

NCFNG
NATIONAL CENTRE
FOR FIRST NATIONS
GOVERNANCE



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DES PREMIÈRES NATIONS

National Centre for
First Nations Governance

Governance Best Practices Report

Submitted to the
New Relationship Trust
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National Centre for First Nations Governance (the “Governance Centre”)

Our Vision

Rebuild our Nations through the exercise of our inherent right to self-determination through strong, stable and culturally relevant systems of government.

Our Mission Statement

Support First Nations as they implement their inherent right of self-government and provide relevant and innovative knowledge and develop culturally appropriate services, products and events.

The Governance Centre has five regional offices in Canada. Each regional office undertakes projects with First Nations that mirror *the four business lines* of our Centre. All project engagements are initiated at the invitation of the First Nation and agreements set out goals and objectives for each project. The four business lines are:

- Governance Advisory Services
- Land, Law & Governance Research
- Professional Development
- Public Education & Communication

The Governance Centre is designed to assist all First Nations, no matter where they sit on the spectrum of implementing their inherent right to self-government. We work with First Nations to ensure that the traditional dimensions of First Nations’ experience form the basis of principles and values to guide contemporary systems of governance.

Background to Our Approach to Effective Governance

While our mandate is to support First Nations’ to govern ourselves, the Governance Centre required a consistent approach. We returned to our strategic vision for guidance, and looked to our research most importantly, *The Inherent Rights Strategy*¹. Next we looked to how others define governance and more importantly ‘effective’ governance. We looked at guiding documents developed by the Native Nations Institute (in Arizona), the United Nations and the Harvard Project. We noted many similarities and important differences between these documents and drew on the best and most appropriate to move us toward our vision.

A big departure from other models was our prominent inclusion of principles related to the Land. While many organizational models don’t naturally combine Land concepts with governance concepts, we felt this was fundamental for us as First Nations (and for indigenous peoples worldwide). The connection between effective governance and the Land is deep and profound.

To learn more about the NCFNG, contact:

Email: news@fngovernance.org

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www.fngovernance.org

¹NCFNG Framework for Aboriginal Title and Inherent Rights Strategy (the “Inherent Rights Strategy”)

Executive Summary

The Governance Best Practices Report profiles best practices in each of the Governance Centre's seventeen principles of effective governance. The practices are drawn from the experience of First Nations, tribes and aboriginal organizations across Canada and in the United States. Each report profiles actual practices being followed.

These reports provide a brief snapshot of strategies, techniques, procedures or processes that produce efficiencies in governance. They are intended to make concrete the universal principles of effective governance by profiling their implementation in specific First Nations contexts. While the reports are intended to serve as models, each community will determine for itself how the principles are brought to life in their specific contexts.

The purpose of these reports is to educate First Nations and identify ways to connect with others to improve their understanding on these matters. We encourage their widespread use and give permission for them to be shared and replicated.

Governance Principles – Best Practices Table

The following table lists five components and 17 principles of effective governance and applies it to First Nations' reality and experience. In particular the principles are applied to those who demonstrate best practices in these areas.

Governance Component	Governance Principle	Governance Principle In Action: Best Practices
People	Strategic Vision	Tsleil-Waututh First Nation
	Meaningful Information Sharing	Squiala First Nation Miawpukek First Nation
	Participation in Decision Making	Gila River Indian Tribe
The Land	Territorial Integrity	Haida Nation Yakama Nation
	Economic Realization	Osoyoos Indian Band Hupacasath First Nation
	Respect for the Spirit of the Land	Haisla First Nation Champagne & Aishihik First Nations
Laws & Jurisdiction	Expansion of Jurisdiction	Tsawwassen First Nation White Bear First Nation
	Rule of Law	Nisga'a Lisims Government
Institutions	Transparency and Fairness	Westbank First Nation
	Results Based Organizations	First Nations & Inuit Home & Community Care
	Cultural Alignment of Institutions	Teslin Tlingit Council Apache Nation
	Effective Inter-governmental Relations	Sliammon First Nation Squamish and Lil'Wat First Nations
Resources	Human Resource Capacity	BC First Nations Public Service Initiative
	Financial Management Capacity	Martin Aboriginal Education Initiative
	Performance Evaluation	Sisseton-Wahpeton Oyate Nation
	Accountability and Reporting	Membertou First Nation Siksika First Nation
	Diversity of Revenue Sources	Ktunaxa Nation

Introduction

Project Purpose & Vision

This report is part of an initiative of the New Relationship Trust (“NRT”) to research and identify best practices in five areas: governance, land-use planning, environmental assessment, comprehensive community planning and consultation.

The objective of the project is to identify best practices and distribute related resources to assist in planning and decision-making processes. The ultimate goal of this Report is to assist First Nations to achieve better outcomes and higher rates of success in the area of governance.

What are Best Practices?

NRT defines best practices as methodologies, strategies, procedures, practices and techniques and/or processes that consistently produce successful results. Best practices are particularly useful for First Nations that are in the process of developing standard processes and procedures.

How to Use This Guide

The Governance Principles Table (on page v) lists five components and seventeen principles of effective governance and applies it to First Nations reality and experience. The framework of each Best Practice Report is similar and draws on a set of common elements:

Opportunity: the context in which the need for effective governance occurred.

Principle in Action: the actions taken to increase capacity for effective governance related to the specific principle.

Success Factors and Challenges: the conditions that contributed to a positive outcome and the barriers that had to be overcome.

Lessons Learned: the transferable learning related to the specific principle that other communities can learn from and employ.

Sources and More Information: Web links to related projects or organizations and to sources that were drawn on to write the case studies.

Each report includes a *quote* from one of the person’s involved in the case as a reminder that it is the personal stories that bring strength to the work we do.

The expectation is that as the framework of the five components becomes more widespread this collection will grow. The Centre invites all communities who are working to increase their capacity in effective governance to send us your stories so that they can be added to this collection and so instruct and inspire communities working on the same paths.

Send your story organizing the information following the template used here or simply email us the details at info@fngovernance.org, including the name of a contact person, so we can work with you to tell your story and add it to the collection.

Governance Principles

Governance

The Governance Centre defines governance as:

Governance is the traditions (norms, values, culture, language) and institutions (formal structures, organization, practices) that a community uses to make decisions and accomplish its goals. At the heart of the concept of governance is the creation of effective, accountable and legitimate systems and processes where citizens articulate their interests, exercise their rights & responsibilities and reconcile their differences.

Embedded in this definition is our Inherent Rights Strategy. The strategy involves organizing at the community level with a clear vision and an unwavering commitment to specifically defined goals and objectives designed to protect and realize First Nations title rights.

Effective governance is about more than getting the job done. The process and the principles that support and guide the process are as important as the product. In other words, effective governance is more than a way to achieve organizational effectiveness; it is an end in itself.

Principles of Effective Governance

The Governance Centre models effective governance on five important components. They are:

The People | The Land | Laws and Jurisdiction | Institutions | Resources

These five components blend traditional values of our respective Nations with the modern realities of self-governance. The Centre uses the principles supporting these components to develop and deliver tools and services to assist in rebuilding First Nations. We believe all First Nations have the ability

to enact all or some of these principles no matter where they sit on the path to self-governance. All First Nations wrestle with significant constraints such as a lack of funding, the restrictions of the *Indian Act*, and poverty, yet effective governance is the foundation upon which our development aspirations must be built. Therefore, we must engage with these principles – our long term success depends on it.

Principles in Action

It is important to stress that the principles set out here are not intended to refer to effective governance in a general sense. While they have some applicability to all contexts, they are intended to refer to governance in the context of First Nations communities. They are infused with and drawn from our language, culture, values and sense of spirituality. This allows us to speak about the principles as an authentic guide. They are intended to make general or universal principles of governance specific to each First Nation context. Each culture will determine for itself how the principles are brought to life in their specific context.

Hierarchy of Principles

While the five components of governance and the 17 related principles are equally important in the realization of effective governance, there is a hierarchy within them.

Effective governance begins with the People. It is only through *the People* that we can begin to shape the strategic vision that serves as the signpost for the work that those communities and their organizations engage in. When the People have shared information, collectively made decisions and determined the

strategic vision, their attention moves to where they sit – *to the Land*. Aboriginal title is an exclusive interest in the Land and the right to choose how that Land can be used. It is then through *Laws and Jurisdictions* that the rights of the Land are made clear. Following from and consistent with the Laws and Jurisdictions is the emergence of *Institutions* and the identification of the *Resources* required to realize and to ensure the continuity of effective governance.

Beyond the Centre, as Nations work with the principles they will identify those that have immediate relevance to their communities and those that may be of greater value as their governance systems and structures mature. One Nation may view it as dangerous to place great power in the hands of single individuals, preferring a dispersal of power among multiple leaders, while another may view such power concentrations in single individuals as appropriate and desirable. Another Nation may believe that constituent villages or districts should exercise ample power in their own affairs,

echoing long-standing cultural beliefs in the right of kinship-based communities within the Nation to choose their own paths; another may prefer something very different. One Nation may decide that the preservation of language, land, and ceremony will be its priorities, with all decisions tested against them; another may focus its energies on prosperity and on breaking its dependence on outside sources of funds, believing that only then can it truly claim control of its own future.

While the implementation of the principles may vary, ideally they will support the development of effective practical mechanisms of government appropriate to each Nation: constitutions, codes and policies, procedures and agreements with other governments. These are the practical and necessary aspects of governance that confirm who has rights, roles and responsibilities, how decisions are made, how disputes are settled, what the law says, and who will execute decisions.

Governance Best Practices Reports

The People



Governance Best Practices Report

Component: **The People**
Principle: **Strategic Vision**
Government: **Tsleil-Waututh Nation**

Opportunity

The Tsleil-Waututh are a Coast Salish people who live in a community located on the north shore of Vancouver, B.C. The Tsleil-Waututh have worked hard to protect their community identity and culture in the face of rapid urban expansion. Community leaders, including Chief Dan George and John L. George, have spoke strongly of the need to maintain aboriginal rights and title.

In the early 1990s, the leadership began a revitalization process to mark their presence within Tsleil-Waututh traditional territory and to ensure their community's survival in the growing urban environment. Three critical steps were undertaken to ensure their success. First, a vision for the community, land and people was developed. Second, Tsleil-Waututh enrolled in the treaty process and engaged with numerous partners who operated within their traditional territory and share common goals. Finally, Tsleil-Waututh developed and used a planning process to facilitate the achievement of their goals.

The Principle in Action

Tsleil-Waututh developed a vision for the community, land and people through a six-stage process. In the first stage the Tsleil-Waututh began an extensive visioning process, looking at what an indigenous government should be and how the community could function within a sovereign model. A series of principles were developed and accepted based on the vision.

In the next stage the community reformed their internal governance process and developed a constitution. The resulting restructured government now includes administrative functions (but no band manager), elected positions, representatives from the nine traditional families of the nation, and the community whose role it is to oversee the entire governance process. In the third stage, an inventory

of existing community resources was undertaken. Historical development of the territory over the previous 140 years was researched and maps were developed showing biophysical and cultural territory features. Once the inventory was in place, the community was ready to begin developing plans.

The fourth stage consisted of the design of the plans. The community identified two types of plans: planning long term (referring to conceptual plans based on the principles of seven generations) and planning for the short term (referring to operational planning for the eco-cultural units and watersheds).

With planning complete, the community began the fifth stage – implementation – with an inclusive conference of stakeholders who held interests within their traditional territory. Protocol agreements and memoranda of understanding were developed with a range of government and non-government organizations.

The final stage of the planning process is self-reflection where the community, administrators and leadership conduct ongoing reviews of the goals ensuring they remain relevant and aligned to the vision and revise accordingly. The end product is a powerful statement of their vision captured in the *Tsleil-Waututh Nation Declaration*.

This Effective Governance Case Study profiles a best practice in the principle "Strategic Vision."

To learn more about this case, contact:
Tsleil-Waututh Nation
www.burrardband.com

Success Factors

The visioning process was successful because Tsleil-Waututh had an approach to planning that was consistent with their community values.

The approach used in the six-stage process ensured that it was a community driven process, incorporated traditional and contemporary practices, focused on sovereignty and community management, and respect for the natural environment.

A further reason for Tsleil-Waututh success was their ability to develop from the vision the following set of core principles to guide them in developing more specific community plans:

- Create “Engines” for Opportunity
- Employ Community-Based Governance
- Map the Biophysical, Cultural and “Power” Information in the Traditional Territory
- Adopt the FNLMA and Develop a Community Plan
- Create Partnerships
- Pursue Innovative Economic Ventures

The final key to success was the presence of strong, determined and consistent leadership.

Challenges

Community engagement can be considered the heart of a strategic vision. However, in developing a vision for a nation it is often times difficult to maintain a high level of community participation in the process. This could be due to a number of factors. For example, community members could be unable to participate due to lack of time, family commitments, or indifference, etc. As a result, nations need to be aware of these challenges and do everything they can to mitigate these potential issues and encourage engagement.

Inaccessible information can also be a challenge to creating a nation’s strategic vision. Often times, language and formal education barriers faced by some of a nation’s community members prevent them from fully understanding the information they are being consulted on. As such, nations need to ensure that any information shared or distributed to their community members is in an easily understood format and is explained in non-technical language.

Further, all information should be easily accessible to community members, i.e. distributed door-to-door, posted on a website, mailed out, etc.

Once a vision is endorsed there are still challenges associated with its implementation. First Nations need to be aware of this challenge and make a conscious effort to make their strategic vision continually relevant in both their planning and day-to-day operations.

A final challenge more specific to Tsleil-Waututh First Nation was their urban setting. The nation’s urban environment posed unique issues dealing with the preservation of community identity and culture within their community plan. This challenge required a balancing of interests for the Tsleil-Waututh First Nation.

Governance Lessons Learned

Strategic Vision is the shared, long term dream of a nation and charts the course from where the people are to where they want to be. Articulating a shared strategic vision is the necessary starting point to effective governance. Tsleil-Waututh recognized the importance of shared vision as an essential foundation for nationhood.

Sources and More Information

Tsleil-Waututh Nation Declaration

www.burrardband.com/pdf_files/declaration.pdf

First Nations Stories

<http://dsp-psd.pwgsc.gc.ca/Collection/R2-305-2004E.pdf>

First Nation Land Register

<http://pse3-esd3.ainc-inac.gc.ca/FNLRS/content/main/fnlrs-login.asp>

Say Nuth Khaw Yum Park Management Plan

www.burrardband.com/treaty/PDF_Documents/SNKY_PublicDraft_Sept1007_FINAL

Our Tsleil-Waututh Nation is moving into our future. Our children and our land are our future. Our future will bring enough for our children’s children to thrive. We are looking forward, we are ready to meet the next millennium.

Excerpt from the Nation Declaration

Governance Best Practices Report

Component: **The People**

Principle: **Meaningful Information Sharing**

Government: **Squiala First Nation**

Opportunity

Squiala First Nation is located within the boundaries of the City of Chilliwack, B.C. in the central Fraser Valley east of Vancouver. The connection of Evans Road to Ashwell through Squiala lands has been an issue of ongoing discussions between the City of Chilliwack and Squiala First Nation.

In response to the roads project – and Squiala’s work to develop financial and governance policies and the *Squiala First Nations Land Code* – the Squiala initiated a comprehensive community planning process. The Squiala felt the process would enable a meaningful exchange of information within the community which would in turn support authentic negotiations between the nation and the city. The intent was to build stronger relationships in the community and create a community development plan that truly represents the interests of the people.

The resulting plan provides a framework for making decisions to address existing needs and establishes broad direction for future community development.

The Principle in Action

To drive the planning process, Squiala established a steering committee of elders, youth, council and staff. The First Nation also tapped into external resources through Indian and Northern Affairs Canada and the City of Chilliwack.

The greatest benefit from the planning process has been having the lines of communication opened up in the community. Council and citizens now share a greater understanding of community issues. Considerable time and resources, both human and financial, have been invested to carry out a comprehensive community planning process and implement the outcomes. Dedicating those resources to the planning process was essential to Squiala’s success.

Squiala will continue to evaluate and adapt the planning process and the plan through ongoing dialogue with the community. This strategy is designed to maintain their full participation. *“We want to assess the community’s understanding of the process, issues and outcomes, as well the success of the land designation process and interest in pursuing new business opportunities,”* says band administrator Tammy Bartz. Community engagement based on meaningful understanding is critical for the planning to go forward.

Success Factors

Meaningful information sharing is the common theme across all of the indicators that supported success in the evolution of the Squiala Community Development Plan.

Effective communication, both within and outside the community, permitted the gathering of critical background and contextual information that provided a foundation for the plan.

Regular information sharing within the community ensures that the community continues to endorse the plan, is up-to-date on planning activities, understands the activities of the planning process and the planning team, and has the knowledge to actively participate in the process.

This Effective Governance Case Study profiles a best practice in the principle “Meaningful Information Sharing.”

To learn more about this case, contact:

Squiala First Nation
www.squiala.com

Communications outside the community, with other levels of government, private industry, and academic institutions, helps to coordinate the community's plan with other local or regional plans thereby increasing its chances for success.

