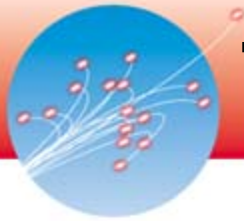


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# First Nations Governance Projects: Challenge and Innovation

An Overview of Research Results



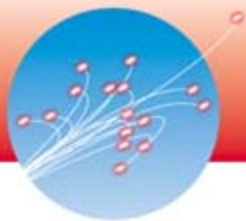
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# The First Nations Governance Projects

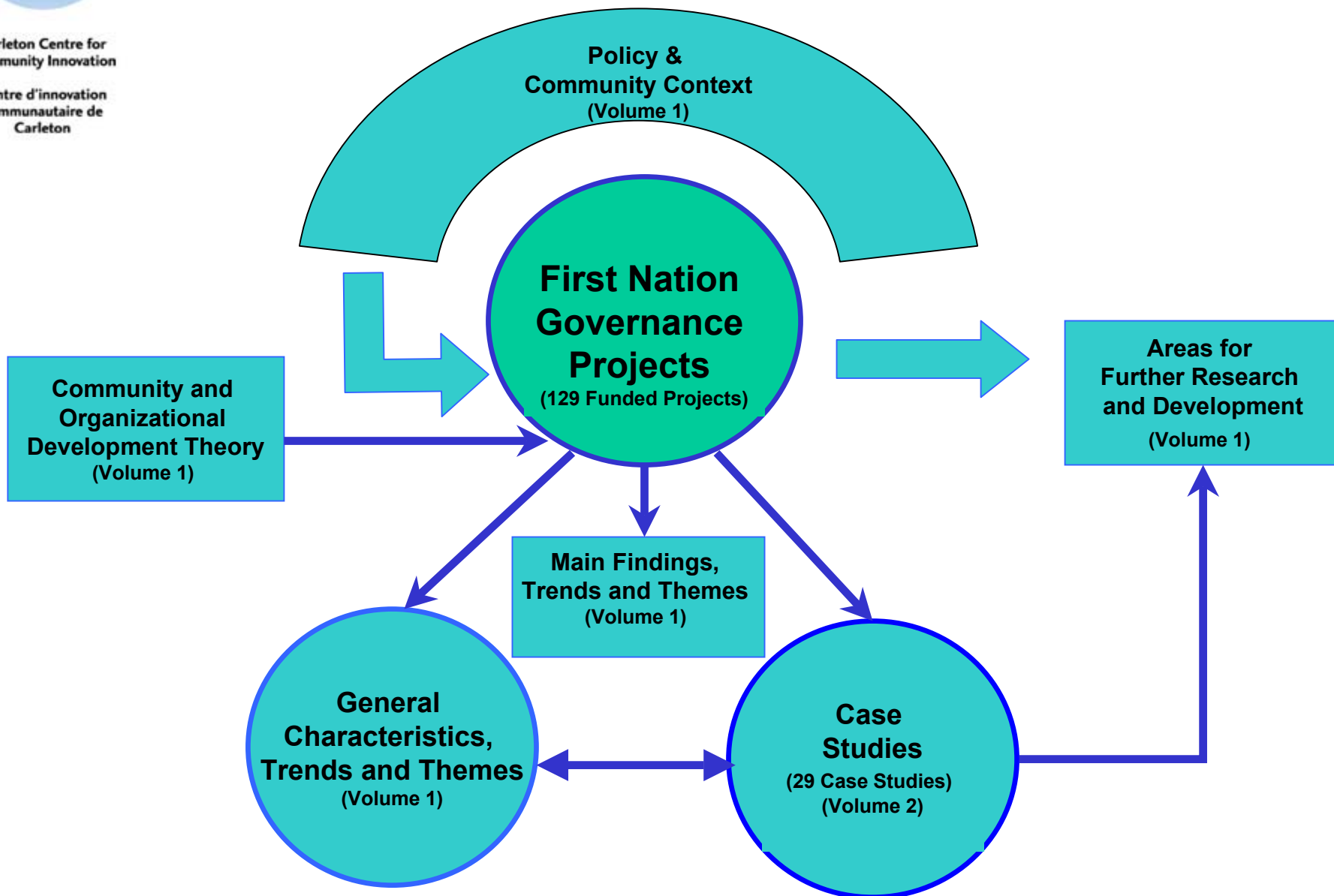
- ▶ Nov 2003 to March 2004: First Nations prepare 129 pilot project reports on First Nation governance.
  
