



Transformational Governance: Challenges and Opportunities



Introduction

Over 40 First Nations leaders and administrators, academics and other experienced individuals gathered for three days at Carleton University in October 2017 at the Transitional Governance Think Tank to discuss how First Nations in Canada can get beyond the Indian Act and create self-determining governance, including jurisdiction over our territories.

On the last half day, participants worked together to summarize the challenges and opportunities around engaging our people, taking back our place on the land, building governance structures, and re-establishing our laws and jurisdiction. Participants also discussed how we can create the capacity, resources, tools and instruments, and other things needed to move forward. Notes taken during roundtable discussions are summarized on the following pages. The raw notes are provided in the appendix.

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Engaging Our People

The following is a summary of the group conversations exploring the question: ***What are the transitional challenges and opportunities to engaging the people?***

A major topic of concern throughout the Think Tank was how to effectively involve community members/citizens and engage them in shaping transitional governance. The Tribal Café conversations on “People” consistently focused on four main areas:

- > The climate for engagement where trust, fear, factions, generational divides and inertia and/or disengagement are common characteristics of the communication and engagement challenge;
- > The considerations or challenges to various methods and approaches to engaging people, including the different needs or preferences of youth, Elders and the working-age adult population;
- > The importance of language, culture and the land in engagement; and,
- > Concrete ideas for effective engagement.

The Climate for Engagement

Participants identified a trust deficit in their communities due to the legacy of the Indian Act, residential schools and other forms of oppression. This has resulted in community members' lack of trust towards government in general, including their own Chief and Council systems and, too often, a lack of trust in each other. Participants spoke about the gaps in relationships between youth and Elders, and about community factions – sometimes family or clan-based and sometimes political – that make it difficult to have positive conversations that build collective action.

A related area of concern was fear, especially the fear of change. While people may not like the Indian Act or the current system of governance in their community, it is what they know. When talking about changing how the community is governed or moving to self-governance, there is fear of the unknown and especially, fear of losing things – losing what little they have, whether it's housing or health benefits.

Participants also see individual fear about speaking out because it could result in ridicule or conflict, or the fear people feel when asked to talk about things they don't understand or know little about.

The third element of the communications climate is inertia. Some community members don't see a compelling need for change or their desire for change is not strong enough to motivate them to take on the extra work of helping to make things different.

Methods and Approaches to Engagement

Strongly related to the climate for engagement was discussion about the most effective ways of getting community members to voice their opinions, take part in community meetings, respond to proposals and just generally get involved in discussions on exercising the inherent right to self-government.

One of the main challenges is the competition for people's time and attention. The traditional community meeting format no longer works as well as it once did. People have other pulls on their attention, including work, family and just trying to get through the day. In some communities, the membership is dispersed across other cities and towns.

And different groups of people prefer different ways of connecting. Some want face-to-face meetings in small groups, at home or in family or clan discussions, while others prefer to connect online. Some member communities are remote and don't have reliable, high-speed Internet access, making regular online engagement more expensive and challenging.

Participants talked about the range of ways that have been used or could be used to engage people "from where they are." Some have used traditional approaches such as incorporating business into community feasts, talking with youth at their basketball games, visiting Elders in their homes, or providing information online as well as at community meetings.

This discussion also led participants to talk about the general level of understanding about the issues. They predominantly felt that people know little about the Indian Act and even less about inherent rights. Many people don't know or understand the history and systematic oppression that has brought First Nations people to their current circumstances, and many are disconnected from traditional culture and memories of a time when our people were self-reliant and self-determining. Community engagement needs to be much more than just sharing information or trying to get enough people to agree on a decision. There is a big need for education, starting with kids in grade school, for reconnecting with culture and tradition, and for reconnecting with each other – especially across generations.

Ultimately, community engagement is about re-building and gaining mutual trust between all people in the community. To achieve that, leaders also need to make sure their engagement approach is "de-colonizing" and part of that means fully listening. Don't demand an immediate response. Sometimes people need to sit and be with the information for a while before they are ready to tell you what they think.

Word Frequency: "Engaging Our People"

people	56
culture	14
community	13
trust	11
kids	9
language	9
communication	9
time	8
challenge	8
youth	8

“Sometimes when you're asked to talk about things you don't know about, you withdraw. We need to make a space where you don't feel that way – to ensure you feel legitimate, that you have value, you carry value and your voice is needed.”

The Importance of Language, Culture and the Land

The importance of language was discussed in two ways by participants. The first was the resurgence of their own languages, and the vital connection between Indigenous language, culture, healing, pride and reconnection to the land and traditional customs. The second was the importance of word choices in presenting information. This relates back to education and levels of understanding. There is a need to teach or inform people of the vocabulary that is used when discussing topics like governance, and it's important for speakers to avoid acronyms and words that may cause people to feel intimidated or alienated from conversations.

Similarly, culture was seen as both an input to engagement as well as an outcome. Participants discussed how using traditional customs and connecting to culture can be an effective way of engaging people. On the other hand, some noted that not all community members were comfortable with practising traditional ways and beliefs, and this needs to be considered when choosing ways to engage. In general, it was felt that connecting back to traditional culture in engagement could be a powerful and effective way to achieve a number of things in transitional governance – from helping inform people about new governance systems to re-instilling pride and trust within the community.

The land, of course, is the heartbeat of both language and culture for Indigenous peoples. Participants felt that at least some engagement, especially with children and youth, should be held on the land, which is where the values of self-reliance and sustainability are most profound.

Concrete Ideas for Effective Engagement

In addition to the ideas noted above, many suggestions were generated for effective engagement. These include:

- > If there are problems with engaging the general population, meet specific groups in specific places: e.g., meet students at school or at sports events, and meet Elders at home or in community centres
- > Offer incentives to voicing opinions
- > Use confidential surveys (electronic/in person) for engagement
- > Keep information at a readable level
- > Use community radio to share information
- > Use action research methods
- > Bring culture into your engagement plans
- > Incorporate culture and ceremony into technical meetings
- > Allow/encourage youth to participate in all levels of engagement
- > Show children the land
- > Invest in engagement and engagement projects
- > Create engagement events that help bridge generation gaps or community divisions
- > Take the time to build good engagement and trust. “We don't have a deadline! That's the biggest opportunity. It's taken generations to get here; it doesn't all have to get done in three or five years.”

The Land

The following is a summary of the themes that emerged in the group conversations exploring the question: ***What are the transitional challenges and opportunities to taking back our place on the land?***

These themes include: laws and limitations, traditional and land-based practices, and land-based education.

Laws and Limitations

In asserting our own rights to the land by creating a conservation law to manage water, plant life and wildlife, there must be an ongoing process of self-government and creating new laws. The provincial government is not recognizing sacred space, and negotiations are needed to begin the process of managing sacred spaces.

There is an increasing amount of recreational activity and tourism occurring on First Nations land (such as hiking, motorcycling, cross-country skiing and running), leading to the need to identify and mitigate impacts.

Many Indigenous people do not have access to go out and enjoy their own lands. Healing, addictions and health issues in the community present barriers to reclaiming traditional practices on the land, and physical challenges – such as access to remote locations, as well as money for boats, and planning – were also noted barriers.

Traditional and Land-Based Practices

Getting back to the land through practices such as harvesting food and medicinal plants is an essential part of the revitalization of Indigenous cultures. Seeking out teachers and learning these practices can be challenging, but practising what we know ensures that the knowledge can be maintained and taught to future generations. Granting authority to the government to decide how we live our lives and use our lands negates what we are trying to achieve. We have to go ahead with our traditional practices without permission. There can be risks involved in traditional harvesting, particularly in areas where there are restrictions, such as parks. Being aware of this is important when making a decision about moving forward.

Harvesting on traditional lands shows that we are using these spaces, that our culture is ongoing and that we continue to use our lands despite colonization and new “ownership.” However, there are risks of fines and possible arrests to be aware of when engaging in these activities in some areas. Re-presencing ourselves by building community – and engaging the community in land-based practices – is how we will begin to assert our larger claims over territory and the right to practice on the land.

 **The land is our school, our archive, our library.”**

Land-Based Education

Our people have a lack of access to traditional education about the land, which presents a challenge for cultural revitalization. Many times, individuals feel they know less about the land than some settlers or tourists. There is guilt that comes along with this when questions are asked and they feel they should have answers, but do not have access to their traditional knowledge.

Knowledge has been lost because of colonization. Putting the puzzle back together can be challenging. We do not know all of the traditional protocols or laws surrounding land-based practices, which makes it difficult to fully practice traditional ways of living.

It is important to continue practising what we know at all costs, and to continue connecting with and educating each other. The education of younger generations is key to revitalizing our cultural practices. Asserting our laws and rights to practice on the land is important, especially in the eyes of government and in cases of land claims. It brings legitimacy to the fact that our traditional territories are alive and connected, intimately, with our culture. Settler participants expressed that there is great ignorance on the part of many settler people and that many need to be educated to realize the depth of what is going on.

Gaps in knowledge present a challenge for land-based education. Continually trying to discover what the land practices were before contact, and reaching out to others and teachers is important. Educating youth on the land, instead of in institutions, is something to work towards. Reconnecting Indigenous people to the land – and the social relations, knowledge and language that arise from the land – will rebuild relationships with the land and the strength of title. Engaging every generation, including parents, can help involve the next generation in the revitalization of land-based education.

