



governance toolkit

best practices

Principle: Expansion of Jurisdiction

Government: White Bear First Nation and SIGA

OPPORTUNITY

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

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

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

NCFNG

is a national, independent, First Nations-controlled organization dedicated to supporting First Nations as they work to implement their inherent right to self-governance. The development of a set of shared principles that clearly articulate our approach to effective governance is one way in which we support that work. This NCFNG Effective Governance Case Study profiles a best practice in the principle "Meaningful Information Sharing".

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

PRINCIPLE IN ACTION

On June 11, 2002, the FSIN and the Province of Saskatchewan executed the landmark twenty-five year *Gaming Framework Agreement* to provide a foundation on which the gaming industry could plan for the future and provide much needed jobs and economic prosperity to First Nations and the Saskatchewan economy.

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

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

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

SUCCESS FACTORS

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

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

CHALLENGES

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

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

— Zane Hansen, SIGA CEO

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

NCFNG GOVERNANCE LESSONS LEARNED

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

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

LINKS AND MORE INFORMATION

Canada's First Nation Casinos Prosper, Face Sovereignty Challenges

www.igwb.com/Articles/Market_Outlook/BNP_GUID_9-5-2006_A_1000000000000286342

SaskBusiness, SIGA: Playing the odds with new casinos
www.allbusiness.com/north-america/canada-saskatchewan/485103-1.html

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

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

Saskatchewan Indian Gaming Authority
www.siga.sk.ca