- ▶ June to November 2004: Carleton Centre for Community Innovation analyzes results of 115 Projects for FNGC, with a view to:
  - identifying trends and patterns
  - analyzing process and products
  - analyzing results: best practices and transferable experiences
  - identifying further areas for R&D and capacity development

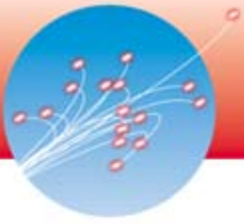
# Research Organization



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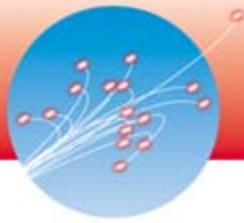


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# **First Nation Governance Projects:**

## **Characteristics and Main Findings**



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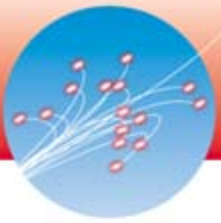
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# Main Findings

- ▶ Project themes are related to Bill C-7, but not exclusively so.
- ▶ First Nations are addressing governance:
  - within the current legislative framework
  - anticipating Indian Act successor legislation
  - pursuing self-government

▶ First Nations are addressing governance through 4 Linked Processes of Change





# Approaches to First Nation Government and Reform Reflected in Pilot Projects

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**First Nation Vision, Strategic Thinking, Innovation and Optimism  
Evident throughout all Pilot Projects**

## **Indian Act Administration**

- Codify existing policies & procedures
- Clarify roles, relationships & responsibilities especially among political structures, First Nation administration and community

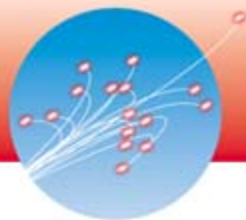
## **Modified Governance Arrangements**

- Develop new codes for core governance matters
- Anticipation of Indian Act successor legislation
- Change existing structures & procedures
- Add new structures & procedures to increase accountability, transparency & community participation

## **First Nation Self-Government**

- Traditional & cultural forms
- Contemporary forms
- Assertion of Inherent Right
- Governance approaches outside existing legislative and policy framework

**Indian Act Administration ⊗ Modified First Nation Governance ⊗ Self-Government ⊗ Traditional Government**



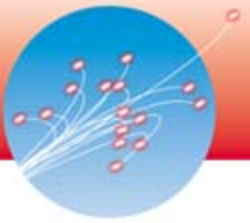
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# Aspects of First Nation Governance Development and Reform