The entire community has been involved in the planning process. To help facilitate community engagement, the First Nation held dinners and family-head meetings, distributed newsletter and surveys and maintained an open door policy at the band office.

A key focus of the planning process has been acknowledging progress and community celebration of each success, no matter how small.

Challenges

Community engagement is an essential element of comprehensive community planning and Squiala found the process presented some challenges. *"There are several distinct generations in the community,"* explains Bartz. *"The six original patriarchs are in their 70s, with most of the rest of the community in their 40s and 20s. Every generation has a different perspective and it took some effort to blend everyone's needs."*

Establishing effective community engagement can be a difficult task. Solutions to typical challenges can include the following.

If community members show a lack of interest or motivation, look for ways to connect with them at the personal level. What will the initiative mean to them, their families or business?

If community members show a lack of trust, arrange for meetings to occur in a neutral place.

If community members show limited cooperation, acknowledge any historical basis for their reluctance and show an appreciation for their participation now.

Be certain that all information can be easily understood and is accessible.

Governance Lessons Learned

The effective governance principle of *Meaningful Information Sharing* is critical for a nation to realize its vision. Meaningful information sharing occurs when the community is engaged – when the exchange of information occurs frequently, openly and in all directions. Planning for the future is an excellent opportunity to engage people in meaningful information sharing.

Successful community planning processes are those that are community-driven. All sectors of the community should have an opportunity to participate through speaking and listening, including elders, youth, members residing within and outside the community, and family heads, among others. The plan must accommodate the needs of community members in order to have validity and credibility, and for members to endorse its implementation.

With engagement, the community becomes a source of new ideas for discussion and action. Participation encourages people to take responsibility for initiating and implementing projects, and also creates momentum and sustains support. Engagement expands the leadership base of the community and presents opportunities to transfer planning and responsibility to a new generation of community members over time.

Sources and More Information

Squala First Nation Community Development Plan
www.squala.com/complan.php

First Nation Success Story: Squiala Nation
www.ainc-inac.gc.ca/bc/fnbc/sucsty/crgn/ccp/sqfn_e.html

Comprehensive Community Planning Handbook
www.ainc-inac.gc.ca/bc/proser/fna/ccp/ccphb/ccphb_e.html

Squala as a self-reliant community – our community members will have a range of choices in education, employment and economic opportunity.

Squala Vision Statement

Governance Best Practices Report

Component: **The People**

Principle: **Meaningful Information Sharing**

Government: **Miawpukek First Nation**

Opportunity

Miawpukek First Nation (MFN) are Micmac people living on the south coast of Newfoundland. In 1998 they indicated to the Government of Canada their desire to move toward self-government negotiations. Recognizing the nature and scope of achievements of the community within its short existence as an *Indian Act* band, departmental officials proposed a unique exploratory discussion process. This process was implemented in late 1999 and continued through to spring 2001.

The exploratory discussions showed that while there was genuine interest in self-government, there were also many issues that members wanted to more fully understand before moving toward formal negotiations. There was a strong desire for meaningful information sharing where ideas could be exchanged frequently, openly and in all directions. There was a clear commitment by many to involve themselves in working groups and committees to fully explore, assess and understand the implications of such a fundamental change in community governance and jurisdiction.

In this way, it was the community that determined that a robust exploratory discussion stage would best prepare them to build consensus on whether entering formal self-government negotiations was appropriate.

The Principle in Action

It took Miawpukek and their partners at least ten years to implement the full process of community consultation and begin to experience the benefits associated with meaningful information sharing and the increased capacity to take charge of their own affairs.

Early on, careful selection of representatives was important. Stated agreement on stakeholders' roles, responsibilities and skills proved invaluable in

community consultations during the developmental phase and later in formal self-government negotiations. All key project stakeholders, whether they were independent consultants, DIAND headquarters or regional office representatives, or community representatives, demonstrated a deep commitment to the initiative's goals and adopted methods of communication.

There were two goals for the consultations: 1) to provide a means to successful negotiations and implementation of self-governance, and 2) to increase the capacity for governance itself across the community.

A community consultation work plan was developed through a cooperative partnership involving the self-government working team members, the band and DIAND representatives. The work plan goals included:

- Conduct an environmental scan
- Identify and inventory operational barriers
- Identify and establish relationships with other groups that would be affected by Miawpukek self-government process
- Identify negotiating issues to be addressed before self-government negotiations begin
- Build community consensus and membership awareness of issues, options and procedures

This Effective Governance Case Study profiles a best practice in the principle "Meaningful Information Sharing."

To learn more about this case, contact:

Miawpukek First Nation

www.mfngov.ca

Success Factors

The Miawpukek work team identify a number of key processes and principles that provided support to their activities.

A Community-Led Process: Miawpukek has demonstrated a genuine commitment to building its own future through a sustained effort to keep the initiative at the “grass roots” level. This has been done by ensuring the full participation of the First Nation community, generating relevant community-based research, focusing on community needs and practical problems, and validating the process with community members. They have also articulated a set of socially and culturally relevant expectations of governance, and openly addressed any entrenched fear and suspicion among First Nations related to government actions and intentions.

Building the Foundation: Several critical strategies were employed by the self-government working team in order to reach the long-term objectives. These strategies included reaching a common understanding and agreement among all project partners about the key issues, ensuring that community participation would become a cornerstone of all project-related activities, and learning from existing governance systems.

Consultation Workshops: A series of workshops was designed to provide community members with historical and contemporary information required to assess the self-government initiative, the opportunity to explore the implications of self-governance from political, program and financial perspectives, and provide input and direction to the self-government exploratory initiative.

Community Consultation: In addition to community workshops, an Open Council Session, community meetings, and community open houses were held in order to reach more community members with information about MFN band programs, departmental activities and expenditures. Community members were kept informed through postings on the MFN website, regular mail outs and media press releases in the local press and community radio station.

Challenges

The Miawpukek faced and successfully addressed a number of challenges during the course of the work including the following:

- Ensuring authentic community engagement was accomplished through the investment of a great deal of time and effort. The process needed to be

flexible and frequent rescheduling was required to accommodate the greatest number of participants.

- The inclusion of off-reserve membership in discussions and planning was important in order for the interests of all Miawpukek to be fairly represented.
- Significant time was invested to make certain that information on the process was both easily understood and readily accessible. The lack of self-government resource material in plain, accessible language caused initial delays.

Governance Lessons Learned

Meaningful Information Sharing is critical for a nation to realize its vision and only occurs when the exchange of information happens frequently, openly and in all directions.

The Miawpukek recognized that governmental reform without community buy-in is unlikely to produce significant, long-term results, and that community buy-in depends on real investments by government in education and engagement (listening) with the whole of the community. They set as priorities the attainment of a common understanding and agreement among all project partners, and that the identification of key issues and the exploratory work should be pursued in a partnership approach. The Miawpukek built a strong foundation to their work by ensuring that community participation would become a cornerstone of all project-related activities.

Sources and More Information

Miawpukek First Nation Self Government
www.mfnselfgovernment.com

Miawpukek First Nation Proposal
www.mta.ca

Miawpukek Human Resources
www.mhrnl.com

Miawpukek First Nation Community Story
www.rural.gc.ca/decision/conne/conne_e.phtml#f2#f2

The First Nations currently negotiating self-government arrangements with Canada believe that self-government negotiations must be driven by the grass roots people and must proceed at a pace comfortable to the grass roots people.

Miawpukek Negotiation Discussion

Governance Best Practices Report

Component: **The People**

Principle: **Participation in Decision Making**

Government: **Gila River Indian Tribe**

Opportunity

Gila River Indian Community, which borders the Arizona cities of Tempe, Phoenix, Mesa, and Chandler, has nearly 17,000 tribal citizens. Half of the population is younger than 18. Like youth elsewhere, Gila River youth are challenged by a host of problems. Gang violence, drug and alcohol abuse, and teen pregnancy are particularly acute on the 372,000-acre reservation. Until the late 1980s however, Gila River youth had little or no avenue to participate in decision making related to these and other matters affecting them. This was the result, in part, of their government's own attitude about youth and their role in the community. As one Gila River leader acknowledged, *"the tribal government has always focused on the elders, but youth and their issues were historically overlooked"*.

Formed in 1987 and chartered under the laws of the Gila River Indian Community, the Akimel O'odham / Pee-Posh Youth Council (the Youth Council) gives youth a formal voice in tribal governance and prepares the next generation of leadership. Comprised of 20 young leaders between the ages of fourteen and 21, who are elected by their peers, the Youth Council advises the tribal government on a diverse range of issues including substance abuse and youth delinquency. The Youth Council also engages youth in initiatives designed to enhance their understanding of and encourage participation in public service.

The Principle in Action

As elected representatives who serve the interest of their peers, Youth Council members hold significant public service responsibilities. They communicate regularly with other youth to identify relevant issues, concerns, and challenges. They formulate policy and they present their policy solutions to the community's elected leadership and other tribal government officials.

Youth Council members also organize community activities and participate in and present at local, state, regional, and national conferences on issues pertaining to youth and youth/adult relationships.

The objective of the Youth Council is to create a single, comprehensive Gila River Indian Community Youth Policy to ensure that all children, teens and young adults have access to:

- Ongoing relationships with caring adults
- Safe places with structured activities during the non-school hours
- Healthy starts
- Marketable skills and competencies through education and youth development
- Opportunities to give back through community service

Since the Youth Council's creation, more than 300 youth have served on the Council itself, and over 8000 youth and community members have been involved in its program activities. The Council has coordinated more than 15 leadership conferences and a series of youth leadership development seminars, represented youth in dozens of conferences, and provided substantive input on a wide range of issues to tribal decision makers.

This Effective Governance Case Study profiles a best practice in the principle "Participation in Decision Making."

To learn more about this case, contact:

Gila River Indian Community

www.gilariver.org

Success Factors

The accomplishments of the Akimel O’odham/Pee-Posh Youth Council have earned them widespread admiration and respect on and off-reservation. Three factors appear to be powerful contributors to the Council’s success. The first is the community’s recognition that youth can and should play a critical role in governance and decision making. By enabling youth participation in tribal government, the Council has made use of a valuable and previously untapped resource. The future of aboriginal nations to be self-governing depends upon knowledgeable, motivated, and skilled youth to assume leadership positions.

A second factor is the seriousness with which its members and the tribal government take the Council’s responsibilities. The tribal government treats the Council like any other tribal government program or department. Similarly, members of the Council take their roles and responsibilities as community leaders seriously. Members commit to a code of ethics that forbids substance use, gang participation, and inappropriate behaviour (including inappropriate dress). The Council’s code of ethics is being replicated within the Gila River Indian Community tribal government.

A third factor of success is the Youth Council’s commitment to investing in itself. For example, the Youth Council’s robust, well-documented, and periodically updated bylaws show that it pays attention to its own governance. The Youth Council’s structure itself is significant: the Council’s representation by district reflects the fact that district allegiances are noticeably strong in the community. These innovations are hallmarks of good governance.

Our mission is to provide youth the opportunity to contribute individual perspectives and insight into the ongoing activities of the Gila River Indian Community.

Our vision is to build upon and recognize the power and importance of youth leadership by uniting young people, through communication and action, to enable youth to have a positive, formidable impact in the Gila River Indian Community.

Akimel O’odham/Pee-Posh Youth Council

Governance Lessons Learned

The effective governance principle of *Participation in Decision Making* recognizes that First Nations will engage their people in decision making in many different ways. The form of that decision making is not important. What is important is that nations determine the best way(s) for their communities to contribute to important decisions.

Leaders of Gila River Indian Community working with the leadership of the Youth Council found that building an effective framework to engage youth in decision making requires the following principles and actions.

Statements about the importance of tribal youth should be backed by concrete investments in their development. For example, tribal leaders can facilitate the establishment of youth councils; fund, host, and participate in youth activities and events; and encourage youth to participate in national organizations. These actions inspire youth to make a positive difference in the community while building up the pool of future leaders.

With appropriate training and organizational support, youth can make meaningful contributions to tribal governance. They can offer input into the issues affecting their peers, provide guidance and feedback in policy formation, and serve as effective spokespeople for the tribe. Like tribal governments, tribal youth councils require good organization. Bylaws, staggered terms, a code of ethics, election rules, and clear processes for decision making are institutional ingredients for success.

The youth population in First Nation communities is growing faster than any other segment of aboriginal society. Investments in youth development are essential. The actions employed by Gila River can be applied in other communities as an effective strategy to engage youth in decision making and support effective governance.

Sources and More Information

Akimel O’odham/Pee-Posh Youth Council

www.gricyouthcouncil.org/gryc

Innovations Network Profile

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Governance Best Practices Reports

The Land



Governance Best Practices Report

Component: **The Land**

Principle: **Territorial Integrity**

Government: **Haida Nation**

Opportunity

Haida Gwaii (formerly known as the Queen Charlotte Islands) is an archipelago on the coast of B.C. Haida Gwaii is the pristine home to some of the world's best remaining stands of cedar, hemlock and Sitka spruce. In 1974, controversy began over logging permits being issued in Haida Gwaii. Haida Nation feared irresponsible logging would deplete the old-growth forests and alter surrounding ecosystems. In 1981, plans to expand logging to Burnaby Island led to the first concerted efforts to protect Gwaii Haanas.

In 1985, Haida Nation designated Gwaii Haanas a "Haida Heritage Site." That same year, elders, hereditary chiefs, matriarchs and Haida members blockaded access for loggers on a road leading to old-growth forests. They were successful in preventing logging of ancient growths of cedars, hemlocks and Sitkas on Lyell Island.

However, logging continued on other Haida Gwaii islands until July 1987 when Canada and B.C. signed the *South Moresby Memorandum of Understanding* which subsequently led to the *South Moresby Agreement* and the commitment to protect Gwaii Haanas through the designation of a national park reserve. In 1993, Canada and Haida signed the *Gwaii Haanas Agreement*. This agreement expresses respect for both Canadian and Haida interests and includes a mutual commitment to the protection of Gwaii Haanas.

While the agreement sets aside the question of ownership of the area pending a negotiated settlement, it serves to maintain the integrity of the territory, and establishes common objectives for the care, protection and use of Gwaii Haanas.

The Principle in Action

The *Gwaii Haanas Agreement* took almost six years to negotiate. It is a significant milestone because it marks the formal recognition of Haida interests in

their ancestral lands. This recognition is reflected in agreement for the continuation of Haida cultural activities and traditional resource activities on the lands and non-tidal waters of the area such as gathering traditional foods and plants for medicinal and ceremonial purposes, cutting of selected trees for ceremonial or artistic purposes, conducting, teaching or demonstrating ceremonies of traditional spiritual or religious significance, and the use of shelter and facilities that support the pursuit of the above and other activities.

The agreement is administered through the Gwaii Haanas Archipelago Management Board (AMB) with equal representation from Haida and Parks Canada. The AMB is responsible for all aspects of planning, operation, and management of Gwaii Haanas. The agreement commits \$106 million to the development of a water and land-based national park, compensation of forestry interests, creation of a regional economic development fund, and a forest replacement account. The AMB provides the framework for Haida and Canada to make recommendations on matters such as planning, management and operation. Key outcomes of the work of the AMB are the engagement and employment of the Haida people, and respect for and integration of Haida practices, beliefs and knowledge in AMB activities.

This Effective Governance Case Study profiles a best practice in the principle "Territorial Integrity."

To learn more about this case, contact:

Council of the Haida Nation

www.haidanation.ca

Movement toward realizing these outcomes is seen in the following examples:

- Half of park staff are Haida with responsibility to inform other Haida about park operations and obligations under the agreement
- Over the past 10 years, the AMB has come to agreement through consensus for all decisions
- Traditional knowledge is used to complement scientific research in managing the park
- The Haida Watchman program is an integral part of managing the park and includes encouraging the participation of Haida elders and youth, recording traditional knowledge from elders, and enhancing public safety

Success Factors

Haida leaders and negotiators employed three key strategies to support their people in the protection of the land and waters of their territory.

Public Participation

- Concern related to the impact of logging practices began to engage people at the grassroots level in the 1970s.
- The Council of the Haida Nation Forest Guardians was established in 1998 to inform all people of the islands of the cultural and environmental issues concerning Haida Gwaii through community-based consultation and activities such as workshops and newsletters.

Adaptive Co-Management

- Ongoing respectful relationships have been built between parties involved in the planning and management processes.
- AMB practices are forward thinking; which is a traditional principle of Haida governance.

Respect for First Nation's Cultural Knowledge

- Haida believe that they are part of, not external or separate to, their ecosystem and that environmental survival is integral to cultural survival. AMB practices incorporate Haida historical and cultural knowledge of the area.

Our physical and spiritual relationship with the lands and waters of Haida Gwaii, our history of co-existence with all living things over many thousands of years is what makes up Haida culture. Yah'guudang – our respect for all living things – celebrates the ways our lives and spirits are intertwined and honors the responsibility we hold to future generations.

Haida Land Use Vision

Challenges

While significant good work has been done, there remain many outstanding environmental issues to be faced in the Haida Gwaii including old growth logging outside the national parks and in culturally significant areas, fisheries management, and the creation of the Gwaii Haanas National Marine Conservation Area Reserve.