Finding funding for land-based education is a challenge. But we can look towards other places where land-based education is already happening and work on changing mindsets.

We must uphold the hereditary roles, while building and reviving other areas. For example, by changing some views – such as teaching both men and women to build canoes, cabins and other things – women are empowered to take care of their families. There is not always a man present and women should be able to live in self-sufficiency.

It is important to continue discussions between communities as a way of understanding each other's hardships and successes. Call on your ancestors for support. You are not alone.

Word Frequency: "The Land"	
land	57
people	26
need	23
challenge	17
use	13
know	13
take	12
way	12
law	12
educate	12
government	11
opportunity	10
create	10
traditions	10
change	10
system	10

Laws and Jurisdiction

The following is a summary of the themes that emerged in the group conversations exploring the question: ***What are the transitional challenges and opportunities to putting in place Indigenous laws and jurisdiction?***

The themes are: traditional laws, law making, jurisdiction, enforcement, education, communication/community engagement, and reconciliation and collaboration.

Traditional Laws

Looking at how laws were traditionally made is both a challenge and an opportunity. We need to know our ancient stories and laws to make sense of the modern context. What were the laws before contact? Indigenous laws can be found in our history, songs and stories. Creation stories teach protocols about our responsibilities to nature so that we don't overfish, overhunt and overuse the land and waterways.

Indigenous people are guided by principles that come from our ancestors and in which our laws are rooted. Resources like fish, animals, land and water are used and respected by everyone. Traditional law is in our values, principles and language. We must uphold the hereditary roles, while building and reviving other areas. We disrespect our future when traditional laws are overridden by individual or corporate exploitation and greed. How do we prepare for future challenges when laws have a traditional focus?

Law Making

If we are going to assert Indigenous law, we'd better do it well. The laws need to be easy to understand and respectful, so as to not "incite the wrath" of Canada or others. Top-quality technical and legal advice is paramount, and we need to have people with the capacity to formalize the laws. Many exceptional legal minds are exploring and applying Indigenous systems of laws. We must be mindful that too much western thinking can lead to an imbalance in the ways of understanding laws. Traditional knowledge must be included in developing all laws, as nature is the basis of all law.

Each discussion table emphasized the need for communities to have someone they trust to develop laws. Laws are examples of the expectations and values shared by Indigenous people.

Whoever has the knowledge of a particular area has the respect of the people. For example, fisherpeople have the knowledge and experience to say what needs to be done in the coming year, and the people listen because they trust their decisions. We have lost many traditional ways, but we have not lost the laws of nature.

Language comes from the land and the territory, offering the opportunity for law-making in Indigenous languages. Creating precedents in the courts is a challenge and tremendous opportunity. To create laws where they do not exist, we must be willing to go to court.

Jurisdiction

If we are going to assert jurisdiction, we's better do it well. We need the expertise (that can, again, be both a challenge and an opportunity). Values and principles are critical for laws and jurisdiction. As Indigenous Nations, we need to agree on a collective vision that will guide this transitional process. There is an opportunity to shift thinking from individual to collective rights.

“We lack the ability to exercise Indigenous laws and jurisdiction because we have been oppressed for too long.” “We came up with our own fishing law, but waited for the authorization of state government: we keep looking to INAC and the DFO. We need to look at our own laws and traditions.”

“On the coast, we used Section 35 to go fishing and we sold fish. We used a restorative justice process because he was fishing for the Elders; this way the family is required to hold a potlatch.” Potlatch is where our laws and jurisdiction live. That is when we know we are a government.

Common land codes or sharing land codes could be an opportunity that makes us stronger in the future. One of the challenges of today is that we have more people in our area than we can sustain.

Enforcement

Law enforcement is a major challenge. People who can enforce the law need to be in the territory. Non-Indigenous people do not take laws seriously. One example cited was an industrial park not paying its water bill to the local Indigenous nation.

Strong leadership is needed to exercise rights and create new institutions to be free of the Indian Act. We need leaders who are willing to challenge the structures of governance that currently exist. “Now, the coastal guardian watchmen network is one of the only ones out there (no Parks, no DFO). We are the ones looking after interactions with fishermen, tourists, etc. We are the first responders. We are also asserting our traditional laws through this

Word Frequency: “Laws & Jurisdiction”	
law	50
people	25
challenge	13
go	12
land	11
jurisdiction	10
knowledge	10
fish	10
communal	10
create	10
different	8
way	8
culture	7
enforce	7
govern	7
opportunity	7

system, such as the anti-trophy hunting push. This is because we do not hunt for sport. This has caused a lot of friction, but we are finally working with the province, and we are close to banning trophy hunting on our territory.”

Education

Lack of traditional education is a challenge for our people. With so much knowledge lost, we do not know all of the laws and jurisdiction that were previously in place. Being able to show and prove we can do a better job of educating others is an important and necessary opportunity.

The opportunity to educate the government about Indigenous concepts of government must always continue to take place. Through clarity and reciprocal conversations and intent, our Nations will set our own laws and adjust, as needed, for our success. Our laws need to be known and understandable by all who live in our lands and extract and use resources. There is a place for both written and unwritten laws. We have found that writing our laws in English for education and understanding allows individuals to find loopholes.

When knowledge is lost, we can build Nations by engaging the people who know where there is knowledge and where there is not. Engaging youth is critical: they will provide the cultural shift needed to bridge the past and the future.

“The Indian Act is like a store that is always empty. The other supermarkets built by Canada are full, but we can’t access them without special permission.”

Communication

Indigenous law will be a challenge as oral law is different from written law. Many of the protocols and natural laws that govern our ways are not written down, whereas many cultures have written, common laws to follow.

The question becomes: how much should we codify our systems, from oral traditions into other forms of communication? Few Elders in our area are using phonetic, written language so there is a divide there, as more youth are learning and writing their language. However, written language is a tool that is important for communication and is valued in dominant culture.

The importance of open dialogue within and between communities provides opportunities to understand the hardships and successes Nations and communities have had in upholding traditional law in a modern context as well as in creating enhanced laws. For example, how do people know what hunting, fishing and harvesting is allowable if there are no written laws for non-Indigenous people to refer to? For too long, our people have gotten lost in the translation of values and principles of our ways through modes of communication and often, miscommunication. To address these inherent issues, there are initiatives to seek knowledge

and gather information in a traditional way, through stories, interviews, pictures, etc. In one instance, all the pieces were put into a book that was released this past year. The book is more accessible and meaningful for community members.

Communication and Community Engagement

To move forward with the many issues at hand the question that must be asked is: “Are people even interested in self-government?” Community engagement cannot happen before leaning into this pillar, the people. It starts with people in community, living side-by-side. Will they listen and engage or not? Are they open to being educated? Can you find common language for clear communication and engagement? If people are unable to hear each other, how will laws be made and are they even workable? Common concerns and interests are at the heart of community engagement; however, not all people are facing the same way. To head into the winds of change, this is necessary.

There is space and a need for some outside support. However, we cannot depend on outside help for everything. For example, to go to court we need lawyers. At the same time, we must invest in our own people right now to build and use the capacity within Indigenous communities. We cannot wait for others, or the funds, to come along. We must “just do it” and show that we can do it. In starting small and growing in our successes, our laws and jurisdiction will increase along with our confidence. We will have hard evidence that we can do this.

 **When people are empowered and part of the land and culture, the laws will be completely different than being under the *Indian Act*.”**

Reconciliation and Collaboration

It is necessary to create more spaces to increase settler knowledge and understanding of Indigenous history, protocols and white privilege. We must work alongside other First Nations to create a stronger presence for Indigenous laws and jurisdiction. When we share our information and blend traditional knowledge with modern science, we foster and create a changing landscape. We will never go back to the way it was. Where we go from here will vary from nation to nation and place to place. Building relationships with different communities and sharing information can create many new ideas and opportunities to tackle the challenges.

Capacity and Resources

The following is a summary of the group conversation exploring the question: ***What are the transitional challenges and opportunities for addressing land, resources and people (capacity)?***

As context for this set of conversations, “resources” is one of the five pillars of effective governance¹ and includes human resource capacity, financial management capacity, performance evaluation, accountability and reporting, and diversity of revenue sources.

Three predominant themes emerged in these discussions: rights to land and natural resources; opportunities for business and trade; and the education and training of our own professionals.

Rights to land and natural resources

All self-governing nations need a land base and the ability to use the land and resources to be self-sustaining, as Indigenous peoples once were. While a critical first step for many First Nations is to regain access to and authority over their traditional territories, participants in the Tribal Café conversations focused on a number of philosophical and practical challenges associated with governing land and natural resources.

The first is the difference in world views about land held by Indigenous peoples and others. This difference makes it difficult to communicate and reach shared understandings about land and resource use. Most Indigenous peoples see their relationship to the land, water and other natural resources – including animals – in a different way than non-Indigenous peoples. The Indigenous relationship to the land is one of a stewardship responsibility, and it recognizes that the whole ecosystem is shared and must be sustained for the use and benefit of all over time.

This is in stark contrast to the notion of land ownership and the desire to exploit resources for individual wealth creation. Participants said that these very different world views sometimes make it difficult to negotiate and discuss land and resource issues with others, and that many of them have started adopting the “ownership and jurisdiction” language to make sure there is clarity for First Nations’ use and authority. This also reflects the need to “speak in the language the audience understands.”