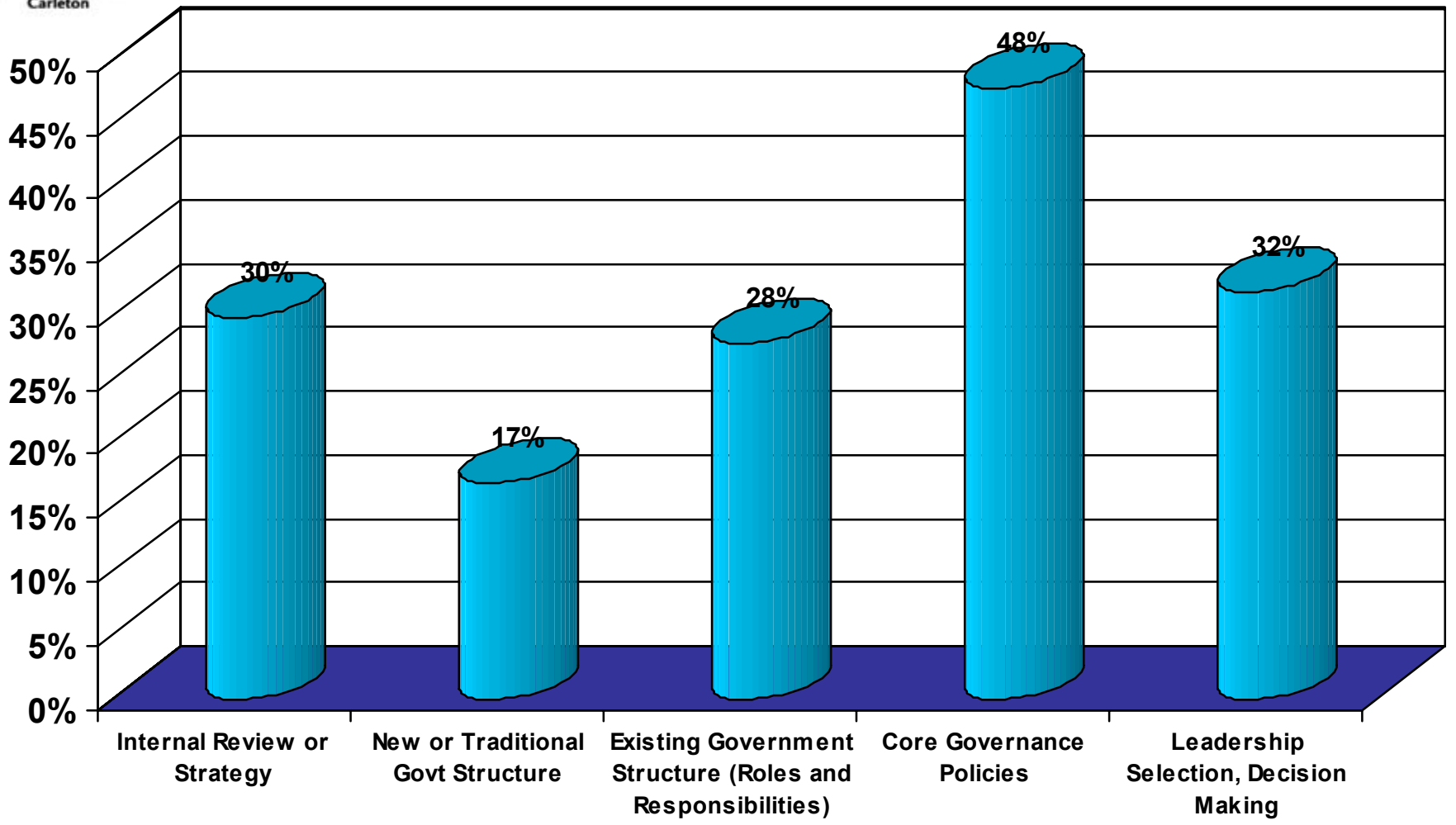
- ▶ planning for the future
- ▶ traditional forms of First Nation government
- ▶ First Nation constitutions
- ▶ government procedure, administration and financial management
- ▶ leadership selection & community decision making
- ▶ appeals & redress
- ▶ improving Indian Act administration
- ▶ conflict of interest / codes of conduct
- ▶ human resource management