Strategies successful in the negotiation and co-management of the reserve have proved less so when applied to negotiations between the forestry and fisheries industries, government and the Haida Nation regarding resources management. Litigation has ensued and continues. However, in 2004, Haida was successful in an aboriginal title case where the Supreme Court of Canada held that both Canada and B.C. have a legal duty to consult with First Nations when the “Crown has knowledge... of the potential of existence of the aboriginal right or title and contemplates conduct that might adversely affect it”.

Governance Lessons Learned

Given the irrevocable link between title and governance it is imperative that First Nations organize to illustrate both their historic and present day connections to the Land. Territorial Integrity builds from this organization with stewardship planning and the reclamation of responsibility for decision making.

Haida has consistently asserted title over Haida Gwaii through a number of effective strategies. Haida people defended their interests through an organized information and public relations campaign. They negotiated cooperative agreements where possible and followed those actions with a comprehensive legal and political strategy asserting their rights in political arenas and claiming their rights in the courts.

Haida Nation has gained recognition and shared jurisdiction over their traditional territories absent the full recognition of their aboriginal title they continue to work toward.

Sources and More Information

The Gwaii Haanas Agreement

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Gwaii Haanas National Park Reserve
and Haida Heritage Site

www.pc.gc.ca/pn-np/bc/gwaiihaanas/index_E.asp

Governance Best Practices Report

Component: **The Land**

Principle: **Territorial Integrity**

Government: **Yakama Nation**

Opportunity

The Yakama Nation is located in central Washington State. Their struggles with land loss began over 150 years ago when, in 1855, the federal government pressured the Yakama to cede by treaty more than ten million acres of their ancestral homelands. In the latter half of the 1800s and early 1900s, individual tribal citizens were granted fee patent land titles, which both freed surplus reservation land for non-Indian settlement and permitted tribal citizens to sell their land to non-Indians. Faced with difficult economic choices, many tribal citizens did so.

This pattern of landholding, in which Indian and non-Indian parcels are interspersed across the reservation, creates a jurisdictional morass: a majority of the nation's land is potentially subject to competing state and county claims of jurisdiction. Indeed, the checkerboarded nature of the Yakama reservation has led to numerous jurisdictional disputes over land and water, boundaries, hunting restrictions, environmental regulation, and taxing authority all of which have set the Yakama Nation at odds with individual non-Indian land owners as well as county, state, and federal governments. These disputes have slowed development, compromised the nation's economic interests, and challenged its stewardship over the land and local wildlife.

Recognizing the need for a comprehensive and effective program to manage, control, and promote land re-purchase, the Yakama Nation Land Enterprise (YNLE) was created in 1950 to provide the nation with an institutional vehicle to confront the crisis of land loss by buying and developing land within the reservation.

The most fundamental land management goals of the nation are sovereignty, conservation/preservation and economic diversification.

Sovereignty and Strategy on the Yakama Reservation

The Principle in Action

The YNLE's objective is to purchase, consolidate, regulate, and develop land on behalf of the Yakama. Drawing on revenues generated by the YNLE itself, the enterprise buys land from non-Yakama entities and from individual tribal citizens. The process begins when tribal citizens or non-Yakama landowners who want to sell land submit an application to the YNLE. If the YNLE determines that the acquisition is desirable and that it is in a financial position to make a purchase, it buys the property and begins the land-into-trust process.

These transactions have multiple benefits for the nation. Each piece of land purchased increases the nation's overall land base, facilitates reservation land consolidation, and expands the territory over which the nation exercises jurisdiction. By generating increased opportunities for tribal land development, the YNLE's land purchases also augment the nation's economic base and contribute significantly to the Yakama Nation's primary economic engines of agriculture, timber, and tourism. The YNLE orchard operations alone realize between three and five million dollars in annual income for the Yakama.

This Effective Governance Case Study profiles a best practice in the principle "Territorial Integrity."

To learn more about this case, contact:

Yakama Nation Land Enterprise

www.ynle.com

Success Factors

Key to the YNLE's success is the synergistic relationship it has created between its land purchase and land development activities; a relationship that has made the YNLE financially self-sufficient. While the YNLE originally relied on capital contributions from the Tribal Council and long-term, low-interest loans from the US Department of Agriculture, since 1983, the YNLE's activities have been self-financing. With a current asset value of 130 million dollars the YNLE can purchase between three and six million dollars worth of land each year.

YNLE success is also due to the fact that the enterprise possesses a clear and appropriate relationship with the Yakama Nation's elected government. Since its initial formation, the Enterprise has operated under a tribal council-approved plan of operation. The plan codifies the YNLE's broad purposes, institutional structures, sources of capital, and methods of business.

A further indicator of the YNLE's success is the positive effect its land purchase and development activities have had on the nation's social and governmental infrastructure. Today, many of the nation's housing subdivisions, community buildings, and tribal government departments are located on YNLE-purchased lands. These include three daycare centers, two ranger stations, five longhouses, a cultural center, and the Yakama Nation Tribal School.

Lastly, the YNLE's success is the result of its strategic orientation. As an example, for years in their agricultural operations the YNLE profited by leasing agricultural lands to non-Yakama farmers. Recently, however, the YNLE assumed the management of fruit and vegetable operations itself. The years spent leasing allowed the Yakama to gain expertise, and the move to direct management allows them to take advantage of new demands for Native American products and to sell its own brands of fruit and vegetables.

In 2002, the Yakama Nation Land Enterprise was recognized as a recipient of the prestigious "Honoring Nations" award by the Harvard Project on American Indian Economic Development at the Kennedy School of Government. "Honoring Nations" identifies, celebrates and shares information on best practices in exemplary tribal government programs among the over 550 nations across the United States.

Challenges

The Yakama Nation faces a number of challenges in its efforts to manage its land base in ways that fulfill the tribe's fundamental goals.

Government officials observe a lack of coordination between the agencies within the Yakama Nation's government that are responsible for making decisions relating to land use or acquisition. By not coordinating activities, government agencies miss potential advantages that may result from collaboration or consultation. By not communicating across agencies and the community at large, agencies tend to lose the confidence of other decision-makers and become suspect to public criticism. Finally, coordination and consultation between government agencies is necessary to avoid conflicts over agencies' competing priorities for specific parcels of land.

Another category of challenges involves the nation's lack of control over the ownership, management and regulation of many parcels of land within the open area of the territory. Non-tribal ownership of lands within the reservation has produced, in turn, a number of challenges to the tribe's regulatory control of those lands.

Governance Lessons Learned

Territorial Integrity asserts that it is imperative that First Nations organize to illustrate both their historic and present day connections to the land. While territorial integrity begins with assertion, it must be further supported by land use mapping and stewardship planning that permit the reclamation of responsibility for decision making.

Purchasing fee simple lands can be a good way for a First Nation to expand and consolidate its land base, assert their connection to the land, and to exert their inherent right to self-government. We have begun to see First Nations utilize this strategy under the treaty land entitlement process and many First Nations involved in the B.C. treaty process are currently negotiating to be able to purchase willing-seller, willing-buyer lands.

Sources and More Information

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Sovereignty and Strategy on the Yakama Reservation
www.hks.harvard.edu/hpaied/docs/PRS98-8.pdf

Governance Best Practices Report

Component: **The Land**

Principle: **Economic Realization**

Government: **Osoyoos Indian Band**

Opportunity

The Osoyoos Indian Band (OIB) is located in the interior of British Columbia. They are a member community of the Okanagan Nation Alliance. The Band was formed in 1877 and is home to about 370 on-reserve band members. The goal of the OIB is to move from dependency to a sustainable economy like that that existed before contact.

Situated on 32,200 acres in one of Canada's premier agricultural and tourism regions, the land has offered the band opportunities in agriculture, eco-tourism, commercial, industrial, and residential developments. With a focus on supportive education and training, the band operates its own business, health, social, educational and municipal services. The result is virtually no unemployment and financial independence.

The nation's efforts to reduce dependency and attain self-sufficiency began in 1988 with the establishment of the Osoyoos Indian Band Development Corporation (OIBDC). Chief Clarence Louie, serving as both Chief of OIB and President of the OIBDC, recognized that successful businesses adhere to certain business principles. *"People talk about running Native businesses the Indian way, but there is only one way to do business and that is the business way."*

The make-up of the board of directors of the OIBDC further reflects this business-based philosophy. In addition to the Chief and three councillors, it includes two former councillors, five "outside" advisors including a banker and an accountant and the Chief Operating Officer, who is not a member of the OIB.

The Principle in Action

The OIB developed a comprehensive plan and implemented the specific pieces as they had capacity to do so. CEO Chris Scott says, *"We were prepared to act on business opportunities, to seek successful businesses that were strategic to the vision."*

Successful OIB business ventures include:

- Leased land in the mid 1960s to the privately owned Cherry Grove golf course. That company is now owned by the OIB and has had a multi-million dollar expansion.
- Began silviculture work in the late 1970s and logging in the early 1990s. The OIB now operates, with a U.S. company, a sawmill that can process up to 35,000 cubic meters of wood.
- Formed a partnership with Vincor, Canada's largest and North America's fourth largest wine producer. Vincor leases 800 acres from the OIB for grape production.

However, the OIB also recognizes that not every project is a business project. The focus of their economic development is through preserving culture. The band has invested in the education of its children building a preschool and grade school and expects to graduate its own future leaders of the community. The OIB has accomplished much. Pride of heritage as a means to achieve economic independence is and remains the commitment made and maintained by the Chief and council to the people.

This Effective Governance Case Study profiles a best practice in the principle "Economic Realization."

To learn more about this case, contact:

Osoyoos Indian Band

www.oib.ca

Success Factors

The key determining factor for OIB's success is the presence of strong and determined business leadership backed by band members. Effective leadership with strong vision and good knowledge of business has allowed the OIB to agree on an objective of economic success.

Another part of OIB's success is their rigorous application of business principles. This has meant learning about business, and dedicating band time, money and energy to business development. It means hiring managers on the basis of merit and training, and not being shy about bringing in expert help. A benefit of this early investment was the creation of financial systems that meant when economic opportunities arose, OIB was ready for them with its financial house in order.

Success for OIB also means taking culture into consideration. Achieving economic success is important – but important as it is a means to attaining social success for the entire community.

The major advantage the Osoyoos people had and still have is their location. They held 32,000 acres of land in a valuable agricultural area. As Chief Louie observed, *“You have to pick up on the economy of the area. If you are on the coast, it's trees and fish. For us it was agriculture and tourism. As they say, you fish where the fish are.”*

Harvard Project analysis of successful economic development of Native American tribes has determined that the critical factors for economic success are sovereignty, cultural match, administrative ability and leadership.

It is important to have the independence to do what you think is best for the community. The OIB has not allowed others to interfere with its plans. OIB leadership and citizens have asserted their independence in their decision-making surrounding their economic development.

Effective administrative systems are critical for nations that are planning economic development. They need their band office to be well organized so they can deal efficiently with their own businesses, their partners, and all the other governments and agencies they will work with.

Challenges

The Osoyoos identify their major weakness as the leftover dysfunction from a colonial past – the control exerted by the *Indian Act*, the administration of nation affairs by the D.I.A., family breakdown, the cycle of welfare, the victimization syndrome, the dependency syndrome that remain evident today.

The result is that some of the people of the Osoyoos are not ready to engage in and benefit from the economic opportunities of the OIBDC.

The OIB has observed that many of their best workers are over 60 years old. They learned how to work when they were young and came from an era where there was no welfare and employment insurance. To turn this around, profits from OIBDC support social and educational programs and anyone who wants training can access it.

Chief Louie counsels that *“to run successful businesses, you must deal with the people where they are. The majority of our people are not ready to compete. Get the people who can make the business a success, whatever race they happen to be.”*

Governance Lessons Learned

The effective governance principle of *Economic Realization* recognizes that First Nation governments possess the right and the tools to develop their land into sustainable economies. Aboriginal title includes an inescapable economic component. Osoyoos Indian Band continues to be highly successful in applying this principle on their reserve lands.

Sources and More Information

Osoyoos Indian Band Development Corporation
www.oibdc.com

Options for Commercial Development in First Nations
www.iog.ca/publications/FNenterprises.pdf

Our Own Vision, Our Own Plan
www.sfu.ca/cscd/pdf/our_own_vision.pdf

We are very focused on the future, and we realize that we create this future by our actions. The single most important key to First Nation self-reliance is economic development.

Osoyoos Chief Clarence Louie

Governance Best Practices Report

Component: **The Land**

Principle: **Economic Realization**

Government: **Hupacasath First Nation**

Opportunity

When Hupacasath Chief Judith Sayers and council decided to harness the power running through their lands, the result was a best practices model of how to build a small hydro project.

Widespread opposition to the Duke Point natural gas facility in the late '90s was the impetus for council to explore other options for resource development in the Hupacasath territory near Port Alberni, B.C. When faced with the possible environmental impacts of another electrical development, Hupacasath knew they needed to be intimately involved in the planning, decisions and development to minimize negative effects and ensure the First Nations shared in the benefits.

Hupacasath opposed the gas generator and, more important, offered an alternative solution. In 2003, with help from researchers at the Pembina Institute and Sigma Engineering, the Hupacasath council identified China Creek as having run-of-river hydro potential (run-of-river refers to energy produced when water is diverted out of a creek and flows over a vertical drop).

In October 2006, Hupacasath launched the China Creek Micro-Hydro Project through Upnit Power Corporation – upnit means “a calm place” in the Nuu-chah-nulth language. The micro-hydro dam is 72.5% Hupacasath owned with minority partners from Ucluelet First Nation, Synex International Subsidiaries and the City of Port Alberni. Upnit began business with a secure 20-year BC Hydro contract to supply power to up to 6,000 homes.

The Principle in Action

The 2006 launch of China Creek was more than five years in the making. While the Hupacasath knew they couldn't allow the devastation of their lands and water, they also knew that more power was needed on Vancouver Island. Given their earlier opposition

to traditional power projects, council recognized that both their and the Port Alberni communities would be watching. It was important that the First Nation not do anything in their own developments that they had opposed in the past.

The due diligence undertaken by Hupacasath before proceeding included the following actions:

- A provincially-funded study on alternative energy conducted by Ecotrust Capital
- A federally-funded consultation process to develop an endorsed Community Energy Plan
- A federally-funded process to develop a Land Use Plan (Phase 1: 2003, Phase 2: 2006)
- A hydrological survey of their territory
- A research partnership with the Pembina Institute to investigate local options
- Securing creative financing to enhance rather than strain the resources of the nation including a \$250,000 loan from Ecotrust Capital as part of a \$8.5 million debt syndicate arranged by VanCity Capital

The environmental innovation and business acumen of Hupacasath is quickly changing attitudes about aboriginal people. *“As First Nations, we've always wanted to be a part of economic development, but we've been so held back economically,”* Sayers says. *“Our whole issue now is promoting pride and our culture.”*

This Effective Governance Case Study profiles a best practice in the principle “Economic Realization.”

To learn more about this case, contact:

The Hupacasath First Nation

www.hupacasath.ca

Success Factors

Patience, partnerships and focus on environmental sustainability were keys to the success of the China Creek micro-project.

Fuelled by the Duke Point opposition through the 1990s, Hupacasath began looking for alternatives at the turn of this century. In 2002, they developed the community energy plan. It was two years later that ground was broken for what would become the China Creek micro-project and a further two years until construction was completed in 2006. The success of the project was not a quick fix but came over time.

With little experience in business partnerships, Hupacasath had to actively pursue a partnership strategy that would make the project viable. *“On this particular project, we decided who we wanted as partners and courted them with information and opportunity.”* said Sayer. It was important to the First Nation to find partners whose values were the same and who they knew they could work with over a long-term. Upnit is a success because its partnerships are based on mutual trust, cooperation, understanding of each other’s needs, and commitment to achieve a common goal.

Consistent with the Hupacasath’s traditional respect for the land, the nation worked very hard to ensure China Creek had no negative impacts on the surrounding land or fish habitat. *“At the outset, we were told this project was too hard for First Nations. Now, people come from all over the world to learn the best practices for generating power,”* said Sayer. Hupacasath are proving that it’s possible to produce energy locally, profitably and sustainably — without devastating the environment.

We will give back to mother earth the respect and sanctity she rightfully deserves. We will make our lands, waters and air inviolable. We will spiritually cleanse the lands that have already been violated. We will take back our place as the rightful caretakers of our territory and far exceed the provincial and federal standards, for they are lax and inefficient.

Hupacasath Treaty Main Table

Challenges

Even in cases where potential business ventures appear economically feasible, the most significant challenge faced by First Nations may be a gap in their human resource capacity. Without adequate investment in training and technical support the strain on personnel from both start up and the ongoing management may be overwhelming. As summarized by Pembina Institute staff, *“If you’re looking at both the technical side of developing a project and the administrative side of management, you’re looking at a whole new skill set for most communities... It’s not simple processes to have to work through... but I don’t think they’re barriers that can’t be overcome.”*

Governance Lessons Learned

The effective governance principle of *Economic Realization* means that governments possess the right and the tools to develop their land into sustainable economies.