The discussions also touched on the importance of sharing and reciprocity: how to find common ground on sharing land rights and other resources and how to establish working agreements and relationships that acknowledge shared dependence on the responsible use of resources. For example, West Coast salmon travel and breed over huge distances. What happens to this important resource in one location affects many other territories.

¹ www.fngovernance.org/pillars/resources

Lastly, participants expressed deep concerns over the state of the environment, and that the land and environment are changing in harmful ways through climate change and resource depletion. Participants recognized that an important part of their land and resources strategy going forward will have to centre on adapting to, and mitigating, these losses.

Opportunities for business and trade

At the same time, participants saw immediate opportunities for developing greater control over land and resources through law-making, co-management agreements with other governments, revenue-sharing agreements with business, and trade agreements with other First Nations. Opportunities for business development and investment in the skilled jobs, training and higher education needed to support the self-governance of First Nations territories were also discussed. There is an opportunity to be innovative and to do things differently and in a more environmentally sustainable way. Some people talked about the benefits of creating comprehensive community development plans to help set priorities and realize strategic goals.

Education and training of First Nations professionals

The capacity of people and institutions was identified as both a challenge and an opportunity. As participants discussed the wide range of professional demands that self-governance brings, they talked about the ability to provide great jobs for their own people – whether in science, law or administration – as offering an exciting future for youth and a way to encourage young people to pursue higher education.

Several discussions took note of a gap in education and expertise that will take some time to fill. The groups talked about various strategies that could be used, starting with K-12 education, mentoring and apprenticeship roles for young people; on-the-job training; making training of a First Nation’s replacement part of an employment contract with a non-Indigenous expert; and running “super courses” on the land, described as week-long classes for school-aged students and others to reconnect with the land and resources.

Participants also talked about leadership and institutional capacity. Here they focused on the need to do things differently; structure and manage tasks more efficiently; delegate more; and better engage members and citizens in the work of building the future, especially Elders and youth.

Word Frequency: “Capacity & Resources”	
people	50
resources	25
land	13
capacity	12
community	11
challenge	10
dealing	10
rights	10
learn	10
nations	10

 **Looking back helps us realize how strong we are, but moving forward, we can be so much stronger.”**

Tools and Instruments

The following is a summary of the group conversation exploring the question: ***What are the tools and instruments we can use to keep this movement going?***

“Just do it” was the main thrust of the conversations on this Tribal Café topic. Connecting with the people, filling the jurisdictional space, and finding practical ways to advance a Nation’s priorities were three specific themes that emerged.

Connecting with the people

“Get out and start talking and listening” was a key piece of advice from the Café. Participants said connecting to people in the community was the first and most important thing that could be done to keep up the momentum on working to get out from under the Indian Act. They stressed that the goal of meeting and connecting was not just to deliver information, but to truly connect and listen – to have a conversation and get to know people’s issues. Doing this requires greater levels of personal interaction. Rather than holding community meetings, people suggested going to homes and having smaller family-based discussions, or using the campfire or activities on the land as a way to bring people together to share, and to feed the fire of the youth.

Importantly though, these connections need to be planned and scheduled if they are going to happen and have an impact. “The biggest block would be letting the opportunity slip past, by not scheduling it and not making it happen.”

Filling the jurisdictional space

A significant part of the conversation was devoted to how First Nations must make the shift to recognizing that they don’t have to wait for permission from elsewhere to exercise their inherent right to self-government – they can start the work required to exercise their rights.

Some ideas for kickstarting this process were bringing in knowledgeable people to talk about what’s possible and/or what they’ve done; learning from success stories; having discussions about our own traditional laws and knowledge; reading and understanding how the UN Declaration on the Rights of Indigenous peoples fits into the picture; reading other First Nations’ laws and constitutions; making sure we all truly understand specific and comprehensive claims policy, as well as other relevant government policy; and making sure we truly understand the pros and cons of other instruments such as the First Nations Land Management Act (FNMLA) and the First Nations Fiscal Management Act (FNFMA). Participants wondered whether these two pieces of legislation were useful first steps to exercising their inherent rights or if they would take us in the wrong direction. This was identified as an area for more discussion and research.

Participants also talked about being self-empowering within the community in order to set priorities. One approach could be to choose a jurisdiction – such as child and family services or education – in which to begin the process of becoming self-governing. Some suggested a useful early step could be to educate youth about their history and traditional laws, as well as beginning processes to start writing down or otherwise formalizing traditional laws, including in their own language.

Practical Tools and Instruments

“Get to work with what you have” and work on what is important to you. Participants pointed out that there is no “one size fits all” approach to self-government, and not all communities will want to use instruments like the FNLMA.

The Haida were discussed as an example of a people finding practical ways to achieve the things that are important to them even while they fight for recognition of title. They have had to really use all available opportunities to go around the system to benefit current and future generations – seeing what practical things they can work on together with each other, with neighbouring non-Indigenous communities and with other governments.

Participants suggested numerous initiatives that could help strengthen people for the journey to self-determination. These include looking at financing tools (including taxation) in order to start developing a financial foundation of own-source revenues. Other tools included:

- > Make better or new uses of the land, or the resources on the land
- > Strengthen identity and culture through more land-based activities
- > Protect sacred sites
- > Incorporate spiritual and traditional knowledge and practices
- > Focus on strengthening education, identity and language
- > Develop good leadership and governance
- > Work with and learn from others who are going through this journey (such as with this workshop)
- > Collaborate with others, including NGOs and arm’s-length organizations
- > Use the wisdom of ancestors

Word Frequency: “Tools & Instruments”	
tools	19
people	17
governance	15
land	13
reserve	11
transitional	10
future	9
act	9
law	8
instruments	8

“All the tools are there, but if you don’t know how to use them then they’re useless. So we need to make sure that the education and training are there. The more people who can use and understand these tools, the more powerful those tools become.”

Governance Structures

The following is a summary of the group conversation exploring the question: ***What are the transitional challenges and opportunities to determining our governance structures?***

When reflecting on how to design new, more culturally appropriate governance structures, participants were preoccupied by two interconnected issues:

- > the change management needed to break from learned behaviours of individual dependency and continued attachment to the imposed chief and council system; and
- > how to design new structures that are relevant to traditional values and practices yet can function in the modern day.
- > the style of leadership required to lead through change

Participants also talked about the challenges of leadership, and of leading and managing communities where maintaining a clear separation between personal and professional responsibilities can be particularly difficult.

Change Management

First Nation communities have been living under the imposed Indian Act structure for seven generations. While few people like the system, it is what they know. People have become attached to the chief system and the dependency the Indian Act has created. With weak levels of trust and confidence within communities, the loss of the “known” in exchange for an unknown and uncertain future creates fear and suspicion that are, in turn, significant obstacles to adopting new governance structures and taking on the responsibility of exercising self-determination.

Participants said that trying to create new, legitimate, culturally relevant structures of government that can function in the modern day requires significant investment in managing socio-cultural change. A large part of the community engagement effort must focus on simultaneously rebuilding a sense of purpose and belonging in individuals and in the community as a whole – bringing back the heart of the culture and values of community, as well as teaching people to be resourceful: “teaching them to fish instead of giving them fish.”

Some participants reflected on the “old days” when everyone had a sense of purpose and responsibility because it was necessary for survival. They said that the legacy of the Indian Act and the loss of traditional culture, values and language have eroded that sense of purpose and of shared values, and that youth in particular have a very western mind-set.

Even still, participants talked about the people’s continuing strong connection to the land,

and the values associated with that connection. This, perhaps, is a place to start. “The one thing we still have in our community is the land, so as long as the governance structures and everything is still connected to the land, that’s an opportunity to understand ourselves and use that as our basis for governance.”

There was acknowledgement that this process of change will take time – “don’t rush” and don’t seek perfection. Creating self-government is more of a journey than a destination. As one person put it, “we may never arrive, but we can have fun getting there.”

Word Frequency: “Governance Structures”	
people	30
governance	27
government	11
community	11
system	10
structures	10
change	9
make	7
traditional	6

Designing new/old governing structures

One of the key pieces of advice emerging from the table discussion was “don’t just duplicate existing structures of government” when you’re ready to start exercising self-determination.

While not all participants are from communities that still have strong connections to their traditional self-governing practices, there was agreement that it is important to try and identify structures that were traditionally used and to think about what a new system would look like using these structures.

Some participants mentioned ancestral governance projects that are being built in some places. This could involve looking at how to modernize a system in communities that are still organized by hereditary chiefs who are guided by the laws from the land that they are taught as part of their roles and responsibilities.

Even for those communities that have few traditional governance practices left to them, participants encouraged people to go back to their language and stories, and to trust their instincts about “what feels right” and what might work best for their specific circumstance: “We can piece it together ourselves, just as our ancestors had to piece it together too. We’re still that bloodline.”

Small community sizes, family structures and dynamics, and factions also make designing new governance systems a challenge, especially when it comes to ensuring there is a clear separation between professional and personal responsibilities in leadership and management roles. Participants mentioned examples of self-interest, nepotism and even corruption that have left a legacy and a stereotype about government and leadership that is hard to shake.

“We can piece it together ourselves, just as our ancestors had to piece it together too. We’re still that bloodline.”

Another part of the conversation centred on accountability to community. Being accountable involves a significant amount of work, especially given the conditions noted above. As one person pointed out, some people don't want the responsibility of management accountability in a small community because of the strong possibility that you might have to directly manage a situation connected to a family member.