# Governance Project Products (1)

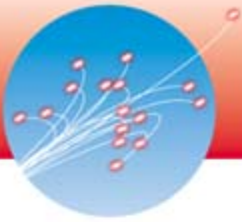


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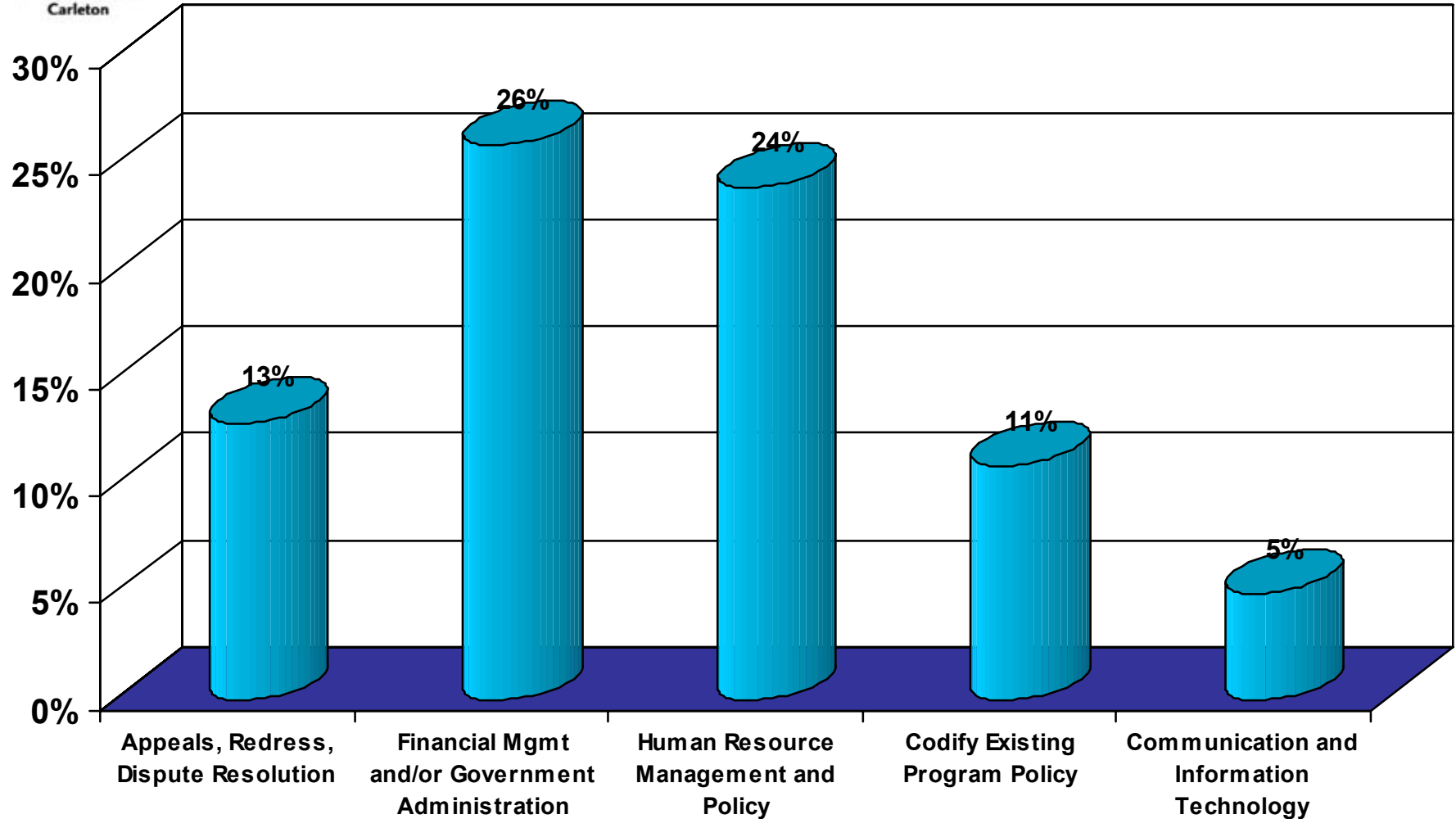


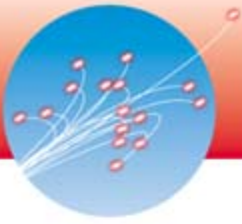
# Governance Project Products (2)