As Hupacasath have never ceded, surrendered or released any part of their territory to any government and retain all of their rights and title under their *Constitution Act* that right is theirs. They have the right to realize wealth through participation in resource development and through leveraging those resources to access additional sources of revenue beyond their communities. Aboriginal title includes an inescapable economic component. This is a legal right that First Nations must realize to benefit their citizens and finance their governments.

The deliberate actions taken by the Hupacasath have benefited their citizens, increased their financial and human resource capacity, and raised their profile while honouring their traditional roles as stewards of their land and its resources.

Sources and More Information

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www.ecotrust.ca/capital/upnitpower

Another Side to Private Power

<http://theyyee.ca/News/2008/04/11/PrivatePower>

Governance Best Practices Report

Component: **The Land**

Principle: **Respect for the Spirit of the Land**

Government: **Haisla First Nation**

Opportunity

The primary residence of the Haisla people is Kitimaat Village, found at the head of the Douglas Channel on British Columbia's north coast.

In 1990, elders of the Haisla First Nation found a logging road flagged into the Kitlope Valley – the largest unlogged coastal temperate rain forest watershed in the world. Six years later, the Huchsduwachsu Nuyem Jees/Kitlope Heritage Conservancy was designated through provincial Order-in-Council under the *Environment and Land Use Act* to protect the cultural and ecological values of the area. The Heritage Conservancy is collaboratively managed by the Haisla First Nation and the Province of B.C. through the Kitlope Management Committee.

With the government announcement, the Kitlope Valley was set aside from industrial development. Of the 25 largest watersheds on the coast of B.C., it is the only one left unlogged.

What happened in the Kitlope set it apart from other areas of the province where land use issues polarized and divided communities. In the face of Haisla determination to maintain their ancient connection to and respect for the land, the logging company, West Fraser Ltd., relinquished without compensation all cutting rights in the Kitlope.

The Principle in Action

The Kitlope Management Committee, composed of an equal number of Haisla First Nation and provincial government representatives, administers the management plan that provides guidance for the management of the ecology and natural resources within the conservancy.

The plan provides direction regarding the types, levels, and locations of uses and activities within the conservancy, including commercial and recreational uses, activities and facilities. The plan aims to provide a balance between conservation, and economic and

cultural sustainability while meeting the vision and objectives for the conservancy and the goals for the provincial protected area system. The plan also considers the relationships between the conservancy and adjacent land use. The Kitlope Management Plan establishes an overall framework and vision for:

- Conservation of ecological, scenic and wilderness values
- Conservation of cultural values and opportunities for traditional resource uses
- Commercial and non-commercial recreational activities
- Research and scientific activities
- Education and promotion

A key component of the plan is to encourage and establish research and interpretive programs that use both traditional ecological knowledge and science-based research. The intent of the plan is to contribute to better understanding the ecosystems of the greater coastal area and to inform management practices.

The plan also encourages cultural and ecological tourism. Individuals and small groups of people boating, camping, hiking and fishing within the area are all acceptable commercial uses.

The plan – and its framework of co-management – provides an infrastructure to support successful stewardship of the area.

This Effective Governance Case Study profiles a best practice in the principle "Respect for the Spirit of the Land."

To learn more about this case, contact:

Haisla First Nation
www.haisla.ca

Success Factors

The Haisla First Nation identifies four key actions that supported their success in protecting and preserving the heritage conservation area.

Community Engagement and Consultation: The following steps were undertaken in developing the management plan: 1) a vision statement – the *Kitlope Declaration* – was developed by stakeholders, 2) consultation revealed key issues and concerns associated with the conservancy and its management, 3) a management plan was drafted with an advisory group and the management committee, 4) a second round of consultation was held to solicit input on the summary of issues and options and on the draft plan itself, and 5) the final draft was distributed to Haisla band members.

Establish Allies in the Struggle: Submissions were made to the Old Growth Task Force. Yvonne Chouinard, world-renowned mountaineer (and owner of the Patagonia clothing company) flew outdoor photographer Myron Kozak into the Kitlope. His photos found their way into myriad publications around the world. The connections were made and the Haisla had their allies.

Relationship with Communities and Local Governments: It is important to the Haisla and to the Province that good relationships exist with the neighbouring municipalities and the regional district. In recent years, the district has filled one of the provincial seats on the Kitlope Management Committee. The Na na kila Institute and BC Parks have also worked to provide an opportunity for community members to provide assistance on some of the trips that are scheduled to the Kitlope Heritage Conservancy.

Connection to Other Land Use Planning Processes: The plan is linked to and incorporates direction from other land use planning processes drawing on over a decade of discussions and many more years of experience. The Kitlope was identified as an area of ecological significance in the provincial Old Growth Strategy as well as in the “Parks and Wilderness for the 90s” process.

*We do not own this land so much as the land owns us.
The land is part of us; and we are part of the land.*

Kitlope Declaration

Challenges

While there exist ongoing operational issues related to the management of the Heritage Conservancy, most are addressed in the management plan. As examples:

The Haisla assert that both cultural values and natural values require protection. The plan has at its base the understanding that human and natural values are inseparable.

A number of facilities are planned within the area and managers will be challenged to construct durable and easily maintained facilities that are visually appropriate for the conservancy and that minimize impacts to local ecosystems.

One of the key goals of the conservancy is to protect the natural resources of the area, including wildlife and the integrity of the area’s ecology. Management of the area must have the sustainability of natural resources as a primary focus. Scientific research combined with traditional ecological knowledge is encouraged.

Governance Lessons Learned

The effective governance principle of *Respect for the Spirit of the Land* is manifest through and enshrined in the *Kitlope Declaration*. First Nations peoples are positioned to take back our legitimate place on the land. This will be accomplished by asserting our inherent rights to protect and preserve the land and its resources, and by optimizing the economic opportunities the land provides. These rights are ours through our ancestral role as stewards of the land. It is through connecting with and honouring the spirit of the land that our governance strategies remain effective and appropriate. Asserting these rights through means such as the *Kitlope Declaration* is a critical step in this process.

Sources and More Information

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www.britishcolumbia.com/parks/?id=194

Na Na Kila Institute: Totem Pole Project
www.nanakila.ca/pole.html

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www.nanakila.ca/documents/kitlopedeclaration.jpg

Governance Best Practices Report

Component: **The Land**

Principle: **Respect for the Spirit of the Land**

Government: **Champagne and Aishihik First Nations**

Opportunity

Located in far north-western British Columbia, Tatshenshini-Elsek Park was one of the last areas of B.C. to be mapped. The area's earliest residents were the Tlingit and Tutchone First Nations. Today, with the park in the traditional territory of the Champagne and Aishihik First Nations (CAFN), descendants of the Tlingit and Tutchone, the CAFN play an important role in its management.

In the 1970s, private companies began rafting the Tatshenshini and Elsek Rivers generating a fast-growing and world-class river rafting industry. In the 1980s, a proposal surfaced to develop Windy Craggy peak into a huge open-pit mine with an access road going along the Tatshenshini River.

An extremely high-profile environmental campaign followed focussed both in Canada and in the U.S. As a result of the media pressure and in recognition of the environmental risks and the world class wilderness values at stake, in June 1993, the B.C. government protected the area designating Tatshenshini-Elsek a Class A park.

Also in 1993, after more than 20 years of negotiations, CAFN's rights to the Yukon portion of its traditional lands and resources were finally confirmed with the signing of the First Nation's Final Agreement between CAFN, the Government of Canada, and the Government of Yukon. CAFN's land claims agreement provides for the ownership of some 2,427 square km of land and approx. \$28 million dollars to be paid over a 15-year period. A year later in 1994, UNESCO recognized the global significance of the Tatshenshini-Elsek Park and designated it a World Heritage Site.

The Principle in Action

The Following the Class A and UNESCO designations, in 1996, the *Tatshenshini-Elsek Park Management Agreement* was enacted under the *Environmental*

Land Use Act. Under the agreement, management is a shared responsibility of the park management board made up of equal representation from the province and the CAFN.

The agreement recognizes a number of unique rights and contributions of the CAFN as co-managers of the park. These include:

- Recognition of CAFN inherent rights and self-interest in the territory
- Maintenance and operation of the park by CAFN and the intent for CAFN to become responsible for all field level work
- Representation of CAFN heritage by a network of regional trails, old village sites, campsites, cabins, caches, trail markers, petroglyphs, etc.
- Statement that the CAFN have sole authority over the use of aboriginal languages, place names, former CAFN community sites and heritage routes, and over the interpretation and depiction of aboriginal history and traditional use
- Commitment that the CAFN, B.C. and the Board will jointly and cooperatively identify heritage site areas within the park
- Guarantee that B.C. will consult with CAFN before amending the Park Act in any way that will substantially affect the rights of the CAFN under the agreement, and will negotiate any amendments to the agreement in good faith

This Effective Governance Case Study profiles a best practice in the principle "Respect for the Spirit of the Land."

To learn more about this case, contact:
Champagne and Aishihik First Nations
www.cafn.ca

Success Factors

Public education and media attention from around the world have been critical factors in the CAFN's negotiations with provincial and federal governments. An education and interpretive strategy developed with the CAFN as part of a public education campaign continues to generate positive results that include:

- Broad public awareness of the park's outstanding natural and human heritage values and an understanding of the factors that may affect them or put them at risk
- Commitment of stakeholders to carry out activities that sustain the park's heritage values
- Effective communication and information sharing between stakeholders involved in all aspects of stewardship of the park
- A shared local, territorial and national vision for the future of the Tatshenshini-Alsek Park

Throughout the negotiations all parties agreed that effective implementation of this strategy is essential to achieve the ongoing protection and management of the park's cultural, natural and historical resources. As a result, specific implementation priorities will be set within existing fiscal resources.

Challenges

While the UNESCO heritage designation assures the protection of the area, it also raises the profile of the park placing higher demand and strain on its resources. Some of the resulting challenges identified in the park's management direction statements include:

- Impacts on the park's wild character, ecosystems, and specific wildlife (bears) because of human use and access
- Impacts due to abandoned mines, transportation and industrial site contamination
- Potential threats from unresolved compensation of mineral claims in the park
- Traditional trails critical to understanding cultural sites need to be mapped
- Need to develop a framework for CAFN human history interpretive program

The Committee noted that the World Heritage designation of this area does not prejudice the titles and rights to land used by the Champagne-Aishihik First Nations.

UNESCO 1994 World Heritage Committee

- Accountability of representation is needed: all Board positions need power to be successful

There is a challenge to maintain political interest when officials in office change. At the same time, there is a need to keep the management agreement and park identity on the political agenda. One strategy is to have the governments review the agreement annually. This helps to keep the issue in the political realm, renewing financial commitment and interest.

Governance Lessons Learned

The effective governance principle of *Respect for the Spirit of the Land* recognizes that First Nations peoples are positioned to take back our legitimate place on the land. This will be accomplished by asserting our inherent rights to protect and preserve the land and its resources, and by optimizing the economic opportunities the land provides. These rights are ours through our ancestral role as stewards of the land. It is through connecting with and honouring the spirit of the land that our governance strategies remain effective and appropriate.

The Tatshenshini-Alsek has been considered the first Canadian environmental protection issue to "go global." As a result, the park designation had a high political profile. The *Tatshenshini-Alsek Park Management Agreement* sets out that the land and the cultural environment of the park are to be protected in perpetuity for both natural and cultural use. While that is of great significance, the agreement itself detailing the authorities and stewardship of the park is a tangible indication of the CAFN commitment to ensuring ongoing respect for the spirit of the land.

Sources and More Information

Tatshenshini-Alsek National Park

www.spacesfornature.org/greatspaces/tatshenshini.html

Managing the Tatshenshini River as a Canadian Heritage River

www.environmentyukon.gov.yk.ca/pdf/tatbook.pdf

Periodic Report on the Application of the World Heritage Convention

www.pc.gc.ca/docs/rspm-whsr/rappports-reports/r12_e.asp

Governance Best Practices Reports

Laws and Jurisdiction



Governance Best Practices Report

Component: **Laws and Jurisdiction**

Principle: **Expansion of Jurisdiction**

Government: **Tsawwassen First Nation**

Opportunity

Tsawwassen First Nation (TFN) is located in the Metro-Vancouver area of British Columbia. In 2007, following 14 years of negotiations, TFN signed a treaty with Canada and B.C. It was the first treaty reached under the BC Treaty Commission (BCTC) process and the first urban treaty. The Effective Date of the Treaty is April 3rd, 2009.

The treaty asserts TFN law-making authority over several fundamental matters. This required TFN draft and enact 21 core laws within a timeframe of approximately six months, before their Effective Date. Few projects of this magnitude exist in Canada where First Nations take on the task of drafting an entire suite of legislation. TFN set out an aggressive, innovative and comprehensive Implementation Plan. One initiative under their plan is the *TFN Legislation Project* (the Project).

The Project had one basic objective: to permit the Tsawwassen legislature to create a regime of laws with sufficient scope to authorize all TFN government actions. The general principle held is that no executive action should be undertaken by TFN Government without TFN legislative authority.

The Principle in Action

The Project is similar in both organization and approach to legislative drafting projects undertaken by provinces or local governments.

The Project can be described as a “policy-driven process”. In other words, there is an important distinction between this approach and other law-making processes in recent decades that have been carried out entirely by teams of lawyers.

The scope of the Project was to parallel the range of Tsawwassen Government activity anticipated for the initial two-year period. This required legislation to be enacted to the degree necessary for TFN Government to regulate activity, implement policy, and generally carry out the business of government.

Specifically, TFN were required to establish the branches of their government consistent with their *TFN Constitution*. This included the Legislature (to pass laws), the Executive Council (to carry out the laws), a Judicial Council (to resolve disputes), an Advisory Council (to listen to members’ concerns and act as their advocates to the Legislature), and procedures for the General Assembly of Tsawwassen Members (the checks and balances on the Tsawwassen government).

A Legislative Review Committee was established consisting primarily of policy analysts and legal advisors to undertake research, analysis and key drafting tasks. They reported to a Project Leader who ensured deadlines were met, and that decisions were made at appropriate junctures, including prioritization of legislation during the Review Process.

Each Act had one member of the Legislative Review Committee assigned to the bill as well as those from TFN administration with relevant program knowledge and specialized skills. There were three main stages to the process: Stage 1: research and analysis, Stage 2: preliminary drafting, and Stage 3: final drafting.

This Effective Governance Case Study profiles a best practice in the principle “Expansion of Jurisdiction.”

To learn more about this case, contact:

The Tsawwassen First Nation

www.tsawwassenfirstnation.com

During Stage 1 research was undertaken on relevant existing legislation whether from First Nations, federal, provincial, or municipal governments. Creation of policy content included the purpose, scope and objectives, and program and administrative needs to be contained in the legislation. Policy Briefs explained related policy questions, and included analysis and recommendations for policy options.

In Stage 2 drafting instructions for each Act were prepared in a clause by clause format, in consultation with a legal advisor. These were then forwarded to the Review Process.

In Stage 3 experienced legal drafters continued clause by clause drafting to finalize the Acts.

Review Process: The Legislative Review Committee forwarded Policy Briefs and Drafting instructions for each Act for review by a community based Treaty Implementation Advisory Committee and then to Chief and Council. Draft Acts often went through this Review Process more than once.

Community Consultation: Once the Acts were final, TFN hosted 'Laws Week' where sessions were held with TFN community members to review the package of laws. Sessions were held with citizens residing both on and off TFN lands

Success Factors

The *TFN Legislation Project* has emerged as a best practice in law-making. A key strength of the Project was the use of inter-disciplinary teams that combined public policy professionals, legal advisors and administrative officers. The process allowed policy analysts to initiate the work and collaborate with TFN program staff to provide policy options that addressed community needs and values.

Today, the Tsawwassen Government will enact a suite of contemporary laws that are fundamentally based on traditional laws and principles carried through each generation. By enacting Tsawwassen Laws, we reaffirm these traditional principles and transmit them to subsequent generations in a manner that has relevance in modern society.

Chief Kim Baird

Challenges

The timeframe to draft and enact 21 Laws was ambitious. The primary challenge was that TFN had limited human and financial resources to implement the Project. This is because, while implementation is the sixth formal stage of the B.C. Treaty Commission process – and of fundamental importance to lay groundwork and to meet legal obligations – it is the only stage of the process where resources are no longer available. Tsawwassen was creative in seeking assistance from diverse sources such as non-profit organizations. They also benefited from the contributions of graduate public policy co-op students who helped carry out the work.

A second challenge was to ensure Coast Salish language and culture was integrated into their institutions and laws. TFN made an official Declaration on the Effective Date of their treaty that explains how traditional principles and values are reflected in contemporary laws.

TFN enacted the *Culture & Heritage Act* and established a *Standing Committee on Culture & Language* in order to protect and promote their language and set both long term and short term goals on cultural matters.

Governance Lessons Learned

The effective governance principle of *Expansion of Jurisdiction* refers to exercising authority beyond the current limited parameters of the *Indian Act*. The Tsawwassen Government will operate under the *Tsawwassen Constitution* and will enact laws over several fundamental matters.