Discussions also turned to the supporting structures needed to deliver programs and services even once governance (decision-making) structures are decided upon. Governments need systems, staff and policies that can serve and implement decisions.

Leadership styles for change

Emerging throughout the discussions was the question of the right style of leadership to lead a nation through the change from Indian Act administration to self-government. Is it more effective if leaders make decisions about where to go and how to get there, or is the role about building community consensus on direction and implementation? As one participant put it, "Are we just driving the bus somewhere, or is it about getting everyone on the bus in the parking lot and then deciding together where to go?"

While people had examples of strong leaders who were individually effective at making decisions first and then bringing people along, it was agreed that, ultimately, the people need to decide. It was noted, however, that it's not realistic to expect everyone's agreement on something – ultimately, leaders have to think about leading the nation and its future needs, not about individual needs.

Discussion also touched on who the most effective and influential leaders might be, now and in the future. Participants' experience suggested there was more confidence in hereditary leaders; people seemed to be more willing to listen to them. It was also recommended that for future effective leadership in self-government, communities should be thinking about the traditional values they want their leaders to demonstrate.

“The one thing we still have in our community is the land, so as long as the governance structures and everything is still connected to the land, that's an opportunity to understand ourselves and use that as our basis for governance.”

What is Needed Going Forward

The following is a summary of the group conversation exploring the question: ***What's needed going forward?***

“What’s needed going forward?” was the very last question posed to the group after two-and-a-half days of intense discussion and reflection. The question resulted in the shortest list of notes, but also possibly some of the most concise and profound ideas, with suggestions that three main things that to be done:

- > connect back to our history, spirituality and the land;
- > connect with each other, especially our youth; and
- > connect to others who we can learn from and share with to build capacity and alliances.

Also high on the list of needs were creating opportunities like the Think Tank to share information and space. “We need a dedicated space/forum to learn from each other’s progress. There’s all this Indigenous innovation going on and there’s so much potential – we need to tap into that.” With a smile, someone else just simply said, “Someone needs to apply for more money so that we can come together again!”

We need to connect back to our spirituality and the land

“Without a connection to your traditions and spirituality, you lose your values and your beliefs; you’re just another colonial box, worried about time and money and paper. It’s worse ‘cause you’re regulated by the Indian Act – the box, the straightjacket. Our people in the straightjacket, wearing ill-fitting boots, carrying our ancestors on our backs and youth in front.”¹

People expressed the importance of connections to land and spirituality and how essential these connections are to creating a future where First Nations peoples can be self-determining. There were worries about the loss of medicine people, who were essential advisers in the early days, and that essential foods and relationships with important resources such as fish are rapidly being lost. “We die with the fish. If they go, we go.” Connections to land and spirituality were also seen as essential for creating communities where our youth have a place to grow, aspire and have choices.

¹ This is in reference to an earlier part of the workshop when participants discussed Frances Abele’s research paper on the Indian Act, “Like an ill-fitting boot.” (See: www.fngovernance.org/publications/research_article/like_an_ill_fitting_boot_government_governance_and_management_systems_in_th(Someone added that the Act was less a boot and more like a straightjacket.)

We need to connect with each other

People-to-people connections are essential both within communities and with other Indigenous peoples so that we can share challenges and learn from each other. The goal of connection and engagement is education – so that people know where they came from and what’s going on today. We need to use these connections to create a collective vision of where we want to be based on knowing who we are. We need to call the community together to ask people about their expectations and to educate them about the Indian Act and how insidious it is. We need to rely on strong messengers in our communities – the people that others respect and trust to get the word out.

Word Frequency: “Going Forward”	
people	24
community	19
government	7
values	7
funding	6
sharing	6
Indian Act	6
forward	6

We need to learn about success stories from other communities – in economic development, nation-building, and resource and land management. It was suggested that perhaps these stories could be gathered for each of the CFNG’s five pillars of effective self-government, and that more of these stories should be shared by video or other oral means rather than English text. This is more in line with traditions and could make greater use of Indigenous languages.

We also need to be involving our youth in these initiatives, training them for future leadership and professional roles so that our own people can develop the expertise and fill the jobs we currently ask others to do for us. This too will provide a hopeful future for our youth and encourage them to graduate and go on to higher education.

We need to connect to others

Participants also talked about the power of relationships with others, including other First Nations, neighbouring non-Indigenous communities, academia, other governments and non-government organizations that share similar values and interests. We need more information-sharing nation-to-nation so that we can share opportunities and challenges and build relationships across the country. Perhaps one of the most valuable outcomes for Think Tank participants was the realization that First Nations are not alone in the challenges they face. Although each situation is different, it was validating to know that many of the issues are the same and that some Nations are seeing good success.

People also talked about the importance of finding common ground with non-Indigenous neighbours and governments. Ultimately, the job is to figure out how to share the land and resources so that all can benefit equally. Although we each come from different governance models, traditions and world views, we have a shared interest in peaceful co-existence.

Appendix: Raw Notes from the Conversations



“Engaging Our People”

- What are the transitional challenges and opportunities to engaging the people?
- Communication is definitely a challenge (Steven Benoit)
 - We just don't get the turn out
 - Unspoken people
 - Generally negative, but also provides a different point of view that we might not always see- we can see both sides of the claim (Steven Benoit)
- “We have to have answers” clear communication is one of them- (Dean Nelson)
- Work communication vs. community communication
- “previous leadership, secrets kept” (Dean Nelson)
- Trying to take on different challenges and new ideas- that's why I was elected- younger- if we cant get the message to our community- then we wont get that trust
- The biggest thing is that is it happening to every nation (Dean Nelson)
- Methodology behind communication (Greg)
 - Social media, use of technology= challenges
 - Reaching entire population (Greg)
- Instead of community meeting (where we don't get a turn out) perhaps we can try family meetings
- Family head system vs clan system
- When things get formalized- people don't want to step up to the obligation
 - Problematic because people in the community are working hard too
- Knowledge needed to contribute to conversation- need knowledge to unify
 - Challenging to even have a family agree on something
- Life: work day, student- meetings are challenging
 - Many people don't want to go to a meeting at the end of the day
 - Working off reserve- physical labor
 - How is he keeping up with new information?
 - Listening not just engaging
- Small talk is more comfortable (Steven Benoit)
 - Find comfort in smaller environment
 - House-to-house visits
 - Open-door policy
- How do I reach the thousands of members?
- We didn't have chiefs- the chief system just came in the affairs system\we didn't just live in one spot – at one time- who was a head man?
 - Have to have families come together once or twice a year then go back to their area: we still have/t learn how to be together (Arnold Lyod Williams)
 - o People do not trust- things don't get done (Arnold)
- Trust is because of communication (Steven)



“The Land”

- What are the transitional challenges and opportunities to taking back our place on the land?
- Physical remote locations: money to get boat, plan etc. (Jodi)
 - Skills
- Building connections back to the land:
 - The history is written on the land: being there and activating blood memories, to create a vision to where we are going- ceremony & connection to land

- External regulation of what you can do on the land: jurisdictional land
 - Reclaiming right to manage resources in your own ways- regulation of government is a challenge
- Un-ceded territory: why are we asking to fish in our own territory?
- Created conservation law: Here is how we manage water, wildlife: assert own right
 - Enforced law
 - Used to be our traditional laws
- Trap lines: uranium company in Saskatchewan: you are taking away our school
 - Land is our school
- Land-based curriculum : land is our library, our archives (spirituality & history)
- Education:
 - Take them out of institutions and put them on the land- how do you engage children with different mindsets? How do we engage their parents?
 - Citizen engagement
 - Money
- How do we change the system?
- Is there money for land-based education?
 - Where are the land-based educations happening? What are the resources available?
- Our communities are doing this at our community schools! Just need a change in mindset
- Volume of recreation that occurs on our land- hiking, motorcycles, cross-country, snow shoeing- come up every weekend: challenge of outdoor recreation
- "we can't even go out and enjoy our glaciers"
 - Tourism as a challenge
- Map: predict areas that were not industrially impacted- if we don't have our own rules, we have to play by their rules
 - We are able to identify a berry-picking area: re-establishing camp
 - Process of self-government and creating new law
 - Provincial government is not recognizing sacred space:
 - Negotiations with province for land markers- to begin the process of managing sacred spaces
- regulations: the issue with the provincial government
- Recreational users and tourists to understand and respect Indigenous land
- Cultural Highway Experience: in BC (Horseshoe Bay- Whistler)
- Cultural Centre: gets the message out- they did this in Hawaii



"Laws and Jurisdiction"

-
- What are the transitional challenges and opportunities to putting in place our own jurisdiction and laws?
 - One of the challenges is that there is federal and provincial law already in place: (Kent)
 - Off reserve land
 - Indigenous laws should take precedence over provincial and federal laws
 - Resistance to put indigenous law down in modern way is challenging: are laws all oral
 - "Take all that you need"
 - Do we have to codify? Do we have to have it understood by others?
 - Our people getting lost in the translation
 - What happens to people who are not Haida hunting and fishing in Haida territory: how do they know without written law?
 - Challenge fishing license: now implemented and accepted law
 - Must be present, boots on the ground enforcing the law
 - Provincial Parks planning: fancy society continues to visit the park so cabin was built- what if we don't want the cabin there? We need a better consultant than that. We are in the early stages of developing a management plan- but non-Indigenous people seem to not take it seriously. We have an influx of tourists that are impacting us. I am going to be present on my own territory.
 - Jurisdiction & people:
 - On the coast: used s. 35 to go fishing- sold fish- restorative justice- story was that he was fishing for the elders. Family required to hold a potlatch.
 - Different custom: the customs of the modern world are challenging
 - Cultural shift
 - Disrespect to ourselves, are laws overridden by exploitation and greed- the value of family looking after family is not there anymore
 - Why are people taking my authority over hereditary leaders?