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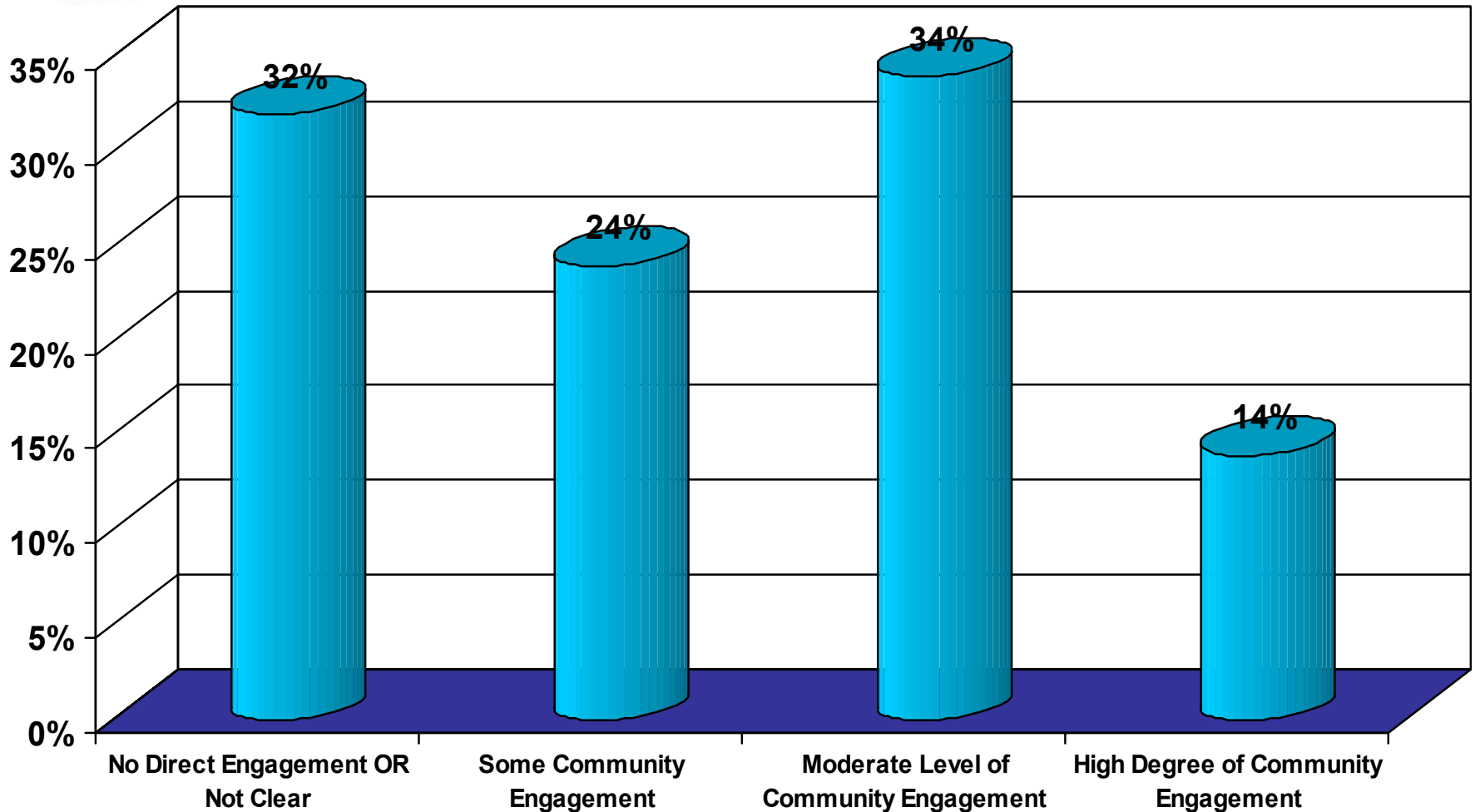


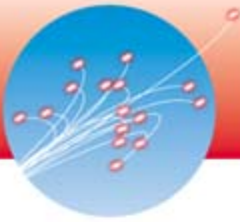


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# Project Processes & Levels of Community Participation



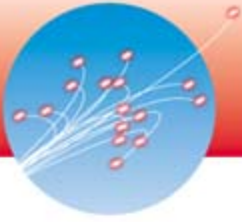


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## Project Processes & Community Participation (2)

- ▶ Community participation is a key component of success.
- ▶ Self-government involves a sustained and long term process of community, social and institutional development.
- ▶ A wide range of processes, both innovative and traditional, can be used / are being used.
- ▶ Common obstacles encountered in First Nation governance projects include: time, money, trust.