With the exception of determining Indian status, after a transition period the *Indian Act* will no longer apply to Tsawwassen First Nation, its lands or members. Instead, Tsawwassen will exercise constitutionally-protected self-government over their lands and their citizens.

Sources and More Information

Tsawwassen Governance
www.gov.bc.ca/arr/firstnation/tsawwassen/download/factsheet/governance.pdf

Tsawwassen First Nation
www.gov.bc.ca/arr/firstnation/tsawwassen

Governance Best Practices Report

Component: **Laws and Jurisdiction**

Principle: **Expansion of Jurisdiction**

Government: **White Bear First Nation**

Opportunity

On March 22, 1993, the provincial government of Saskatchewan sent the RCMP tactical team to shut down the White Bear casino on White Bear First Nation near Carlyle citing criminal code violations. The result was a highly hostile raid where all assets and records were confiscated.

“We had every intention of going ahead with it [gaming] even after they did raid the casino,” says Bernie Shepherd, former Chief of White Bear First Nation. “We were going to open a casino no matter what. But [the raid] had a big impact on our community; it only made the community’s resolve that much harder.”

This resolve was soon adopted by the Federation of Saskatchewan Indian Nations (FSIN), who joined White Bear in the vigorous defense of their rights regarding gaming on First Nations land. Ultimately, jurisdiction was resolved through an exemption by the federal government, which then led to the provincial 1995 *Gaming Framework Agreement*. On June 10, 1995, the *FSIN First Nation Gaming Act* became a reality.

Within the introduction of the 1995 *Gaming Framework Agreements*, a process had been identified to protect jurisdictional interests of First Nations in the area of gaming. The provincial government gave the FSIN an effective monopoly over casinos outside of Regina and Moose Jaw and later extended it to the Saskatoon market. In exchange, the government retained jurisdiction over gambling and took 37.5% of the profits.

The Principle in Action

On June 11, 2002, the FSIN and the Province of Saskatchewan executed the landmark twenty-five year *Gaming Framework Agreement* to provide a foundation

on which the gaming industry could plan for the future and provide much needed jobs and economic prosperity to First Nations and the Saskatchewan economy.

Under the agreement, the FSIN and the province contracted to work together to develop and present to the Government of Canada proposals which would recognize First Nations expanded and full jurisdiction in relation to all forms of gaming on reserves, either through amendments to existing laws or new federal legislation.

A first step for First Nations to collectively design, accept and implement a designated licensing body to regulate gaming on reserve. The resulting Saskatchewan Indian Gaming Authority (SIGA) was incorporated as a non-profit management company on January 11, 1996, with authority to develop, conduct, manage and operate on-reserve casinos. By the end of 1996, SIGA had opened four more First Nation casinos in Saskatchewan.

SIGA has been instrumental in ensuring the success of the proposal. The FSIN and SIGA continue work toward a national strategy in conjunction with Saskatchewan to advance the proposal with Canada.

This Effective Governance Case Study profiles a best practice in the principle “Expansion of Jurisdiction.”

To learn more about this case, contact:

White Bear First Nation

www.whitebearfirstnation.ca

Success Factors

From both social and humanitarian standpoints, the formation of SIGA has achieved significant results for First Nations people in Saskatchewan. Owned by the FSIN, SIGA's ties to the First Nation communities throughout the province are directly linked. More than a third of the profits from SIGA-run casinos are distributed to the First Nations Fund, which are then disbursed throughout the 74 Saskatchewan First Nations. The Province's General Revenue Fund is also allocated 37.5% of SIGA's gaming profits, while the remaining 25% is directed to the Community Development Corporations, which also makes its way to Saskatchewan First Nations through charitable and not-for-profit community organizations.

In addition, in keeping with SIGA's mandate to provide jobs for people of First Nations ancestry, the organization is very likely the largest aboriginal employer within the province. Of the nearly 1,200 people employed by SIGA, approximately 72% of them are of aboriginal descent. These numbers are sure to explode – in fact nearly double – once SIGA's latest initiatives, the Dakota Dunes Casino and Resort as well as a Swift Current casino come on stream sometime next year.

Challenges

Despite continued expansion, First Nations gaming still faces a number of challenges throughout Canada. To start, the industry faces an uphill climb against already established commercial casinos in what can be described as a gaming-saturated country.

In addition to controlling tribal gaming expansion, provincial governments across Canada also keep a tight reign on casino regulation, insisting the service be performed by established provincial agencies. In some provinces, steps are being taken to make tribal self-gaming regulation a reality. There is the possibility that games in First Nations' casinos in Saskatchewan would be supervised by First Nations' regulators, not by provincial government employees. That seems like a small gesture, but it has symbolic importance insofar as responsibility for ensuring First Nations' casinos are operating by the rules has been assigned to Indigenous Gaming Regulators in Saskatoon, part of FSIN.

Governance Lessons Learned

Expansion of Jurisdiction refers to exercising authority beyond the current limited parameters of the *Indian Act*. The expansion of jurisdiction can be done in different ways: through accepting offers of delegated authority, through negotiation, and through exercising the inherent right of self-governance. Authority can be assumed incrementally and gradually, or come suddenly thorough a significant legislative change or an act of sovereign will. What is important is that jurisdiction is appropriately expanded consistent with achieving the people's vision.

The work of the White Bear First Nation, FSIN and their agency SIGA are a best practice in the use of legislative authority and effective inter-governmental partnerships to strategically expand jurisdiction and bring about an improvement to the economic strength of First Nations people and communities.

Sources and More Information

Canada's First Nation Casinos Prosper, Face Sovereignty Challenges

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The FSIN – Province of Saskatchewan Gaming Partnership: 1995 to 2002

library2.usask.ca/theses/available/etd-10122004-145915

Saskatchewan Indian Gaming Authority

www.siga.sk.ca

One of our First Nation communities, White Bear First Nation, really took the lead in a tough environment and they exercised their jurisdiction as a government to carry out gaming operations. And we're all aware of what happened there in early 1993. But to their credit, they got discussions really moving and opened the door for First Nations gaming to get established here.

Zane Hansen, SIGA CEO

Governance Best Practices Report

Component: **Laws and Jurisdiction**

Principle: **Rule of Law**

Government: **Nisga'a Lisims Government**

Opportunity

Nisga'a Nation, comprised of four communities; New Aiyansh, Gitwinksihlkw, Laxgalt'sap, and Gingolx, is located in north western B.C. In the 1890s, Nisga'a hereditary chiefs and matriarchs formed the Nisga'a Land Committee and began to aggressively pursue self-government and title to their lands.

In 1973, the Supreme Court of Canada decision in the *Calder* case held that the Nisga'a's historic occupation on their lands gave rise to the legal rights to their territories.

Nisga'a immediately began treaty negotiations with Canada and subsequently with B.C. After 25 years, they reached agreement and the *Nisga'a Treaty* became effective in 2000. The treaty provides certainty with respect to Nisga'a lands and the nation's right of self-government.

In 1998, a court action was launched by the BC Liberal Party in *Campbell v. BC* arguing that the Nisga'a Treaty was unconstitutional. In 2000, the BC Supreme Court held that "the unique historical relationship between the Crown and aboriginal peoples is an underlying constitutional value" and affirmed that "the Constitution embraces unwritten as well as written rules."

In particular, the court supported the submission that "aboriginal rights, and in particular a right to self-government akin to a legislative power to make laws, survived as one of the unwritten underlying values of the Constitution." The court concluded "the right to aboriginal title in its full form includes both the right for the Nisga'a (and any First Nation) to make decisions as to the use of their land and therefore the right to have a political structure for making those decisions is constitutionally guaranteed."

In May 2000, Nisga'a participated in the first meeting of the transitional government which would guide their evolution from Nisga'a Tribal Council to Nisga'a Lisims Government.

The Principle in Action

The Nisga'a Constitution begins with a declaration of the Nisga'a Nation to, among other things, observe Nisga'a law (ayuukhl Nisga'a) and to flourish as a free and democratic society.

Built on traditional culture, Nisga'a Lisims Government (NLG) is a modern, democratically-elected government composed of the NLG, the four Nisga'a village governments, and representatives from three Nisga'a urban locals. A Council of Elders advises NLG on matters related to traditional values of the Nisga'a.

Nisga'a has a Legislature (to pass laws), an Executive Council (to carry out the laws), a dispute resolution body and process, and procedures to carry out Special Assemblies (to hear matters of importance to the people).

All actions and procedures carried out by NLG originate in written laws and regulations enacted by the legislative branch. By doing so, the rule of law establishes certainty, transparency, credibility and responsible government for the Nisga'a Nation. NLG is designed to assure democracy, transparency, and accountability.

This Effective Governance Case Study profiles a best practice in the principle "Rule of Law."

To learn more about this case, contact:

Nisga'a Nation

www.nisgaalisims.ca

Success Factors

Some of the principles that support Nisga'a in maintaining effective rule of law include:

Access to Justice: The NLG's Access to Justice Department supports Nisga'a citizens in the prevention and resolution of conflicts through increased awareness of Ayuukhl Nisga'a and Canadian laws and legal processes.

Commitment to Fairness: A Nisga'a citizen who applies for some entitlement available under Nisga'a law should expect that his or her application for that entitlement will be dealt with fairly by a Nisga'a decision-maker. By fair it is meant that his or her application should be dealt with in accordance to due process, that is, the same criteria is applied to all, that the application is reviewed in a timely fashion, and that such application is acknowledged in writing that it is being considered.

Cultural Match: Harvard Project researchers identified the establishment of a culturally-aligned dispute resolution process as a part of good governance. While the Nisga'a Administrative Decisions Review Board was originally conceived to review only certain administrative decisions, there is now thought to expand its jurisdiction to include other decisions that deal with education, social assistance, and other programs.

Challenges

Kevin McKay, NLG executive chairperson identifies the most pressing challenge facing the executive as the need to break down existing legislation into terms that all citizens can understand and to clarify for Nisga'a citizens why the legislation is necessary. McKay observes that, *"To maintain the ability to communicate effectively with Nisga'a people is critically important and to use language that they feel comfortable with."*

McKay also emphasizes that, *"Strategic planning for economic development is a key issue to facilitate during this term in office. In government it is always about assessing the merits of each priority and making informed decisions on which of those priorities to allocate existing resources to. This is the challenge."*

Governance Lessons Learned

The effective governance principle of *Rule of Law* asserts that the rule of law in the traditional territory follows once jurisdiction is established. The rule of law provides clear instruction on acceptable behaviour – behaviour that benefits the community – and recourse when behaviour is unacceptable. In a civil society, the rule of law exists to minimize conflict between individuals, corporate entities, and individuals and corporate entities.

The *Nisga'a Treaty* asserts the Nisga'a people's right to self-governance and eliminates any uncertainty regarding ownership of Nisga'a land.

The impact of the *Nisga'a Final Agreement* is felt far beyond the Nass Valley. The treaty is recognized as a milestone in the development of aboriginal self-government and is being studied around the world. It is a living testament to how governments and aboriginal peoples can, in good faith, work together to build a more secure future for everyone.

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Northwest Tribal Treaty Nations Governance
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A Land Reclaimed
www.ainc-inac.ca/bc/treapro/mreinf/pub/nisgaa/ar04/alanre_e.pdf

The Ayuukhl Nisga'a is our code of laws... ten areas that today we still observe and consider hallowed. The first is respect. When you understand the meaning of respect you have a power that emanates from you and the people around you will respond likewise – they will treat you respectfully. And so, when it comes to the laws of the Nisga'a, if you can't understand the meaning of respect, then you are going to run afoul of every area of Nisga'a law.

Late Bert McKay, Nisga'a Elder

Governance Best Practices Reports

Institutions



Governance Best Practices Report

Component: **Institutions**

Principle: **Transparency and Fairness**

Government: **Westbank First Nation**

Opportunity

The Westbank First Nation is located in south central British Columbia in the Okanagan Valley.

In the mid-1980s, conflicts within the Westbank First Nation council created significant animosity among community members. The outcome was the Hall Inquiry which made recommendations around strengthening governance accountability and certainty of jurisdiction.

During the 1990s, the Westbank First Nation (WFN) leadership and members sought to implement the recommendations of the Hall Inquiry through various avenues. One strategy was the development of a *Framework Agreement* to begin negotiating community-based self-government. In 2000, Westbank First Nation and Canada signed a self-government agreement. *The Westbank First Nation Self-Government Act* came into force on April 1, 2005.

The Principle in Action

A key feature of the Westbank negotiations was the development of a constitution for the Westbank government. Through the adoption of a constitution, Westbank has made a commitment to the rule of law; the application of the *Charter of Rights and Freedoms*; and to a number of institutions designed to increase transparency and fairness. For example, the constitution:

- Ensures a democratically elected chief and council
- Clearly defines the duties and responsibilities of council
- Requires three public readings before laws of the Westbank First Nation can be implemented (They currently have over 30 laws that have been passed)

- Sets out detailed conflict of interest rules for elected officials
- Requires reporting and disclosure of financial matters to the members
- Requires a law regulating borrowing of monies that ensures the financial stability of the government
- Obligates the government to have a council remuneration and expense law
- Provides for the recall of elected officials if they do not perform their duties according to the constitution
- Makes elected officials personally liable for any use of monies contrary to the constitution
- As a final guarantee of fairness and transparency there is a provision which states that the First Nation must report to its members in an open manner expected of other governments of a similar size that are providing similar services in Canada

Through these and other mechanisms, the WFN government operates within a system of significant transparency and fairness.

This Effective Governance Case Study profiles a best practice in the principle “Transparency and Fairness.”

To learn more about this case, contact:

The Westbank First Nation
www.wfn.ca

Success Factors

By assuming jurisdiction over its own affairs in areas such as governance, land management, language and culture, Westbank has acquired the tools it needs to create opportunities and a better life for its members. In addition, the agreement ensures political and financial accountability of the Westbank government to its members through its many institutions which support transparency and fairness.

The positive impacts of the agreement include:

- Governance stability
- Economic growth on reserve
- Growing respect for the government from citizens and from external businesses and governments

Challenges

The process of creating a transparent and fair government is not an easy challenge. It requires significant commitment and resources, both human and financial. According to Chief Louie of Westbank First Nation, “*Over the last three-and-a-half years of having an instituted governance structure in place, we have had a tremendous learning curve. There has been an extensive, tremendous amount of work that has been done and we believe our journey has been extremely positive and has been well worth the effort.*”

Part of Westbank’s success is due to their commitment to seek continuous improvement. No governance system is static; as such leadership needs to be committed to learn from mistakes and use these to improve their policies and procedures.

The current nature of most First Nations communities makes transparency and fairness a difficult challenge. In some cases, policies and procedures are just not in place. In others, the existing policies and procedures just don’t meet the needs of the community.

In some communities there are policies and procedures, but enforcement is the larger challenge. Where this is the case, it may be that staff and council are unaware of the policies in place, since governments change frequently. It also may be due to family connections. No one wants to fire a relative or evict a relative out of

their home. This is where the commitment to fairness is important. When a government is committed to fairness, it builds trust in government among the membership. Trust that rules will be followed and that members will be treated in an equitable manner.

Governance Lessons Learned

Transparency and Fairness make certain that First Nations institutions and the ways they operate are understood by the people they are designed to serve. Consolidating and then openly sharing processes and procedures assures citizens that decisions are made fairly. Fairness does not mean that all decisions will be the same, but that set criteria will be applied consistently in making all decisions. It is in the implementation of a policy that its fairness is revealed.

Sources and More Information

Journey to Economic Independence

www.ecdev.gov.bc.ca/Publications/Documents/FNReportPrintMeg.pdf

On the Go: Westbank Agreement

www.ainc-inac.gc.ca/bc/otg/wn_2003/otgwn2003_e.pdf

First Nations Drum: February 2008

www.firstnationsdrum.com/2008/february/freezing2.html

First Nations Drum: Spring 2004

www.firstnationsdrum.com/Spring 2004/BizWestBank.htm

For law making, we develop and enact laws... in accordance with our constitution. All of our laws and amendments are subject to a process that is set out in the constitution and again includes the community consultation input. You don’t find that under the Indian Act or in delegated responsibility.

Chief Robert Louie

Governance Best Practices Report

Component: **Institutions**

Principle: **Results-Based Organizations**

Initiative: **First Nations & Inuit Home
& Community Care**

Opportunity

For more than 15 years, the lack of home care services relevant for First Nations and Inuit communities has been identified as a significant health and social issue.

In response to this need, a Joint Health Canada/ Department of Indian and Northern Affairs (DIAND) /First Nations/Inuit working group was formed to develop a framework for a comprehensive home care program. Based on community consultations, the First Nations and Inuit Home and Community Care (FNI HCC) program was established in June 1999. What separates this program from others is the commitment to ensuring that the program is continually moving towards its founding vision.

The Principle in Action

The results-based model used in this program has three core fundamentals: 1) measurement, 2) evaluation, and 3) accountability. Through these three elements of performance management, it is possible to continually assess the program to determine what is working, what is not and then apply the learning to improve program design which will enhance results achievement.

Results-based management focuses on the demonstrated needs and expectations of stakeholders and target populations, enhancing responsiveness and accountability through a number of key features including:

Good Planning: Deciding how to achieve the best outcomes with the resources available. This involves identifying and focusing on expected outcomes, selecting performance indicators, setting specific targets and examining alternative and/or complementary ways to achieve the expected outcomes.