- That's when you know you're a government

- Jurisdictional step:

- Young and engaged with the Haida Nation: adversity
- - Perhaps we have lost a lot of traditional ways, but we have not lost the laws of nature: we are going to have to embrace that - climate change- we need to exist- legends about salmon and deer, our language is based on our land and resources- we have the opportunity to revive that- without that salmon, what kind of winter are we going to have? We can see that the laws of nature will allow us to be here or not be here.
- Crisis situation: sub-optimal
- Everything that we have done as a nation has been rooted in conflict- is conflict a mandatory requirement to influence change?
- Buying back the land in order to mark our territory
- Individual vs collective:
 - Socialism vs democracy



“Capacity and Resources”

- What are the transitional challenges and opportunities to dealing with: Land and Resources and People (capacity)?
- What is the status quo, what is there? So 2 parts of a bad thing are still a bad thing! (re: the INAC split)
- one thing we've encountered is the desire for Indigenous people in the leadership roles
- (so it's not just white guys running the show); example of Yakama Indians in the US, hired a white biologist but in his job description he had to train Yakama people to take over within a couple of years recognizing the time to step away, pass the baton, acknowledging one's own lack of expertise and ceding to the capacity building,
- I know a woman who travelled everywhere with a young person (like an apprentice, learning through experience)
- resources are the people! We're all creatures that need structure, in our bands we need that, it will help with crisis response of all kinds
- don't need to solve everyone's problems, just need to create a system/procedure of steps to follow (so the problems can eventually be resolved)
- communication is key, we're serving the people and need to get on the same page as these people
- Chief expected to be available all the time, big burden, need clear policies/structures so people know who is responsible for what; too big a scale, divided focus/attention
- indicator of progress is that I get a lot fewer phone calls & demands compared to when I started
- Stephen Cornell: example of the Haida nation, need to come to communal decision on how to use resources, need a long-term plan for what their priorities are
- Bonita: need to balance the concerns of stewardship, need a stewardship plan
- 2. Resources (land, resources, people (capacity)).
- history of residential school - my father was a leader, but only had a grade 5 education, but he had to be in the in crowd...and strain to listen and understand.
- How do we create a level playing field ...that's a hurdle
- Creating the tools to get everyone to understand.
- I'm struggling with dealing with the land and resources - for me it's managing, the impression that we were confined to our reserves on Haida and hard to learn that we have the authority and don't need permission - and the land is our resource. All above ground management - no interesting is sub-surface.
- Challenge is building the capacity to manage such a large land base
- educating outside people that comes in that there should be reciprocity
- Take all that we need and use all that we take.
- I also need to learn that there are different resources - different salmon and other fish - the challenge for me, I'm very dependent on the Haida and others to make sure I get my spring salmon. Have to connect up with them...to make sure the salmon are healthy. Have to work across nations.
- Things are changing now...not sure what is happen with the salmon -
- Communication and relationship building between nations important to resource management.
- Communities are talking, but there isn't an avenue for salmon - there are a lot of different issues.
- Challenge of overall resource management - is the mindset - capitalist mind of how things are run. How Haida would want managed vs how managed to today...based on values and principles. How can we think about the benefit of today and not tomorrow.
- Capacity of people challenge - is confidence of people to get in the door and participate in discussion.
- I don't know why don't see it - there could be many different reasons...but just not doing it.
- How do help people to identify their place in the community - youth finding their way in the western world, but also trying to keep a place in the community...but don't know what that place is...no one to tell your place.

- Different approach than western world – in west...people find their own way...not provided direction.
- People, money, human capital, raw material resources
- Wind, mining
- Have to think about who resources belong to
- Canada has given resources through unfulfilled treaties
- Canada does not have the laws present to recognize aboriginal rights
- Need to have a discussion about sharing resources in ways that can allow First Nations to strengthen their ways of governance
- Canadian government needs to accommodate First Nations while First Nations are willing to share need to create a system that allows resources to be shared
- Challenge: cooperation with different groups who do not share the same language, values and beliefs
- Trading expertise can build responsibility and encourage leadership and exchange of knowledge to the next generation
- 1982 Canada recognizes existing treaties and aboriginal rights
- Even though treaties many not exist
- History of land taken due to natural resource exploitation
- Challenge; can't rely on declarations because does not address what you want to do and achieve
- Propaganda from people who control resources
- Ex Burnt Church- there will be violence with other groups do to claiming rights Ex. lobster fishing
- Challenge; how to distribute resources that won't challenge/conflict with business rights
- Need to find common ground built on treaty/aboriginal rights and how you will share land rights and other resources
- Create trade agreements with each other.
- Capacity for our people, education centres in our communities. Share capacity building with other communities. Keep your curriculum to teach others.
- We need all professions, for our workforce in our communities.
- Create comprehensive community plans to guide your community development. Create strategic goals and plans.
- Dealing with different designations of land, crown, traditional, private, provincial, and municipal.
- Challenge of all of our people from our nation do not live in the community, some live in cities.
- Large companies need to negotiate revenue sharing agreements with FN.
- Indigenous governments need to think about how their population living off-reserve will be included in governance structures.
- We need our own institutions for governance development
- "dealing with the people" is problematic language, so let's think of it as capacity building
- Jodi – the province imagines that they own the land resources
- Steven – negotiation process includes negotiating funding to hire people with the expertise required to continue the work. In the future though, we want to have it in place where we can train our own people, not just hiring other people. Right now we're forced to hire outside the community.
- are there opportunities to train your people?
- a community member who graduates from high school can have the opportunity to go to college.
- are there good recognized programs that include indigenous world views?
- our education program helps facilitate things for students. A lot of people want to go to college but very few finish, and those who do tend to take very general studies (business, etc.), but we need specialized skills – biologists lawyers, etc.
- good to ask people how strongly they want it.
- life gets in the way of post-secondary education.
- how do we get people to complete their education? When you see someone and all you see is a native person, they might have everything he wants: family, land, title, etc, it's just not being recognized by the wider society. How do we make the future more compelling than the past for them? When are we going to stop looking back?
- there is a lot of reflection on pain in the council. We have to move past that, we need to move past the pain and the reflection. That's one thing that the negotiation process is teaching me. What I negotiate is probably never going to directly affect me, but it will affect future generations, so that's what keeps me focused on the job. Looking back helps us realize how strong we are, but moving forward, we can be so much stronger
- when I was flying across Canada, I thought about that – coming here to talk to other nations about these topics from across the country. It's amazing.
- also feels very fortunate to have the opportunity for these conversations.
- don't get overwhelmed by the loss; and also, don't get overwhelmed by how long-term this process is. Keep your eye on the prize.
- a lot of naysayers in the community, a lot of self-interest. It's not about you, though, it's about your children and your grandchildren.
- a lot of people have been taught not to care about their children
- the laziness and disrespect is not our culture
- so what culture is it? It's the Indian Act culture
- the culture of our community is that whether you live on the other side of the community, it's a respect for every person in the community. That's a culture on its own, and we have that. But it also manifests itself in the village protection, sort of born out of the Indian act but also bigger than that. Everyone is united as community members, which supercedes everything.
- Ownership is another Indian Act notion – we don't believe you can own anything, you're just here to take care of it. But we do use that term now, because you have to speak in the language that the audience understands.
- When it comes to land/resources it comes down to ownership and jurisdiction to it
- Overlapping territory

- Challenge: Crown claims jurisdiction: federal and provincial
- Climate Change and resource depletion= challenge
- Our land is changes our environment is changing
- Adaptation and mitigation
- Depletion of resources (i.e. having to stop fishing)
- How do we balance?
- Balancing economic and cultural protection
- Articulation of law:
- Distinction between written writing and oral tradition
- Enforcing oral tradition
- HR: challenge to infrastructure:
- Indian Act colonial ways of administering
- We don't yet have a corresponding way of dealing with this
- Capacity: community members have to be engaged and want to be engaged
- We sit under the umbrella of the Indian Act
- Transition from Band thinking
- Trying to teach our people about funding
- Remove ourselves from that system:
- Change the governance
- On one end government doesn't have capacity:
- Lack of respect on how to incorporate traditional knowledge, over-reliance on science
- Our people don't understand: lack of trust from provincial/federal side
- Opportunity: marine area- no precedence, but potential to transition
- Capacity: younger educated people who lived in communities to meet with leaders like Satsan - train and educate everyone- young, eager technical brains can help spread this information by looking to our elders
- Co-managing Agreements: can always opt out if it isn't working with you. How do you have conversations? How do you not lose your cool? Learn to cooperate
- We need to learn to spread out and delegate authority: we need mix of Elders and youth
- Transitional challenge of transition:
- How do we get everyone to transition?
- Our own education systems to do that- accessible to own people and government people to learn at a similar baseline if enough people train
- Lots of work in developing, but it is a transition
- Changing curriculum in school: learn how to live on the land
- Super course: week long classes, getting out on the land- canoeing, hunting, fishing, berry-picking, traditional trails