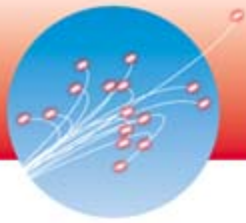
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# **The Community and Policy Context:**

## **Implications for**

# **First Nation Governance Development**



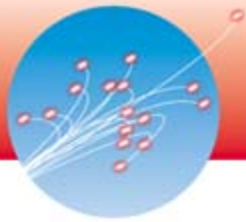
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# The Context for First Nation Governance Development (1)

First Nation governance reform and development proceeding within a particular historical, legislative, policy, community and social context, shaped, for example by:

- Different traditions of government (indigenous / western)
  - Constitutional underpinnings (Aboriginal and Treaty rights)
  - Legacy of the Indian Act (and associated policy and administration)
  - Legacy of colonialism (residential schools, displacement from traditional lands and resources, imposed systems of government)
  - Federal and First Nation efforts to reform (constitutional discussions, self-government, FNGA)
- 
- These contexts create tensions, challenges and practical issues.
  - Tensions / challenges were addressed in FNG projects.
  - First Nation responses are explored in more detail in case studies.

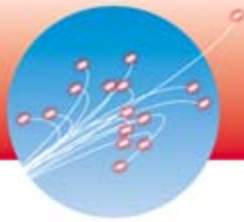


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# The Context for First Nation Governance Development (2)

- ▶ First Nation traditions and “traditional governments”
  - displaced by Indian Act
  - submerged by federal policy context, yet
  - continue to exist, evolve and provide inspiration / interest
  
- ▶ First Nation community context
  - coping with the Indian Act
  - pushing beyond the boundaries of the Indian Act
  - pursuing self-government, but
  - pre-occupied with day to day issues
  
- ▶ Many issues and challenges
  - leadership and accountability / responding to calls for greater transparency, responsiveness, effectiveness
  - electoral reform / responding to Corbiere
  - membership / responding to change in status population
  - developing governance tools (codes, policies)

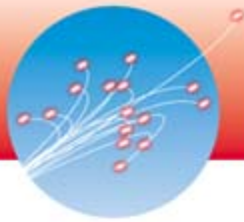


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# Implications for First Nation Government Development (1)

- ▶ As a result of their diversity, First Nations respond in community-specific ways to challenges and issues of governance, and to tensions such as:
  - lack of clarity re: jurisdictional scope
  - competing citizenships
  - codification, bureaucratization and uniformity
  - double accountability: to community and external funders
  
- ▶ First Nation impulse is to develop specific, locally responsive solutions that meet unique needs, circumstances, traditions and experience
  
- ▶ Federal (and bureaucratic) impulse is towards standardization and “one best way” solution

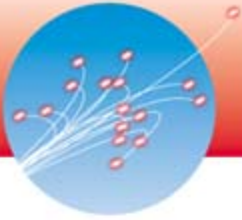


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# Implications for First Nation Government Development (2)

- ▶ a reconciliation of First Nation and Canadian systems of government is still required
- ▶ a reconciliation of the different approaches of First Nations and the federal government to governance development and reform, both in terms of product and process, is required
- ▶ reconciliation needs to be expressed:
  - in legislation, policy and administrative practice
  - through the four linked processes of change (constitutional relations, community and institutional development, capacity for a government to government relationship)
  - through an alignment of government legislation, policy, and administration with what is now underway in terms of First Nation community processes, solutions, and aspirations
- ▶ processes of reform need to be carried out on a *sustained* and *long term* basis, and according to First Nation defined plans, priorities, processes and time frames

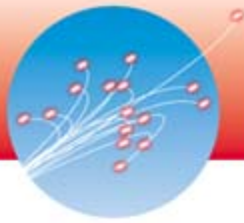


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# **First Nations Governance: Community Led Organizational Change**