Continuous Learning and Improvement: Measuring performance, assessing costs and using the information to improve the effectiveness of programs, policies and services.

Reporting: Reporting on performance to clients, partners, stakeholders, parliamentarians and Canadians in a balanced and objective way and engaging them in the process of planning, continuous learning and improvement of programs, policies and services.

The results-based management strategy for the FNI HCC integrates four key components: ongoing data collection, program evaluation, reporting on performance and accountability for results.

The ongoing data collection strategy is based on the regular collection of FNI HCC information against the identified performance indicators for the activity, output and outcome components of the program logic model. The collection of performance information is intended to be systematic and part of the service delivery and management practice for FNI HCC Program.

This ongoing approach is meant to support the First Nation and Inuit communities that are delivering FNI HCC services, as well as the program manager and staff of the First Nations and Inuit Health Branch, Health Canada in the administration of the program.

This Effective Governance Case Study profiles a best practice in the principle “Results-Based Organizations.”

To learn more about this case, contact:
First Nations & Inuit Home & Community Care
Program

www.hc-sc.gc.ca

The data collected will demonstrate how the program is progressing toward the achievement of the expected outcomes. The evaluation strategy will draw on the performance data as one of the lines of evidence in an in-depth study of outcomes achievement. This will also include testing of the causality displayed in the logic model and examining unintended outcomes within the program and on other programs.

Success Factors

Community Goals: The first step in developing a results-based program is articulating community goals. By clearly articulating a small number of shared goals, the leadership can focus staff energy on making progress in key areas.

Program Plans: A program plan shows the logical links among a program's objectives, the inputs and activities to achieve those objectives, the performance targets, and the intended results in terms of outputs and outcomes.

Performance Measures: Measures describe what was expected to happen and what was achieved. They should provide good performance information which allows people to judge how well the goals are being met and to plan for the future.

Data Collection: Ongoing data collection provides program administrators with the most timely feedback from community members, using surveys, discussion groups or other feedback mechanisms. With this current feedback programs can be adjusted to better achieve their objectives.

Performance Targets: Each performance measure should have a corresponding target. Targets answer the question, "how big a change do you hope to see in the future?" They are commitments to attain certain results in specified time periods. They should directly reflect the anticipated progress to be made toward priority goals.

Reporting: A good performance report presents more than just data. It presents an analysis of what the results mean and potential strategies for improving performance. There are several ways in which to analyse results. Graphical tools such as pie charts, bar charts or other diagrams are often helpful. These are usually accompanied by an explanation giving the context for what the results actually mean. The form

of the performance report will reflect the particular accountability practices of a First Nation.

Realignment: Continuously making program changes and improvements based on findings.

Challenges

Tensions in Accountability: Tension may become evident between the funder, the program deliverer and the recipient of service. This becomes a challenge for program deliverers to determine whose needs to make the priority.

Implementation: The transition to results-based management may take several years. Sustained commitment from the First Nation leadership is vital to success.

Fear: As with any change, some people feel threatened by an emphasis on performance. They may feel that failure to achieve results would jeopardize their professional or personal credibility.

Cost: Using performance information requires time and money. Governments, program managers and individuals may feel that they do not have the human and financial resources to manage or budget for results.

Governance Lessons Learned

Results-Based Organizations are imperative for any governing body to accurately measure the effectiveness of its governance. In measuring the effectiveness of First Nations governance, a key result would be the extent to which the structures have moved the people toward their strategic vision. However, for decades First Nations communities have functioned within organizational structures driven not by their vision, but by federal government funding opportunities.

Sources and More Information

FNI HCC Program Profile

www.hc-sc.gc.ca/fniah-spnia/pubs/finance/_account-respon/2002_frame-cadre_rmaf-cgrr/2_profil-eng.php

First Nations Self-Evaluation of Community Programs
<http://dsp-psd.pwgsc.gc.ca/Collection/R3-45-1998E.pdf>

Challenges and Lessons in Results-Based Management
www.adb.org/MfdR/documents/Challenges-Lessons-Joh.pdf

Governance Best Practices Report

Component: **Institutions**

Principle: **Cultural Alignment of Institutions**

Government: **Teslin Tlingit Council**

Opportunity

Situated in southern Yukon, the Teslin Tlingit people have a clan system of government. That clan system of government operated for years prior to the imposition of the *Indian Act*. Through the *Indian Act*, traditional governance was separated from formal decision making power and authority. Then in the early 1990s, following 20 years of negotiation, federal and territorial settlement legislation provided the basis for the creation and ratification of the *Teslin Tlingit Council Final and Self-Government Agreements*. Through these agreements the Teslin Tlingit people once again were able to recognize the power and authority of their clan based government.

The structure of the Teslin Tlingit Council incorporates traditional Tlingit clan culture into contemporary organizational and management principles. The results are institutions of governance that are aligned with the traditions and belief systems of the citizens they govern and represent.

The centrality of the clans in the design and operation of the Teslin Tlingit Council is considered a best practice in cultural alignment of institutions.

The Principle in Action

In Teslin there are five clans which are:

- Yanyedi: Wolf
- Dakhl'awedi: Eagle
- Kukhhittan: Raven Children
- Deshitan: Beaver
- Ishkitan: Frog

Every citizen of the nation belongs to one of the five clans. Each clan has its own individual customs inherited from past generations.

Each clan has a leader and elders recognized as such by the clan membership, and the Teslin Tlingit clans have emblems which are part of their tradition. These customs are observed by the clan and respected by the

other clans. Individuals have clan responsibilities and also collective community responsibilities. These clan and collective responsibilities are enshrined in the structure of the Teslin Tlingit government as set out in the Teslin Tlingit constitution.

The council recognizes independent but complementary governing bodies, the constitutionally entrenched integrity of government branches, and the separation of legislative from executive, or administrative, roles, tasks and responsibilities.

Examples of Teslin Tlingit governance institutions which best reflect the influence of the clan system of government include the following:

- The Teslin Tlingit legislative branch is the 25-member General Council composed of five representatives appointed by each of the five clans for four-year terms. The General Council is the forum where the members bring forward government business for discussion, debate and deliberation.
- The Elders Council: The Elders Council is composed of all elders 58 years and older, presided over by the clan leaders. The Elders Council gives advice and direction to all other Teslin Tlingit government branches and is responsible for safe-guarding, encouraging and instilling the heritage, culture, language and other traditions of the Teslin Tlingit First Nation.

This Effective Governance Case Study profiles a best practice in the principle "Cultural Alignment of Institutions."

To learn more about this case, contact:

Teslin Tlingit Council

www.ttc-teslin.com

- The Executive Branch: The six-member Executive Council is composed of one representative from each of the five clans, appointed for four-year terms by the General Council, and one elder appointed by and for a term at the pleasure of the Elders Council. The Executive Council is the top management team that heads up the Teslin Tlingit Council government.
- The Justice Council: The authorities and responsibilities of the Justice Council, composed of the five clan leaders, are established by General Council in accordance with the traditional principles of Tlingit customary law and upon the advice of the Elders Council.

Success Factors

Central to the success of the Teslin Tlingit's government is the embedding of traditional practices – clans and elders – within contemporary government and organizational practices. It works because:

- It draws on cultural knowledge, and tradition
- It is a formal structure of government codified by the constitution
- It is a modern expression of the clan system integrated into formal decision making institutions
- It allows for interaction with other governments and the certainty of decision making required for effective intergovernmental relations

Finally, in the few years that have passed since the system of government was established they now have leaders in the government that only know the clan system of government and do not know the Indian Act. This truly is “*creating a new memory in the minds of our children.*”

Teslin Tlingit Council is actively involved in the implementation process, attempting to build new ways of becoming self-sufficient in a contemporary world and continuing to prosper in the old traditional ways, retaining the language, culture and laws for future generations.

Chief Eric Morris

Challenges

Replacing the *Indian Act* with a different system of government isn't without its challenges. First, it may be difficult to see how traditional practice can be incorporated into contemporary governance institutions. First Nations whose political structures have been greatly affected by colonization may have a more difficult time trying to create a government structure that is culturally appropriate.

Second, change, even positive change, can create uncertainty and tension. It is important to have patience, flexibility and understanding as people learn to trust the effective implementation of the governance institutions.

Finally, effective inter-governmental relationships require that other governments also need to understand and accept the new institutions of self-governance.

Governance Lessons Learned

The effective governance principle, *Cultural Alignment of Institutions*, exists when First Nation structures of government are infused with practices and beliefs consistent with the values of the people being represented. When this happens, people understand how government works and support the expression of cultural identity through collective decision making and action. It inspires trust and legitimacy in governance – two fundamental elements of effectiveness.

Sources and More Information

Teslin Tlingit Constitution

www.ttc-teslin.com/constitution.html

Council of Yukon First Nations

www.cyfn.ca/ournationsttc

BC Treaty Commission: Teslin Tlingit Council

www.bctreaty.net/nations/teslin.php

Governance Best Practices Report

Component: **Institutions**

Principle: **Cultural Alignment of Institutions**

Government: **Apache Nation**

Opportunity

Traditional Apache culture is based on an intimate spiritual connection with and knowledge of the natural world. Apache elders believe that connection is necessary to respect one's self, other humans and all living things.

The San Carlos Apache elders living in San Carlos in northern Arizona have seen the changes in their community that are particularly worrisome.

San Carlos youth no longer eat the traditional foods and obesity runs rampant. Traditional knowledge about plants and animals is being lost as the young spend much of their time indoors watching television or playing video games. Dependence on federal government goods and services has become an acceptable way to live. Furthermore, the elders at San Carlos are concerned about questions of governance. Throughout the 1990s, San Carlos suffered from debilitating political instability, which manifest in protests, takeovers and demonstrations.

In the midst of such cultural, political and economic difficulties lies a kernel of hope and inspiration – the San Carlos Elders Cultural Advisory Council (ECAC). Formed in November 1993 by Tribal Council resolution, the all-volunteer ECAC was established to advise the Tribal Council on cultural matters, to carry out consultations with off-reservation entities on culturally related matters, and to execute various projects related to cultural preservation.

The Principle in Action

The ECAC regularly gives its traditional views to the Tribal Council on a wide variety of matters. The ECAC has provided guidance on tribal environmental policies, including reservation-based mining; on cultural policies such as the inappropriate use of depictions of the Gaan (Mountain Spirits); and on guidelines for

non-tribal researchers. It carries out cultural consultations with off-reservation entities, especially federal and state agencies that administer lands in traditional Apache areas, and advises the Bureau of Indian Affairs on the location of graves and sacred sites that should not be disturbed by tree harvesting. The ECAC also helps administer and oversee cultural preservation activities. For example, it is involved in activities related to the *Native American Graves Protection and Repatriation Act* (NAGPRA) and the Western Apache Place Names Project. It also helps collect traditional information on the natural world to be used in reservation school curriculum.

In all of its activities, the ECAC consults its membership – who ranges in age from mid-40s to late-90s – and, as necessary, other elders wise in Apache language, culture and outdoor living skills. While the ECAC operates strictly by consensus, the administrative functions are conducted by a coordinator and a facilitator who jointly organize the meetings, visit home-bound elders or medicine people, and transcribe conversations into letters, memoranda and articles. To ensure its long-term sustainability, the ECAC retains younger elders within its membership, who are mentored by older members.

This Effective Governance Case Study profiles a best practice in the principle "Cultural Alignment of Institutions."

To learn more about this case, contact:

San Carlos Apache Nation

www.sancharlosapache.com

Success Factors

The values of self-reliance, respect and deep connection to nature are central to traditional Apache life. These values are the underlying themes in all Elders Cultural Advisory Council activities, consultations and messages. The ECAC tries to bring these values and traditional cultural knowledge to their own leaders in order for them to more effectively care for the people and their land.

The ECAC stands out on a number of dimensions. As an all-volunteer group, the program operates with minimal funding. This means that the program is replicable any place a dedicated elder could be recruited as coordinator. The ECAC has made a significant contribution at a reservation that otherwise suffers from dire political problems.

The ECAC serves as a conscience for the San Carlos Apache Tribe by tapping, discussing and then articulating its members' understanding of Apache cultural values. The Elders Cultural Advisory Council is a keeper and carrier of traditional Apache wisdom whose actions and advice will benefit the tribe for generations to come.

Challenges

Having their decisions ignored by council members who are pressured to accept economic incentives has been one of the greatest challenges faced by the San Carlos Apache. While the majority of elected San Carlos Tribal Council officials have supported and respected the beliefs of the many members on their reservation who adhere to their traditional cultural and spiritual life ways, exceptions have occurred.

Governance Lessons Learned

The Elders Cultural Advisory Council at San Carlos provides an instructive example of how nations can strengthen their capacity to govern by ensuring the *Cultural Alignment of Institutions*. This principle recognizes that it is only where the organizations are infused with practices and beliefs consistent with the values of the people being represented, that effective governance in First Nations communities will exist.

Elders can play a critical role in securing this alignment and advancing the social, economic, political and spiritual health of an Indian nation.

As keepers of traditional wisdom, elders can and should play an active role in tribal governmental affairs, including cultural matters, leadership responsibilities and language preservation.

One way to use the knowledge of elders is to formally recognize a council of elders that is empowered to make recommendations, provide guidance and advise tribal decision makers.

Sources and More Information

NAGPRA: Resources for Tribes

www.nps.gov/history/nagpra/TRIBES/INDEX.HTM

Inter Tribal Council of Arizona

www.itcaonline.com/tribes_sanCarl.html

San Carlos Apache and Mt Graham

<http://medusa.as.arizona.edu/graham/cultur.html>

Elders consider activities that harm the natural world, such as large-scale mining and irresponsible ranching, inherently disrespectful and dangerous.

Apache elders acknowledge the necessity of exploiting natural resources to survive, but are critical of destructive exploitation. Harming the natural world not only destroys habitats for natural resources, thereby removing access to resources, but it breaks the foundation of one's home, exposing people and communities to the harmful side-effects of broken relationships.

Because traditional people still have and maintain these relationships, the destruction of habitats hurts them deeply and profoundly, as if a family member has been harmed or killed.

Jeanette C. Cassa

Elder's Cultural Advisory Council, San Carlos Apache Tribe

Governance Best Practices Report

Component: **Institutions**

Principle: **Inter-Governmental Relations**

Government: **Sliammon First Nation**

Opportunity

In 2002, the City of Powell River, on the Sunshine Coast in south-western B.C., began construction on a seawalk park. The project inadvertently destroyed or disturbed significant cultural sites of Sliammon First Nation including petroglyphs and shell middens. Deeply concerned by the site impact and the lack of consultation with their nation, then Chief L. Maynard Harry and respected Elder Norm Gallagher confronted city officials.

Resolution was achieved not in the courts but through consultation and the sharing of both planning and cultural knowledge as well as the joint participation in the development of the project between the governments of the nation and of the city. Working collaboratively, the two governments were able to increase the resources available to the project by attracting financial support from both the Ministry of Transportation and BC Ferries to complete the park.

The Principle in Action

In 2003, building on the successful inter-governmental cooperation of the seawalk project, Sliammon First Nation Council and the City of Powell River negotiated and signed a *Community Accord*.

The accord articulates the operating relationship of the nation and the city and is a critical piece in their future inter-governmental initiatives. The accord recognizes Sliammon's traditional territory and unresolved aboriginal rights and title, including the right to self-governance. It cites the mutual recognition of the legitimacy of each other's governments, principles of cooperation, including "mutual respect and recognition" and "reciprocal consideration" of common interests between both communities, and the agreed upon promises to protect cultural heritage resources and promote community growth.

Tangible results of the Sliammon commitment to pursue and maintain effective inter-governmental relations are evident throughout the communities. In the dedication of the *Old Hospital Site/Tees Kwat* the city recognized the existence of a Sliammon village and fishing site long before the formation of Powell River. Leaders of the city were also honoured in naming ceremonies receiving First Nations names. Further recognizing the significance of naming, Sliammon place names in the Coast Salish language have been added to the English and French versions on all signs that were erected in the city's neighbourhoods.

In 2004, Sliammon raised a welcome pole at Ajoomixw Park in Powell River. The project was sponsored by BC Ferries, RBC, Dick Barr and the Sliammon and enriches area tourism which drives economic benefit. The city and Sliammon nation worked together on the design of a historical viewpoint overlooking the seawalk and Malaspina Straight that displays two totem poles carved by Sliammon artists with the flags of the municipality and the First Nation flying side by side. Contributions to support the viewpoint were made by the city, RBC, BC Ferries and local businesses.

Each of these successful projects is a symbolic demonstration of the effectiveness of the inter-government relationship.

This Effective Governance Case Study profiles a best practice in the principle "Inter-Governmental Relations."