“Tools and Instruments”

- Using the people who are in the know, have the knowledge. Have them go out to the people, go to one family. Go to this family and instead of meeting in hall - go to the people, to their houses to have the conversations. Going to the big building, 50 show up. But in houses, you sit in the living room, the children and the grandchildren will come. If 9 of us can go out, have dinner, have tea, see what's going on in their lives. Don't ask, 'I'm here to talk about the IA', just have a conversation. Exploit people's knowledge who are here. That's a tool we can start with. Not with an agenda, it's about making a connection - hear what they want, hear what their issues are. We get into this fast-paced life, looking at the clock, need to take the time to visit our people. Palaltsim - taking time to visit.
- Using the campfire to bring our people together. To bring our youth together, feed their fire before it extinguishes so they have the tools they need to pass it on to the next generation.
- We actually have to say and, unfortunately in today's day and age, we have to timetable it. Say I'm going to be at this house and get to know the people. The biggest block would be letting the opportunity slip past - not scheduling it and not making it happen.
- Section 35 - the inherent rights.
- Salmon feast, fish cooking around the fire - that's a good time to be sharing. The fire is important, it grounds us.
- Most important thing is water and environment. other stuff is important too. Any reservation, that comes up all the time, but it doesn't make you anything. We didn't need to build a store. There's no money involved in those days, we didn't care about the money because we didn't mean it. We ran our whole country, even though we were still on the reserve, there was hardly anybody on the territory. We kinda still live like that in a way, and it's easy to make that, most lived two different worlds, t the end, we tried to be business people and we did that pretty good, but it didn't make us any better or happier. Peace and harmony I guess, that's how it was. We had our own laws, our own court system, no English spoken, it wasn't even thought of at that time. When that fell about, all of a sudden we were caught up, trying to fight for our rights. It

was a matter of 10 years.

- Now we have our rights, how do we get the people together to use them. When you were saying, what unifies the world is water, maybe that's a purpose.
- Section 35 provides constitutional space for FN to exercise their inherent right
- Indigenous people must fill this space, or provincial/federal law will take over
- Understandings of Supreme Court Decisions that give us the power to use our rights
- Ordinary community members do not know their power
- Fear to get out of the Indian Act- it is not illegal to move out- we have the law on our side
- UNDRIP: how does this fit in?
- Traditional Law: against our traditional law to hunt for sport—forces government to assert law
- Truth and Reconciliation: tool to educate
- Moral high-ground: our laws are more responsible and sustainable in the long run
- Crown: how do you get Canadians to wake up and hold their governments responsible?
- Public Education of Canadians
- Setting priorities: what is most important right now?
- Online tools: Actual documents to read other FN laws
- United States: can look to tribal government precedence as a tool to what we can do in Canada
- Successes stories: what works? Why does it work? What is working economically?
- Establishing own business and managing own resources
- Define tools: define what we can actually use: understand what specific/ comprehensive claims mean? S. 35? FNLMA?
- - bring collective nations together for common vision – transitional governance
- :- five species of tree- all intertwined at the roots- stronger together
- Land advisory board is a good resource
- FNLMA says what broad categories you need in your land code, but it doesn't say exactly what needs to be in there, so it could be anti-development.
- The cost and effort of ratifying the land code is prohibitive (it's set up to fail). When you get a land code that falls in your lap, as a member your knee jerk reaction to reject it.
- there's a huge misunderstanding about what the land code and other tools entail, especially in the community. When I voted on the AIP, I had no idea what it was all about. We need more communication and disseminate more knowledge.
- Steven keeps saying "down there" when referring to the community in relation to the council, so that mentality is extremely pervasive. We need to shift the mentality towards more unity.
- maybe we need to reframe the question to be: How available are these instruments, really?
- all the tools are there, but if you don't know how to use them then they're useless. So we need to make sure that the education and training is there. The more people who can use and understand these tools, the more powerful that tool becomes
- another tool: property taxation as a potential way to finance things
- yes, that's huge, but when you live on reserve and you're so embedded in the Indian Act, that's not part of the community's mindset, you could be thrown off the reserve for that.
- taxation is something we've thought about and how to exercise that in our traditional territory under our own laws
- off reserve members who don't even bother trying to access services on the reserve because they already live off reserve, pay taxes, etc. So how can you tax someone off reserve? What can we, as the council, do for them? Taxation is a bad word in my community.
- Buying back the land to get fee simple land? Is that a tool?
- - what about additions to reserve, does anyone see that as a tool?)
- How do we find own source revenue.
- We need a national body to advocate for FN's.
- Difference between Politicians and Leaders.
- Networking, this Think Tank are tools.
- Federal Government is funding in transitional governance.
- Sec. 35-original treaties will be recognized including aboriginal rights and new agreements
- Canada needs to give recognition
- Recognize that they have treaties that have not been fulfilled
- All treaties have the same weight in Canadian law
- Need to understand what a nation is
- Define what a nation is and treaty rights to the government is not able to put you in a box
- Tools
- Need to get legal recognition of assets
- Need to organize understanding of identity
- Creation stories, involvement in battles
- Tools can be land a stories, structures of opinion, commonalities with other nations
- Incorporate spirituality (focus on land)
- Protection for sacred sites
- Focus on strengthening education, identity
- Good leadership and governance

- Need to develop a stronger focus on the collective
- Stop thinking about the individual benefits
- Collaboration
- NGOs, arms-length organization
- Incorporating outside knowledge
- Including traditional knowledge
- Wisdom of ancestors
- Creating speakers who can talk from the source
- Not through the Indian Act
- Haida has really utilize the tools that are there to go around the system to benefit us and future generation...set aside title issue and see what can work on together.
- Pacific Salmon Treaty and Commission – (new director with different focus on capacity) – we need to be on the same level as other people at the table. If I don't connect with Alaska...do they really understand?
- Believe have the authority to act with out being permission to act...what tools can you use to get there? DFO and Canada not hearing my voice...feel like I have to raise my voice, but that's uncomfortable for me as an aboriginal woman.
- Our inherent right in sec. 35...is that only on reserve? Important question – someone created the land management act...but only on reserve.
- One area we have looked at is marine management.
- All that we've achieved has started in a place of conflict...that's how we have forced people to the table.
- Sense of constraint/risk in using transitional governance tools
- got to work with what you have, not all communities want to get in on the FNLMA; the Indian Act tried to be one size fits all, a single model for everyone, but that just doesn't work
- treating your own authority as legitimate, such as Haida law; they've created such a culture of asking permission, looking to gov't as authority, need to step away from that and say WE'RE the authority here!
- We have a lot of laws (in our minds/memories, not necessarily written down), but we don't really practice them anymore
- possible benefits of writing down some of these laws?
- maybe initially give it in writing, then use it as leverage to push for recognition of oral traditions (on the part of Canada and the provinces)
- schools should be used for this, need to educate our youth about our history and laws; tell public school kids what has happened to Indigenous people, they will develop empathy
- as well as Indigenous interpretations of sciences



“Governance Structures”

- Change Management: breaking learned behaviours, change values- when you learn things you learn the bad habits first- change institutions and structures in order to transition
- Build the trust: Indian Act governance intent is very different that self-governance-
- rebuild trust in governments and in themselves- generational message. Control vs.
- Empowerment.
- Dependency: oppression, it has worked very well for some people.
- Teach people to be resourceful: teach people to fish instead of giving them fish (or trade)
- Realities of non-Aboriginal leaders: do-good mentality, show people how to do their own jobs, are they actually helpful?
 - Challenges are sometimes opportunities!
 - Focus on the opportunities- we aren't accomplishing anything on the challenges
 - Time of great vision: implementation
 - One of the biggest challenges is we look for a goal/destination, creating the institutions of self-government is more of a journey than a destination
- We will never arrive but we can have fun getting there
 - Removing the white-way: Indian Act is not system that fits us, but we did govern ourselves before that, but we need to find a way to fit. How do we get people to buy in that this is ours? We do this because we want to do this.
 - Programing vs. taking responsibility
 - Enforcing laws: lost community buy-in for our own law
- Our own fishermen are against this: funding is a challenge
- The government didn't give us money to enforce this so why are we enforcing it?
- Because it is our law!
 - The biggest law is respect: if you respect it- you don't have to enforce
 - Somebody has to have the authority (the churches, the police, Indian Act)- people need to learn to sustain- encourage people to assert themselves
 - Conflict is good, unresolved conflict is not!

