not according to the Indian Act.

## How Will We Prepare Our People for Self-Governance?

We can all help through reading information, asking questions and educating ourselves to better understand self-governance. We encourage members to attend self-governance workshops when they are held in our communities and to talk with each other, with our Elders and with our youth about self-governance.

We can participate in workshops to develop our Constitution so that we play a role in developing our future government.

We can encourage our youth to complete their education so that when we need to fill jobs in our government we have our own educated people to step into those roles.





This publication is the third in a series to help Kaska members gain information and understanding about Treaty. The focus of the first publication was Understanding Treaty and the AIP, the second publication was Achieving Certainty over Our Land, and provides information on land negotiations in BC as part of the treaty making process. This publication focuses on self-governance; what it means, how to achieve self-governance and what would be different for Kaska Dena with self-governance. Copies of these publications are available through Kaska Dena Council or may be downloaded from the KDC website: [www.kaskadenacouncil.com](http://www.kaskadenacouncil.com).

*If you have questions or would like more clarification, please contact Michelle Miller, the KDC Treaty Coordinator at: [kdexecdir@northwestel.net](mailto:kdexecdir@northwestel.net).*

***Acknowledgements:***

*Thanks to Angela Wesley and Gary Yabsley for their contributions to this publication. Thanks to Michelle Miller for development of the graphic on page 3.*

Check out the KDC website at: <http://www.kaskadenacouncil.com> and attend treaty awareness meetings in your community.