To learn more about this case, contact:

Sliammon Treaty Society

www.sliammontreaty.com

Success Factors

Sliammon First Nation have identified a set of principles that they believe supported their success and may be of value to other communities and governments working to establish or strengthen their inter-governmental relationships:

- Start by building a relationship of mutual trust and respect
- Establish and maintain regular communication
- Involve and inform others
- Establish protocols, agreements or guiding principles
- Establish and participate in joint committees
- Share and celebrate successes
- Be creative in seeking innovative solutions
- Negotiate fair service agreements
- Recognize jurisdictional limits
- Write reciprocal letters of support
- Agree to disagree

Challenges

The Sliammon and city governments have recognized in the accord the significant benefits of joint planning and collaboration particularly in cultural and recreation projects. However, there remain challenges in operationalizing the intent of the accord particularly around shared infrastructure and the need for coordinated planning. The current discussion includes transportation and water and sewage services with the goal of achieving economic benefit through shared service provisions.

Building from its successes with local government, the Sliammon are now following the same route to engage the regional government. Sliammon First Nation has recently completed their first Sliammon Comprehensive Community Plan (CCP) to support community development and nation building.

The challenge is now to implement the plan in coordination with Sliammon's partners and neighbours. To be successful, regional planning must include all three local governments, and the parties must be willing to work together and address political issues and operational challenges. Progress in relationship building with the regional district has been limited, but it is hoped that a meaningful regional planning process will help to address this.

Governance Lessons Learned

The leaders of Sliammon First Nation took key actions to build and sustain the effective governance principle of inter-governmental relationships.

Have courage and commitment: Leaders of the nation had the courage to approach the mayor of Powell River directly when things went wrong. City leaders had the courage to deviate from the business as usual approach to find a better way of working. Both parties were committed to the best solutions for their communities.

Practice open and effective communication: For communication to be effective it must be based in trust, meaningful, inclusive, and an opportunity for all parties to both listen and to learn.

Recognize and acknowledge each other: The evolution of B.C. has resulted in the overlap of municipal, regional and reserve boundaries. Recognition is a critical first step to moving forward.

Lead by example: If leaders lead with integrity and transparency, their staff and communities will follow.

Take time and patience: Relationships, projects and joint ventures take time to evolve and mature; patience and perseverance are important. The seawalk issue first surfaced in 2002, and it was two years later the seawalk was opened.

Sources and More Information

The Six-Stage Treaty Process

www.sliammontreaty.com/treaty_process_stages.html

The Treaty Negotiations Office

www.gov.bc.ca/tno

City of Powell River

www.powellriver.ca

Our relationship continues to be challenged by outdated attitudes, by the experiences of the past and the resulting tension. Our goals do not and will not always align. However, we are successfully shifting from negative to positive communication.

Anything is possible if you put enough effort into it. We need to explore these opportunities for our future generations.

Sliammon Chief Walter Paul

Governance Best Practices Report

Component: **Institutions**

Principle: **Inter-Governmental Relations**

Governments: **Squamish and Lil'wat First Nations**

Opportunity

The Squamish First Nation and the Lil'wat First Nation are both located in south western B.C. and have an area of overlapping traditional territory that extends into the lands around the resort community of Whistler. Although they are two distinct First Nations with different culture and social relationships, they have a history of respectful co-existence as neighbours. Mindful of the historic precedence of shared lands and the overlapping interests in land stewardship, the Lil'wat Nation met with the Squamish Nation in 1999 to discuss land use and planning in areas of traditional territory overlap. This signalled a move away from competition between neighbouring First Nations for recognition and scarce resources and toward a relationship that could leverage the power of working together on mutual objectives.

In 2001, the nations signed a historic *Protocol Agreement* formalizing their commitment to continue inter-governmental cooperation in matters of cultural and economic development, and co-management of shared territory. The only one of its kind in Canada, this agreement affirms the nations' shared heritage and profound desire to continue to live and work together harmoniously.

The Principle in Action

The *Protocol Agreement* established a process that allows the Squamish peoples and Lil'wat peoples to:

- Identify issues of mutual concern within the shared overlap portion of their traditional territories
- Take better advantage of economic opportunities
- Make decisions jointly and implement those decisions together
- Allow both nations to express our mutual respect for one another's historic presence in the region and to obtain a better understanding of our respective communities

- Establish a basis of mutual support for the preservation and protection of both nations' aboriginal rights, and examine the possibilities of shared jurisdiction and co-management

Building on the foundation established by the *Protocol Agreement*, in November 2002, the Squamish First Nation, the Lil'wat First Nation, the Vancouver 2010 Olympic Bid Corporation, and the Province of British Columbia signed the historically significant *Shared Legacies Agreement*. This agreement outlines a package of benefits and legacies related to the Vancouver 2010 Olympic and Paralympic Winter Games that recognizes the important contribution being made by the nations to promote harmony, sharing, education, fairness, and partnership.

The *Shared Legacy Agreement* represents an unprecedented partnership between a provincial government, a private corporation, and two First Nations. It ensures that Squamish Nation and the Lil'wat Nation will benefit from the Vancouver 2010 Winter Games being held on their traditional territories and greatly contributes to the future economic well-being of both nations.

Under this agreement, B.C. agreed to give 300 acres of land in Whistler to the nations to pursue economic development opportunities, contribute \$2.3 million for a skills training project, and contribute \$3 million toward the construction of the Squamish Lil'wat Cultural Centre in Whistler.

This Effective Governance Case Study profiles a best practice in the principle "Inter-Governmental Relations."

To learn more about this case, contact:

Squamish Lil'wat Society

www.slcc.ca/about-us/slcc-society

Additionally, the province, in partnership with the nations, initiated a Naming and Recognition Project to dual name places in the shared territory so traditional place names will be given wider recognition. From this strategic success, the Squamish and Lil'wat have continued to recognize their collective strength and the opportunities that flow from developing positive inter-governmental relationships.

Based on this approach and recognizing that the 2010 Games will occur within the traditional territories of four nations – not only the Lil'wat and Squamish, but also the Musqueam and the Tsleil-Waututh First Nations – a further inter-governmental framework was negotiated. In 2004, the *Four Host Nations Protocol Agreement* was created to pursue a common approach to maximizing the involvement of their communities in the Games and create an environment of respect, cooperation, and mutual recognition amongst the parties.

“The 2010 Games presents us with a significant opportunity to build new or enhance existing relationships, establish partnerships and showcase our diverse and extraordinary culture to the world,” said Musqueam Chief Ernest Campbell.

Success Factors

The initial *Protocol Agreement* between the Squamish Nation and Lil'wat Nation provided a framework for decision-making between the two nations which permitted them to react nimbly and effectively to the development pressures within the Whistler area – including the 2010 Olympic Games.

This *Protocol Agreement* has resulted in a strong political alliance which is realizing real material benefits for their respective citizens.

Their success is predicated on:

- Practicing open and effective communication which aims to identify mutual objectives and minimize potential conflicts
- Leaders from each nation having courage, commitment, and foresight to see that a cooperative relationship between different First Nations deflects the divide and conquer strategies of business and government
- Recognizing each other and acknowledging differences
- Investing time and patience to make the agreement work

Challenges

The *Squamish – Lil'wat Protocol Agreement* sets out a complex inter-governmental relationship that takes time, effort and patience to nurture – just like any relationship. Communication is vital. Squamish and Lil'wat face immense outside development pressures which could threaten to undermine the unity of the two First Nations. It takes incredible strength, patience and leadership to not succumb to those kinds of pressures.

Governance Lessons Learned

Effective *Inter-Governmental Relations* maximize the opportunities for communication and effective decision-making while minimizing the opportunities for conflict. Effective inter-governmental relations result in productive and satisfying working relationships where the goal is a “win-win”; the collaborative advancement of the interests of all governments whenever possible. The agreements entered into by the Squamish Nation and the Lil'wat Nation achieve both objectives.

Sources and More Information

The Protocol Agreement

www.slcc.ca/about-us/tale-of-two-nations/protocol-agreement

The Shared Legacies Agreement

www.slcc.ca/about-us/tale-of-two-nations/shared-legacies-agreement

Squamish Nation

www.squamish.net

Lil'wat Nation

www.lilwat.ca

Four Host First Nations Society

www.fourhostfirstnations.com

Only through building positive relationships can we all learn from one another and all walk away being much richer for the effort.

Chief Gibby Jacob of the Squamish Nation

Governance Best Practices Reports

Resources



Governance Best Practices Report

Component: **Resources**

Principle: **Human Resource Capacity**

Initiative: **BC First Nations Public Service Initiative**

Opportunity

First Nations communities in B.C. and Canada, operate in a complex policy and legal environment that must be navigated by the administrators, directors, band managers, and program staff in our governments. This First Nation public service is responsible for implementing the direction and decisions of our leadership within the constraints imposed by federal and provincial legislation, policy, and programming. In most cases, this must be accomplished with inadequate financial and human resources. Reflecting this reality, the success of a First Nation community can often be directly linked to the effectiveness and capacity of its administration. The First Nations public service is key to a community's viability and well-being.

The knowledge and skills First Nation public servants require to do a good job are varied and extensive and include financial management, strategic planning, asset management, leadership, aboriginal law in Canada, community development approaches, land use planning for both on and off-reserve, government and community relations, and skills for re-building historic nation alliances and institutions.

Since the 1970's the role of the First Nation public service has steadily increased in its significance and importance. These key administrative positions play a significant role in the success of any initiative at the community level – including the broad goal of moving away from the *Indian Act* towards inherent right based self-governance.

In 2008, the First Nations Summit and the B.C. Ministry of Aboriginal Relations and Reconciliation partnered to support the development of a provincial First Nations public service strategy. The strategy will

focus on identifying knowledge and skills for capacity building related to three areas:

- Developing effective leadership
- Maintaining and supporting the core functions of a First Nations public service through the skills and knowledge areas noted above
- Supporting the effective management and administration of specific sectors of First Nations communities such as health, education, lands and resource management, economic development, housing, social development, etc.

The Principle in Action

In 2008, four pilot programs began to identify and implement activities that will result in measurable changes in strengthening their individual First Nation public service. The four pilot communities are Chemainus First Nation, Musqueam Indian Band, Tsleil-Waututh First Nation, and Osoyoos Indian Band.

The purpose of the pilot projects is to:

- Develop partnerships between First Nations to further strengthen their human resource capacity
- Produce a set of best practice tools that would be available to other First Nation communities
- Document and share the resulting products and outcomes of the pilot projects with First Nations in B.C.

This Effective Governance Case Study profiles a best practice in the principle "Human Resource Capacity."

To learn more about this case, contact:
First Nations Public Service Initiative
www.firstnationspublic.service.com

The intent is to build on these pilot projects and share the results with First Nations across B.C. Through this work, the First Nations Public Service Initiative hopes to recognize the value of the First Nations Public Service in B.C. and to strengthen the capacity of First Nations for success.

Success Factors

It is important to note that support to First Nation governments, from the Canadian and B.C. governments, while welcome, has come as a response to the evolution of aboriginal law in Canada and the subsequent emergence across the country of increasingly strong and autonomous First Nation governments. The need for increased human resource capacity in First Nations communities has always been identified by the communities themselves. The emergence of a B.C. First Nation public service is one example.

Another example of such aboriginal-led work is the 2008 forum co-hosted by the NCFNG-BC Region and the AFOA-BC Chapter to engage First Nation administrators in a discussion about the need for an association of band administrators and for professional certification. The forum was attended by approximately 40 B.C. First Nation administrators. There was overwhelming support from participants for the concept of a First Nations public service association and certification.

Challenges

The Discussion Workbook, *Building Capacity in the BC First Nations Public Service*, identifies a set of significant challenges to developing capacity required for effective governance:

- Conflict between the vision of communities and government programs and policies
- Inadequate resourcing
- High turnover and burnout of public servants
- Poor compensation and lack of job security
- Significant diversity in size of First Nations communities leading to a broad range of needs and challenges between communities

The reality is that we already have a First Nations Public Service, but we don't acknowledge it and work to make it effective and credible.

Grand Chief Edward John

- Low success rates in formal education
- Lack of relevant formal education opportunities

These continue to be the challenges that will slow human resource capacity development in First Nation communities. However, a clear, high-level strategy for HR development as envisioned in the First Nations Public Service initiative will be the most effective way to build the capacity required for self-governance.

Governance Lessons Learned

First Nations can only achieve effective governance with the right human resource capacity in place. The principle of *Human Resource Capacity* speaks to the skills and abilities of the people that govern our communities and implement our community programs and services. With the right to govern comes the responsibility to govern well. The expansion of our human resource capacity, including the professional development of the next generation of leaders and managers, is a necessary investment to see that our nations possess the knowledge, skills and abilities to govern effectively.

Of the critical factors that have come together to realize the First Nation Public Service Initiative, many are grounded in the NCFNG principles of effective governance. These include:

- Shared strategic vision for the initiative
- Commitment to meaningful information sharing through consultation with First Nations communities, organizations and workers
- Creation and support for partnerships
- Effective working relationships with inter-government partners: federal, provincial and First Nations

Sources and More Information

Discussion Paper on Advancing a Certification System for First Nation Administrators

www.fngovernance.org/pdf/Advancing_Certification%20.pdf

Joint Planning and Policy Forum

mainc.info/bc/whho/wkptsh/jppdf/anfor/2001/fnpspr_e.pdf

Recruiting a First Nations Administrator: Toolkit

www.ainc-inac.gc.ca/bc/proser/fna/fngas/fnpsi/tolkt/tolkit_e.html

Aboriginal Financial Officers Association of Canada (AFOA)

www.afoa.ca

Governance Best Practices Report

Component: **Resources**

Principle: **Financial Management Capacity**

Initiative: **Martin Aboriginal Education Initiative**

Opportunity

First Nations need qualified financial managers to be successful. In most communities the senior financial managers are not community members. Responding to this challenge, a pilot project was launched in Fort Frances, Ontario in 2008 designed to encourage aboriginal youth to complete high school and pursue careers in accounting. The intent is to increase financial knowledge and capacity in First Nations communities.

The pilot project is a unique mentoring program which is a partnership between the Martin Aboriginal Initiative – a project of the former prime minister, the Right Honourable Paul Martin – and the Canadian Institute of Chartered Accountants. The partnership isn't seeking any government funding and will be largely supported by the Martin Aboriginal Initiative as well as by the participating accounting firms, BDO Dunwoody in Fort Frances and KPMG in Brantford. The pilot projects will begin with the Grand Erie District School Board and the Rainy River District School Board. The projects have the support of Six Nations of Grand River, Mississaugas of New Credit and Treaty Three.

"I feel that the financial training offered through this initiative will be valuable and beneficial to First Nations members." said Chief Gary Allan of the Nigigoonsiminikaaning First Nation.

The Principle in Action

The three participating schools are located in Ontario – two in Brantford and one in Fort Frances. Aboriginal secondary school students will be identified by their teachers and, with their parents' permission, will be mentored and supported in the program. Staff from the participating accounting firms will work with these young people over

several years in various activities including job shadowing, co-operative education placements, summer employment, scholarships, bursaries and opportunities for articling.

While the initiative has just begun, the roles of the lead partners are clearly defined enhancing the opportunities for project success.

Roles of the Martin Aboriginal Initiative in this mentoring program include:

- Provide advice, guidance and assistance to the school boards as the programs are established
- Monitor the program and share best practices
- Collaborate with participating First Nations and aboriginal organizations
- Liaise with the Ministry of Education and post-secondary institutions

Roles of the Canadian Institute of Chartered Accountants in this mentoring program include:

- Liaise with the participating accounting firms and arrange for more firms to participate
- Share information about the project
- Support participating aboriginal students as they continue their studies
- Liaise with post-secondary business, commerce and/or accounting programs to help strengthen their outreach to aboriginal students

This Effective Governance Case Study profiles a best practice in the principle "Financial Management Capacity."

To learn more about this case, contact:

Nigigoonsiminikaaning First Nation

www.nigigoonsiminikaaning.ca/home.php

Success Factors

The key to success in this project is the shared vision that investing in youth will result in increased human and financial capacity for the First Nations communities in which those youth will work and live. Not only the partners, but the parents and the learners are also highly committed to the program. There is shared good will and high hopes for the youth involved in the project.

This is first and foremost a mentoring program and research identifies a positive correlation between the increase of mentorship opportunities and an increase of leadership skills and abilities in emergent leaders. First Nations people have a proud history of effectively using mentoring as a valuable and culturally relevant experience. Complementary to their work with schools and post-secondary institutions, mentoring remains a traditional tool that First Nations still see as relevant to their cultures.

Also aligned with cultural norms, the determination of whether this program succeeds will not be solely through a formal evaluation but will be more anecdotal and consider a broad set of outcomes, i.e. not only did the youth stay in school or pursue accounting, but whether there is an increase in youth confidence.

Challenges

The project is new, well financed, high profile and not surprisingly filled with optimism. However, there are a few challenges that participants are aware of.

- *Sustainability*: This is a very long-term project – students will be 10 years in the program if they choose to become chartered accountants. It may be hard to sustain enthusiasm.
- *Communication*: As organizations outside the First Nation community, the partners did not and do not always recognize who they need to speak with. In some cases they relied on the school board and ended up speaking to a number of people before they got to the right person.
- *Collaboration*: A set of negotiated and shared protocols is needed not only with the First Nation but also for working with the off-reserve peoples, particularly when there is no clear representative organization.