- Self-government: some people don't want the responsibility of management: what would you do if you had to manage your mom?
- Language: way of asserting yourself- linguists are changing our language by breaking it down
- Our tribe is separating itself by linguistics: experts contradicting one another
- Academia loves to change things to fit their needs- you cannot change what they've done to information
- How do you have quality of control- how do you make sure our integrity is shown?
- challenge for coming up with a governance system is community and family dynamics,
- and factions within the community. You're stuck because you can't bring the whole community together. That's a recurring issue, especially in smaller communities. People are suspicious that the motives for change are self-serving. The lack of trust is strong.
 - there might sometimes be very good reason for that mistrust.
 - I saw nepotism, corruption, in our community, hard to believe it. Most people in my
- generation are against that, but there's a legacy and a stereotype that is very difficult to shake.
 - but it's a learned behaviour that came through different forms of trauma
- (intergenerational, lateral).
 - maybe this generation will fight against it\
 - someone once said to him 'Being accountable is too much work' wow!
 - paralyzed by the amount of work
 - being accountable IS a lot of work. But worth it
 - deliberate structure of Indian Affairs. The chiefs and councils were set up to be
- administrators, mixing politics and administration. You still need chief and council, but you have to make the systems work. When you get hired in, you're supposed to be personally separate from your political position. It was the hardest thing to do, though. Constant challenge. As health director, no matter who comes in the clinic you have to treat them all the same.
- Professionalism is important, and separation of professional and personal lives. But
- that's more difficult in small communities.
- some of these conversations about the pillars overlap a lot: a big part of governance
- systems rely on culture and language, and when you've lost so much of that, it's very difficult to figure that out. We don't have the foundation or elders to help us get back to that. but I can reconnect with the ancestors through my name through my spirit – we're
- still here, we're still of the people. What feels right to us? We piece it together ourselves, just as our ancestors had to piece it together, too. We're still that bloodline.
- the one thing we still have in our community is the LAND, so as long as the
- governance structures and everything is still connected to the land, that's an opportunity to
- understand ourselves and use that as our basis for governance.
- our people have always evolved, we don't only evolve because there was an oppressor, we evolve because that's what we do.
 - an issue of records management, too.
 - we want our North Star – our point that we're heading towards, our guide, our goal.
- We start with a plan direct from A to B. Then you start comparing yourself to others, instead of learning from others. But the path you take to end up at the north star is almost never the path you planned on. Don't be in such a rush, you'll get there in time!
 - another generational shift. My predecessor wasn't built to be inclusive. Peter came in to take over driving the bus. His predecessor drove the bus but just told people to get in and brought us to great places, but no one else was involved. I came in and asked "where are we going? How do we get there?" and maybe we're not going anywhere just yet, maybe we're just working on figuring it out. We're just sitting in the parking lot for now while we catch people up. Engaging people is hard.
 - it's about diplomacy, some people are really skilled at it. Bus drivers need diplomacy!
 - one opportunity is community engagement, it's an opportunity to interact with your people.
 - building consensus takes a lot more time than the government's fiscal year or funding agreements, it's a lot more long term. And it doesn't only come through meetings.
 - sometimes, trying to build consensus is too long, according to old chiefs. But things are changing now.
 - but then how do you engage people, how are you accountable at all? How can we all want to be part of a governance system when we're not even asked.
 - "optics of consensus" everyone's opinion matters, but at the end of the day, leaders have to make tough decisions.
 - as a bureaucrat for the government, I would put together organizational structures or policies and make sure to include people's words (picking out leaders from every family) trying to ensure people's voices were being heard.
 - that's a great approach because our communities are groups of families. And it's true that we can't get every single person to agree on every single thing, but if you feel heard and engaged, that goes a long way.
 - the messenger really makes a difference. People are more willing to listen when it's from the hereditary leaders.
 - I can lead from wherever I am. When I want to speak out about something, I just talk to one person and I watch it spread, and I know that my voice was heard, even if I don't get the credit for the change.
 - Blending of colonial models with traditions, how do we make them come together?
 - Our people need to know what our traditional structures were.
 - Treaties, types, originally, historical treaties were Peace and Friendship, how do we make them into modern realities. Loss of traditional knowledge since contact.
 - Engage our people.
 - Blending our knowledge within our generations. Put our strengths together.
 - It's a new beginning for all of us.

- Need systems, staff, and policies. Create institutions.
- Some colonial concepts need the language changed to fit FN understandings. e.g. Trust fund, not the value trust.
- Ancestral governance projects are being built in some communities, governance handbooks. Ancestral governance, family groups, organized by hereditary Chiefs, laws from land and we teach our hereditary leaders. How do we modernize it?
- Keep teaching each other about our old governance ways.
- Indigenous nations need to create sharing agreements. Settling communities need to follow the law of the Traditional laws of that territory.
- We co-exist, they need to change also to fit into our territories. People will need to learn our structures.
- Sensitisation programs to develop.
- We have an opportunity to build governance institutions, need money, need to get past colonial thinking.
- Not duplicating existing structures
- Figuring out what need to do
- Don't have to focus on existing governance structures
- Have to identify structures that were traditionally used and have to think about what system would look like using these structures
- Clan system
- Got rid of districts now have clan representatives. Good system
- Administrative focus
- Clan made decisions on territory (village issues)
- Indian Act chiefs (handle land and resources) also influenced clan
- Opportunity/challenge
 - Realize that there is not perfect model of governance
 - Can create own way of governance by comparing different nations that are doing different ways of governance
 - Can help avoid limiting governance structure
 - Think of new ways to create governance
 - Language and land can be used to understand structure of government
 - Change needs to contain culture and values
 - Ex. respect
 - Need to look at the traditional values you want your leader to have
 - Community has to tell you what they want
 - Have to think about leading the nation not individual needs
 - Changing expectations of government - Not focused on money; Government is not only focused on money
 - Challenge: Money
 - Relief, welfare
 - Can create new name, and decide new ways for using money
 - Can create internal systems that meet the needs of your community. Ex. new laws for divorce, and rules for being on the reserve, Land code; able to make decisions
 - Membership
 - Don't need Canada to determine jurisdiction
 - Opportunity: Need to stop thinking in the frame of mind that being identified as an Indian makes you different
- Governance is about representation – the representation needs to be recognized. Have been to meeting with communities that don't recognize the Canadian government – but chief and council connected to government of Canada – this connection made by treaty. But treaties are empty – need to fill that, so we can become what we want to be.
 - Have a system of government, but it don't recognize all our governments –
 - need to draw on that – two competing interests, but treaties that connect them are empty, so don't fit into Canadian system.
 - The more you feed FN governance the more it overtakes Canadian system.
 - So how do you reverse the flow – you have to take a step back and dialogue about laws and jurisdiction and fill the treaty box – find shared jurisdictions
 - So how does that box filling happen – started with Canadian constitution – now build new relationship and dialogue: Nation-to- nation dialogue to ensure what is in treaty is understood by people on both sides.
 - What if there isn't treaty – the right is there and maybe a treaty needs to be negotiated, but could also act on inherent right.
 - Canada has developed policies around the separation of these processes...based on old foundation, but new relationship based on shared jurisdiction and new model of governance.
 - Bennett and Trudeau saying right words – that's all they can do because they can only be part of the dialogue.
 - Have to be hopeful because what else is there?
 - How does that future governance work? Representation of the nation that has the authority – but people still attached to the chief system established through the IA. Need to have a rep from the people from the nation...what is the difference between an IA chief and this new rep? May not be a different, but should be defined by people. Trusted and respected by community
 - The governance structure can vary depending on the nation – not one size fits all.
 - Confederacy – It's an expression of your own understanding and your own community.
 - There is the governance and the delivery model (health, social programs, etc.).
 - White woman dying in hospital who had worked with FN in the states for her whole life, she asked for a FN spiritual leader to help

her cross over so I volunteered; she told a story from Utah, there was a village, some harm was done by a man to a woman, he was very regretful and apologized but she said "I don't think you understand how much you've hurt me" and asked him to carry a rock around for as long as she held the weight in her heart, which he did for several years;

- implications across cultures, and for restorative justice... kind of about reciprocity too
- balance between men and women, the path towards healing
- it's about empathy, understanding, whatever our structures and institutions are, we need to refer back to those stories for guidance
- we need to go back to pre-contact and what existed before, that will be different for all nations, needs to be rooted in those traditional values
- how do we reconcile those old ways of teaching with the present, and integrate them into modern times?
- reference back to the canoe story - giving everyone a paddle, not just one person who has control over steering / talk about the watchmen, statue at National Art Gallery
- watchmen on our totem poles, warn us of any harm; challenge is the buy-in to governance in general, there are certain groups (among our own people) that don't believe that we should have any structure; it may not be what we like today but we do need something (as transition)
- like incarcerated prisoners, they develop their own hierarchy and "governance" structures, although it's quite violent; I ran a harmony circle with them (various religions, races, etc.)
- traditional governance, everyone had a purpose and a sense of belonging (collective roles and responsibilities)
- yes our young people struggle with this, we have such a Western mindset, youth are a bit lost and need guidance; in the old days everyone always had a purpose, it was for survival (your ability to get through the winter depended on what your kids could do)
- need to ask yourself if you know the difference between common sense and nonsense! (laughs)



"Going Forward"