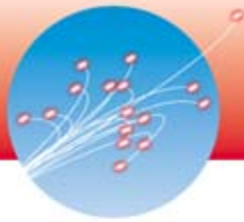
# Change Management and First Nation Governance Development



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- ▶ In the process of First Nation governance development, much can be learned from organizational and change management theory and practice
  
- ▶ First Nation governance development and reform:
  - *is* a massive, complex and variable process of organizational change
  
  - *is* influenced by a particular constitutional, legislative/policy, community and social context
  
  - involves multiple layers of change e.g.
    - community social relations
    - levels of engagement by community in directing change
    - the way government does business (administration, programs and policies)
    - acquisition and application of new skills, technologies, and administrative systems



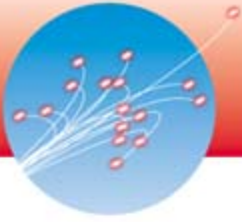
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# Change Management and Organizational Development: Lessons Learned

Change is a human process....therefore.....

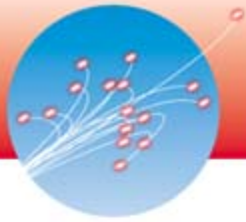
- ▶ Avoid natural resistance to change by making it: anticipated, incremental, participatory
- ▶ Make change win-win; maximize winners / minimize loss
- ▶ Ensure there are change champions within communities
- ▶ Ensure there is strong leadership and managerial capacity to promote and direct change process
- ▶ Pursue change on a sustained basis and with flexibility
- ▶ Gain understanding through community direction, management and involvement



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# Further Research and Development

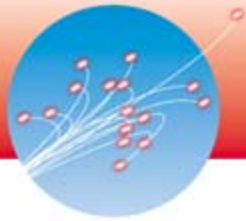


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# Areas for Further Research and Development (1)

- ▶ Explore ways to reconcile First Nation need for flexibility and community responsiveness with government / bureaucratic impulse towards standardization and predictability.
  - Deeper examination of First Nation governance projects - processes and products
  - Assessment of administrative relations between First Nations and Canadian governments
  - Identification of community processes that work well
  
- ▶ What needs to be done to change the relationship from an administrative relationship to a government-to-government relationship?
  
- ▶ How can these changes concurrently support positive political and administrative change in First Nations, community and institutional development?

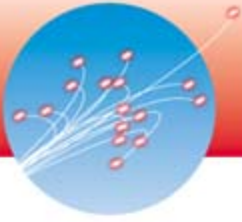


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## Areas for Further Research and Development (2)

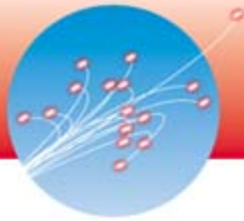
- ▶ Further investigation of obstacles to effective First Nation governance, and development of solutions, for example :
  - financial arrangements
  - removal of legislative, policy and program obstacles that prevent the type of reform sought by First Nations
  - capacity obstacles: human resources, community engagement, community participation in directing and managing change
  
- ▶ Traditional governance and re-traditionalisation of First Nation governments. Further exploration of:
  - how to revive and re-interpret First Nation governance traditions and re-traditionalize governments
  - whether, and how First Nation governance traditions can be codified
  - appropriate sequencing of community reflection, direction and healing with codification and restoration or reform of traditional forms of government



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# Final Conclusions



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# Conclusions

- ▶ First Nations governance reform and development continues to be linked with Bill C-7 (FNGA) type objectives: need to de-link
- ▶ Need to align federal policy agenda with community processes and emergent, community-defined solutions
- ▶ Need for continued investment by Canada and First Nations in a First Nations governance pilot *project-type* initiative
- ▶ Future initiatives could / should address:
  - First Nation-defined sequencing of change processes, community development and First Nation governance development
  - constraints created by time, funding and capacity limitations
  - common governance challenges, obstacles and opportunities that First Nations are responding to
  - plans and priority areas for governance development, as identified by First Nations
- ▶ First Nations Governance Projects are a source of transferable products and processes that meet both the unique and common needs of First Nations