Next Steps

While the project is still in its infancy the intent is for a new cohort of students to be identified and begin the program every year. The expectation is that the program will be a success and that that success will be replicated in other parts of Canada. The fact that both the Canadian Institute of Chartered Accountants and the Martin Aboriginal Initiative are national in their activities increases this likelihood.

Governance Lessons Learned

First Nations can only achieve effective governance with the right human and financial capacity in place.

Financial Management Capacity ensures that good work is not derailed by an inability to plan for, monitor, and account for financial resources. Financial capacity permits long-term, multi-year planning and proactive decision making. Effective financial management permits communities to plan beyond the arbitrary end of a fiscal year or a federal funding cycle and instead to plan for generations.

This project demonstrates the type of strategic partnership necessary to bring about an improvement to the social and economic strength of aboriginal people and communities to a level enjoyed by other Canadians.

Sources and More Information

Canadian Business: Martin Aboriginal Initiative
www.canadianbusiness.com

Martin Aboriginal Initiative
(514) 758-9978
lsantoro@mai-iam.ca

Canadian Institute of Chartered Accountants
(416) 204-3228
tobin.lambie@cica.ca

In my community, in terms of economic development... we're looking partnerships. One key component of all this is finance – demographics, forecasting and economic benefits. We need to develop the capacity at an early level, because our students are not picking up these trades.

Chief Gary Allen

Governance Best Practices Report

Component: **Resources**

Principle: **Performance Evaluation**

Government: **Sisseton-Wahpeton Oyate Nation**

Opportunity

Like many rural tribal nations, the Sisseton-Wahpeton Oyate in South Dakota struggled for years to combat high levels of unemployment and widespread poverty. This changed with the establishment of the Dakota Western Bagging factory and several gaming facilities, generating rapid economic growth over the past ten to fifteen years. As a result, Sisseton-Wahpeton Oyate is now the largest employer in the northeast corner of the state of South Dakota. However, while jobs are plentiful, many Oyate citizens have been unable to maintain employment and by the year 2000, the nation was experiencing a 70% employee turnover rate.

A coalition of concerned tribal leaders began evaluating the employee retention problem. The evaluation identified several primary issues, including limited work experience and formal education and lack of reliable transportation, as possible underlying factors. However, in addition to these primary factors, it became apparent that many tribal citizens were also coping with personal issues such as drug and alcohol addiction and a lack of inter- and intra-personal skills. It was evident that rather than offer the usual job skills training of resume writing and interviewing, there was a need to create a program focused on developing those inter- and intra-personal skills. Addressing these skills would not only help at-risk employees become better workers, but would also empower citizens to become healthier people, positively impacting both families and the community. To meet this need the Professional Empowerment Program (PEP) was established and offered its first two-week course in 2002.

The Principle in Action

The Professional Empowerment Program (PEP) uses a curriculum based on emotional intelligence theory and centres on individuals' abilities to monitor their own and/or other people's emotions. The program uses ideas about human development to build a number of skills within each individual. By receiving both emotional and educational support, participants develop increased self-confidence, better communication skills, and the ability to manage time, finances, and emotions more effectively. They also learn how to deal with change, create long-term plans, and make healthier decisions.

PEP is impacting the Oyate in a variety of positive ways. PEP is improving the tribal economy by improving employee retention. Because of this, graduates of PEP are more financially secure and better able to care for their families. In fact, the rate of families needing assistance services has decreased from 34% to 7%. PEP graduates show higher levels of commitment at work and demonstrate improved workplace skills, such as coming to work on time, communicating more effectively with managers and co-workers, and higher levels of productivity. Most importantly, PEP is helping participants make significant changes in their lives. Program graduates testify to the impact of PEP in their lives, saying that it helped them to be more positive and be better role models for their families and community.

This Effective Governance Case Study profiles a best practice in the principle "Performance Evaluation."

To learn more about this case, contact:

Sisseton-Wahpeton Oyate Nation

www.earthskyweb.com/sota.html

Success Factors

The continuing success and positive impact of PEP is supported by several key qualities of the program's implementation. One is a dedication to the belief that the health and well-being of every tribal citizen is important to the overall well-being of the tribal community. Also important is a commitment to structuring the program to treat the whole person in order to help them improve their lives. Constant monitoring of the program's impact on the participants and the community and adjustment where needed is vital.

PEP is deeply rooted in the fabric of the Sisseton-Wahpeton Oyate nation. By integrating Dakota culture and values into the training curriculum, participants feel a direct connection between their everyday lives and the skills they are developing.

The program is also fully integrated into the more formal organization of the tribal government and its business enterprises. PEP was created and supported through a unique collaboration among tribal programs, businesses and agencies, including education, welfare, health care, and mental health services. Because of this complex partnership, PEP participants are better able to access services with PEP acting as a facilitator.

In 2005 the positive impact of PEP was recognized by an Honoring Nations Award from the Harvard Project.

Challenges

Many PEP participants come from situations where they have experienced failures in learning, working and in their personal relationships. Making PEP a safe place for relevant, personal development to take place was critical.

Early on it was important to develop the curriculum in such a way that the people would enjoy coming to class and so that it would meet the needs and learning levels of a wide variety of participants. PEP's structure ensures mindfulness of the circumstances of individual participants' lives. As one example, because attendance is mandatory and participants often have children or other responsibilities, the program occurs over two weeks. This condensed period of time better allows for participant completion and shortens the time away from work for those supporting families.

Governance Lessons Learned

The effective governance principle of *Performance Evaluation* allows for the recognition of achievement, while also shedding light on what adjustments should be implemented when expectations are not being met. Parallel to the significance of evaluating performance, is the need to report results back to the community.

In beginning with an honest assessment of their community needs and embedding ongoing evaluation in the design and implementation of PEP, the Sisseton-Wahpeton Oyate realized a highly successful program. The following lessons learned can be transferred to other communities:

- Recognizing that in healthy societies no one is expendable, nations are wise to create programs that foster healthy individuals, thereby contributing to a strong, professional workforce as well as the overall well-being of the community.
- By focusing on the development of inter- and intra-personal skills that incorporate cultural values, individuals can be empowered to be better family members, employees, and citizens.
- Collaboration across departments, services, and employers can better facilitate professional and personal development for citizens most in need of support.

Sources and More Information

The Harvard Project: 2005 Nominee
www.hks.harvard.edu/hpaied/hn/hn_2005_ProfessionalEmpowermentProgram.htm

Honoring Nations Awards 2005
www.thecrimson.com/article.aspx?ref=509717

Arizona Native Net: video resources
www.arizonanativenet.com/news

By starting with a solid belief that “nobody is expendable” and a dedication to improving the overall well-being of its citizens, the Sisseton-Wahpeton Oyate Nation was able to create in the PEP a program addressing the holistic needs of each person through a focus on inter- and intra-personal skills rooted in the fabric of the tribal community.

The Harvard Project

Governance Best Practices Report

Component: **Resources**

Principle: **Accountability and Reporting**

Government: **Membertou First Nation**

Opportunity

In 1995, Membertou Nation in Nova Scotia had 37 employees, a 4 million dollar budget and a 1 million dollar annual operating deficit. The community was poor with low morale and a high unemployment rate. It was then that Chief Terrance Paul decided it was time for a major change. With great determination, he and the Membertou council recruited band members that had left the reserve years prior to pursue their education and were employed across the country by companies such as Lang Michener Barristers & Solicitors, the Union of Nova Scotia Indians and other corporate and government organizations.

Together, this newly-formed leadership decided that the solution for Membertou lay in achieving financial sustainability that was transparent and accountable. In the first critical step toward that goal, they determined that Membertou would work to become ISO compliant.

The Principle in Action

The International Organization for Standardization (ISO) is a worldwide federation that works to ensure consistency and quality in companies around the world. The mission of the ISO is to promote the development of standardization to facilitate the international exchange of goods and services, and to develop cooperation in scientific, technological and economic activities.

The value of ISO certification to an organization is enormous. ISO compliance means that client companies can be confident that the organization has the systems and infrastructure in place to consistently deliver quality. This instils confidence and increases business prospects.

In January 2002, Membertou officially achieved ISO status, making them the first aboriginal government

in the world to become ISO 9001:2000 certified. With its financial house in order and a vastly improved management capacity, Membertou made three strategic decisions to attain a greater role in the mainstream economy.

The first was to build on the innovations of today while at the same time incorporate indigenous knowledge based on Membertou's community pillars of sustainability, conservation, innovation and success.

The second was to increase their profile, and through that their partnerships, by setting up the Membertou Corporate Office in downtown Halifax.

The third decision was to initiate education and career-related training programs for citizens of Membertou to leverage the employment opportunities generated by the new partnerships and initiatives.

In fewer than ten years, Membertou's operating budget has grown from 4 to 65 million dollars. The number of employees has jumped from 37 to over 500. Membertou's many new business success stories include Membertou Advanced Solutions, Membertou Mapping Service, Membertou Quality Management Services, and most recently the prestigious Membertou Trade and Convention Centre.

This Effective Governance Case Study profiles a best practice in the principle "Accountability and Reporting."

To learn more about this case, contact:

Membertou First Nation

www.membertou.ca

Success Factors

Looking at Membertou's success, three key factors stand out: intention, leadership and the nation's history of human capital development. In the case of Membertou they are interdependent.

The decision to pursue ISO compliance was an intentional act. This intention was based in a clear strategic vision that was shared within the newly-formed leadership.

While Membertou members had a hand in the band's success, everyone agrees that it was the leadership of Chief Terry Paul that has provided the "vision" for, and has been the ultimate driver of, the band's performance. Chief Paul marked his twentieth anniversary on the job in June 2004, and still finds it rewarding and challenging.

Chief Paul's early commitment to advanced education (both university and skilled trades) allowed the band to reap measurable benefits as it implemented its socio-economic development plans. The band's emphasis on education and its direct connection to economic growth is supported by a recent study of that relationship in 16 "emerging economies" (UNESCO 2003). The study concludes that, overall, investments in education during the past two decades may have contributed about half a percentage point to annual growth rates in the countries studied.

Challenges

While bringing together aboriginal and non-aboriginal business leaders can be a challenge, the development of business on reservations can be a path to increased independence by bands and their members. There is tremendous potential as reservations have an often completely untapped labour potential, are geographically well-placed for development that includes raw resources to tourism, and may enjoy tax and regulation advantages that other jurisdictions do not have.

Some of the challenges that have held back outside development on reserve include the courts' reluctance to enforce contractual obligations on the part of aboriginal businesses, corruption on reserve, and reservations that may simply not be prepared to properly manage and maintain a business. Membertou took the initiative to develop into an attractive place to do business by pursuing ISO certification.

Governance Lessons Learned

ISO compliance is one way to build capacity as it concentrates on developing an entire organization. Building capacity at the organizational level – rather than developing capacity in individuals alone – is more likely to address underlying governance issues and support the emergence of effective governance.

However, there are also disadvantages to consider. Focusing on the organization can involve higher costs and longer timetables. There is uncertainty about how long these exercises will take and what their status will be when they end. Further, an organizational approach is riskier in that it might imply change to the existing power structures. Sustainability is also an issue. Leadership change, for example, can set the organization backward dramatically.

That said, the benefits to Membertou are significant. Through achieving a rigorous and transparent system of accountability and reporting they ensure community and corporate accountability by providing citizens and partners with the information they need to invest, collaborate and share in decision-making.

Sources and More Information

Membertou Business Links

www.membertou.ca/links.asp

Membertou Success Story: National Post

www.nationalpost.com/news/story.html?id=311978

International Organization for Standardization

www.iso.org

A Change in Attitude

www.corymorgan.com/?tag=membertou

It is transparency that is the key to not only gaining the trust from your community but also the trust and confidence from those government agencies and financial markets that we would eventually have to approach in our quest to develop our community. Once you have the community's confidence the rest will fall into place.

Chief Terrance Paul

Governance Best Practices Report

Component: **Resources**

Principle: **Diversity of Revenue Sources**

Government: **Ktunaxa Nation**

Opportunity

The Ktunaxa people are located in the Kootenay region of British Columbia. The Ktunaxa Kinbasket Tribal Council's (KKTC) vision of sustainable development is to strive, as a self-sufficient, self-governing nation, to achieve a viable economy, to manage their lands and resources, and to support strong, healthy citizens.

In 1910, the Canadian government constructed St. Eugene's Mission School. The facility was the first Indian "Industrial and Residential" school to be built in the Canadian West. Over time, the Mission instructed 5000 children. It was closed in 1970 when federal policy changed to encourage public education for aboriginal children.

The Ktunaxa people had a vision to turn the former residential school into an upscale international resort. Following ten years of hard work, the result is a \$40-million business venture that generates significant economic benefits for the Ktunaxa people. St. Eugene's Golf Course opened in May 2000, the Casino of the Rockies in 2002, and the Resort Hotel in 2003. These diverse businesses created 250 new jobs (approximately 25% of employees are First Nations) and generate annual revenues of \$13.6 million.

The resort is owned and operated by SEM Resort Limited Partnership which is a consortium of Ktunaxa Nation, Samson Cree First Nation and Mnjikaning First Nation.

The Principle in Action

The KKTC began with an action plan that set out a framework for sustainable economic development. Leadership and administrators aggressively worked to negotiate partnerships and identified roles for all levels of governments, funding organizations, and other First Nations.

Ktunaxa sought the support of the community, re-affirmed community values and ensured that the political will existed to move forward to pursue their vision.

One of the first activities in the KKTC action plan for sustainable economic development was to identify and develop the potential of existing assets.

KKTC undertook an inventory of their assets and identified the skills, infrastructure, and resources already present within their communities. Chief Sophie Pierre identifies a set of critical assets that exist within most nations that must be engaged if the community is to achieve economic revitalization and create wealth.

- *People*: Your community members, with their knowledge, skill set, experience, and vision
- *Land*: Agriculture, residential, commercial, industrial, recreational, park use, etc.
- *Infrastructure*: Streets, roads, public facilities, docks, airports, dams, etc. and building structures including residential, commercial, industrial, government, offices, etc.
- *Plant and equipment*: Vehicles, plants, machinery, equipment, tools, capital goods
- *Intellectual property*: Copyrights, patents, trademarks, brands, licenses, etc.

This Effective Governance Case Study profiles a best practice in the principle "Diversity of Revenue Sources."

To learn more about this case, contact:

Ktunaxa Nation
www.ktunaxa.org

Success Factors

Chief Pierre applied the framework of the Harvard Project model of successful economic development of Native American tribes to Ktunaxa's vision. The most important factor for economic success of First Nations is sovereignty – the power to make your own decisions.

The second factor for success is “cultural match”. Chief Pierre explains, “*We need to look within our organizations, people, and communities where we can learn and strengthen ourselves based on our traditions and our cultures.*”

The third factor for economic success is the ability to effectively administer the affairs of the nation. It is essential that traditional knowledge is complemented by an understanding of economics, contemporary organizational systems, governance, and inter-government relations.

The fourth factor identified by the Harvard Project is stable leadership. The development of the resort by KKTC took a decade during which time the leadership remained committed, focused and driven by the shared vision of sustained economic benefit.

Challenges

KKTC had great success establishing St. Eugene's yet they experienced numerous challenges and barriers in completing the development. These included:

- While the KKTC was effective in obtaining financing for the commercial development through private investors, they were challenged in the process of obtaining funding from government. Their experiences were similar in dealing with both federal and provincial governments where approval processes were lengthy and cumbersome.
- A lack of knowledge related to on-reserve land management and complex commercial developments by the approving government agencies slowed the process.
- Gaps between jurisdiction and authorities created instances where a federal authority does not exist or is in conflict with the provincial authority.
- The barriers and blocks set by the *Indian Act* continue to prevent or discourage the push for economic realization.

Governance Lessons Learned

Expanding the *Diversity of Revenue Sources* is critical to financial management. Historically, First Nations have depended on Canada to provide core funding for programs and services working within the narrow scope of the *Indian Act* and similar limited legislation. First Nations must reduce their dependency on any one funding source and work toward generating their own revenues. Leaders of the Ktunaxa Nation recommend a number of strategies that effectively support this principle.

Follow a holistic approach to investment that considers not only revenue but that social, cultural, environmental and economic sectors will work together to achieve the vision.

Target resources to outcomes at the individual and the family level, based on a growth model and appreciative inquiry method of community development. In such a model professionals manage and access resources from various sources, according to individual or family need.

Establish effective government to government relationships and service delivery agreements with other federal/provincial and private entities when it makes sense to do so – when they share the nation's vision; engage and educate them.

Sources and More Information

Creating Wealth and Employment in Aboriginal Communities

www.aldervillefirstnation.ca/ecdev/files/CreatingWealthReport06.pdf

St. Eugene Golf Resort & Casino

www.steugene.ca

Rebuilding First Nations

www.cnpr.ca/Publications/CNPR%20-%20501708.pdf

First Nation Success Stories

www.ainc-inac.gc.ca/bc/fnbc/sucsty/intr/fa02semr_e.html

Our visions come from a very solid base; they come from our own traditions and our own cultures...

Self-determination through economic self reliance works to reduce poverty.

Chief Sophie Pierre