- We need to know our history and what's happening today.
- Because our demographics are so youth heavy - our history our ancestors, and what's going on today - we need to merge them. Take what we have from our tools today, so our youth have a place to grow, to aspire to what they want to be. So they have choices.
- Canada has been feeding off us, taking resources to keep them going.
- What do we need to do to keep moving forward?
- Engagement of the people. Education. Need to know what's going on today. Create a more collective vision/mission statement of where we want to be, knowing who we are. Who are we?
- When you look at the reconstruction of the European Union. Jean Monet - very influential businessman with confidence of US - we'll give you funding to re-build Europe. A huge amount of money, there's two ways we can change Europe, we can go the economic route or the cultural route. But the cultural route is difficult because the European countries have been fighting, they are very different. So he takes coal and steel production and says, just working on steel and coal. But he regretted his decision late in life, he wished he went the cultural route. Most people say go both ways, there's no automatic confrontation between fundamental values and building 1-2 economic sectors. It took until 1990 for the EU charter of human right to be produced. Not the same as the value system. Once you get your values, you know what you want to do with your money. Part is capacity and money, part is, what do we do with the money? If you want to be powerful, maybe you want to have alliances with other nations as well.
- Our water being trucked out...different values around water. Look at the fish. When I was a kid, you could walk across the river there was so many fish. Now, hardly any. We die with the fish, if they go.
- In the 70s, we blocked the road, went to jail, then we started our songs, our spirituality. When we keep hearing some of the medicine people, before you start something, you should have four ceremonies. It seems to me, we have to, when we're doing this we're just lost, fighting. Now, quite a few of those medicine people are gone. They said there'll be a time when we can't help you anymore, I guess that's where we are now.
- That's a key to most of our youth. They have very little, if no spirituality. Without that, you lose your values, your belief, you're just another colonial box, worried about time and money and paper. Its worse cause they're regulated by the IA - the box, the straightjacket.
- Our people in the straightjacket, wearing ill-fitting boots, carrying our ancestors on our backs and youth in front.
- Use Five Pillars: show success stories for each pillar
 - Can share knowledge of experiences
- Lessons learned on the community engagement piece:
 - Where we are now, where we are, where we are going
- We engage everything we do: call the community together to ask about their expectations
 - We created an entity that is more valuable as a community
 - INAC: some people found comfort in this structure
 - People are starting to come back
- Presentation in our own communities to educate about Indian Act and how insidious it is:

- It is different for places with different treaties, but we have to dismantle the Indian Act before we can move forward
- Create a video for councils or community to help First Nations create a bigger movement:
- More of an oral ways of thinking
- Let's hear stories, lets avoid written text
- Younger people and females are not seen same way as older males: we need strongest people to send out this message- sometimes we have more trust in these Elders- the message has to come from the right person
 - Depends on the experience of the community
- Economic Benefits: find success stories
 - Funding: colonial businesses
- Nation-building activity:
 - Understanding short-term sacrifices and long term vision
- Haida: success stories
 - Public accountability
 - Issues related to funding - need an appropriating body to get funding
- The position of a council as we move forward there will be an INAC chief and council- but they will fall under a self-government structures (to deliver services)
- "dealing with the people" is problematic language, so let's think of it as capacity building
- the province imagines that they own the land resources
- negotiation process includes negotiating funding to hire people with the expertise required to continue the work. In the future though, we want to have it in place where we can train our own people, not just hiring other people. Right now we're forced to hire outside the community.
 - are there opportunities to train your people?
 - a community member who graduates from high school can have the opportunity to go to college.
 - are there good recognized programs that include indigenous world views?
 - our education program helps facilitate things for students. A lot of people want to go to college but very few finish, and those who do tend to take very general studies (business, etc.), but we need specialized skills - biologists lawyers, etc.
 - good to ask people how strongly they want it.
- life gets in the way of post-secondary education.
- how do we get people to complete their education? When you see someone and all you see is a native person, they might have everything he wants: family, land, title, etc, it's just not being recognized by the wider society. How do we make the future more compelling than the past for them? When are we going to stop looking back?
- there is a lot of reflection on pain in the council. We have to move past that, we need to move past the pain and the reflection. That's one thing that the negotiation process is teaching me. What I negotiate is probably never going to directly affect me, but it will affect future generations, so that's what keeps me focused on the job. Looking back helps us realize how strong we are, but moving forward, we can be so much stronger
- flying across Canada, I thought about that - coming here to talk to other nations about these topics from across the country. It's amazing.
- also feels very fortunate to have the opportunity for these conversations.
- don't get overwhelmed by the loss; and also, don't get overwhelmed by how long-term this process is. Keep your eye on the prize.
- a lot of naysayers in the community, a lot of self-interest. It's not about you, though, it's about your children and your grandchildren.
- a lot of people have been taught not to care about their children
- the laziness and disrespect is not our culture
- o what culture is it? It's the Indian Act culture
- Steven - the culture of our community is that whether you live on the other side of the community, it's a respect for every person in the community. That's a culture on its own, and we have that. But it also manifests itself in the village protection, sort of born out of the Indian act but also bigger than that. Everyone is united as community members, which supercedes everything.
- Ownership is another Indian Act notion - we don't believe you can own anything, you're just here to take care of it. But we do use that term now, because you have to speak in the language that the audience understands.
- We need more sessions like this. It is different, it's not a conference.
- We need a research project to come out of this at the community level. Done by our community our people.
- Take back to your community, each community goes home and puts a list together of how their indigenous government works, so when we get together next time we can share and compare. Code same and implementation different.
- Come together for common purposes.
- New assemblies need to be grass root based.
- How will FN organize a new structure to negotiate with Canadian Government? Does AFN represent all FN's?
- Intergovernmental relations.
- Need to find common ground built on treaty/aboriginal rights and how you will share land rights and other resources
- How to solve the Indian Act
- Nation building/ alliances
- Recognition of different governance models
- Understand who we are and where we come from
- How do you assume sharing
- How to convince government of policy change
- Need to academic setting such as the university, IPAC,
- Communicating with the organizations that the government will listen to

- Need to strengthen relationships with government entities
- Resource management
- Government, academics
- Recognition
- Different sources of legitimacy
- Dr. of Law is seen as more influential than someone with a bachelors
- Different living conditions also garner more or less attention
- More impoverished community is the less valuable their opinion is
- Need to unite communities
- Who have access to jurisdiction
- Focus on regulation within your area
- Need to understand shared jurisdiction
- Understanding inequity of sharing revenue
- How to make sharing more equitable
- Someone needs to apply for more money to come together again.
- Information sharing nation-to-nation. Sharing opportunities and challenges and building relationship across country. Finding the commonalities from stories of different nations – need to acknowledge and celebrate what we've done or nobody will know and we'll just go back to our communities.
- sharing more about what has worked and hasn't worked...
- continuing to break down the barriers – trying fit the round peg in the square hole – all have some values, but barriers set up by crown...now need to break them down.
- Working with different jurisdictions in same territory...can't truly transition if not involving them in discussion – bring more people into the room. Municipalities...but don't understand what we are dealing with, but they could benefit from our way of managing (take what need, use what take). Need to educate them.
- It's finding the balance between old and new – everyone needs a longer term mentality.
- The sense of community...not everyone in our community is like that...depends on your upbringing and values.
- Can work closer with neighbouring municipalities...have similar values...have an ally and opportunity to collaborate.
- need more representatives of the people need to be part of discussion. If we don't work together collectively across Canada...we won't move forward because the understanding won't be there.
- having nations with common issues – where can be really focused...instead of high level – more focused and more action-oriented with smaller number of groups.
- also need to educate Canadian bureaucrats – but also the younger people that are really learning about our history will fill those spots, so have to work at that level.
- talk of a SSHRC grant, funding to continue research
- remembering Day 1 during introductions, someone said "we don't get the opportunity to talk to each other" – how important this is, to maintain cross-nation dialogue so people can discuss; but everyone's so busy, we need a dedicated space/forum to learn from each other's progress; there's all this Indigenous innovation going on, there's so much potential, we need to tap into that
- principles of ways of life, reference to film about Mistissini Cree; there is a role for universities to play to bring everyone together, convene for open debate/discussion, space for like-minded people
- plan to meet again with other L'ilwat representatives, see what they got out of the think tank, not just tell them what to do
- so much diversity from province to province, those who negotiated the James Bay agreement have a huge wealth of experience, they were forced into doing it very early on (1970s)
- reference to Australia, much more hostile political environment, things have to be done by stealth, there is so much creativity, circumventing things, thinking outside the box (lots of lessons to be learned!)

The Transitional Governance Project

WHAT IS THE TRANSITIONAL GOVERNANCE PROJECT?

The Transitional Governance Project is a multi-year campaign to identify the most effective ways for First Nations to transition from Indian Act administrations to self-determining governments. It supports participating nations in rebuilding effective and efficient governance with their people and over their territories.

WHY IS SELF-DETERMINATION IMPORTANT?

Effective self-governance is critical to the survival, health and well-being of First Nations people. It is a central pillar in reconciliation and in the creation of a new nation-to-nation relationship with the Crown. It is crucial to the long-term governance of Canada.

HOW DOES THE PROJECT WORK?

The Transitional Governance Project supports select First Nations through direct engagement, providing mentoring and training opportunities to leaders, staff and community members, and producing materials, strategies, and tools to help those First Nations transition to self-government. Through this work, using applied research, we aim to transform the relationship between First Nations, the Crown, and the Canadian people.

WHAT WILL WE DELIVER?

Over the life of the project, we will provide participating First Nations with practical support in transitioning from the Indian Act to self-government. We will:

- > Identify challenges and opportunities
- > Develop better practices
- > Work with First Nations to identify what works and what doesn't
- > Provide connections to further research, mentoring and knowledge-sharing opportunities.

We will also provide recommendations on how federal and provincial governments can support the efforts of First Nations. By the end of the project, we will develop a model for Canada's First Nations that will help guide them in their journey toward self-government.

WHO'S INVOLVED?

The Centre for First Nations Governance has partnered with the Institute of Public Administration of Canada (IPAC) and Carleton University to develop and deliver the project. A select group of First Nations leaders and administrators, academics and other experienced individuals are providing us with ongoing insight and advice.

For more information, contact us at:

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www.fngovernance.org/transitional-governance-project

IPAC



IAPC



Indigenous Policy
and Administration
CARLETON UNIVERSITY



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