

The Design of a First Nations Governance Centre

An Overview

Issued by

the

Office of the Chairperson

Satsan (Herb George)

September 22, 2004

**First Nations Governance Centre
Unit 8 – 6014 Vedder Road, Suite #113
Chilliwack, BC V2R 5P5**

**Tel: (604) 824-0914
Fax: (604) 824-0994
E-Mail: fngc@shaw.ca
Website: fngovernance.org**

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
INTRODUCTION.....	3
SERVICES	5
Governance Advisory Services.....	6
Professional Development Services	8
Land, Law and Governance Research	9
Public Education and Communication	12
INVOLVING A WIDER PUBLIC	14
CONCLUSION	15

CHARTS

I. Overview of Services.....	5
II. Governance Advisory Services.....	6
III. Professional Development Services.....	8
IV. Land, Law and Governance Research.....	9
V. Public Education and Communication.....	12
VI. Advisory and Consultative Processes	14

EXECUTIVE SUMMARY

This discussion paper introduces a proposed design for the soon-to-be established First Nations Governance Centre. The mandate of the Centre will be to support and enhance our ability to govern ourselves. It will be an independent, national centre offering the support we need to strengthen our day-to-day governance operations and advance our efforts to implement the inherent right of self-government. The operations of the Centre will be controlled and directed by First Nations. Its services will be accessed by choice, not by legislation.

Four proposed service areas are identified and described. They are: Governance Advisory Services, Professional Development Services, Land Law and Governance Research and Public Education and Communication.

1. Governance Advisory Services:

The Centre will support the implementation of the inherent right of self government by providing for effective and efficient design for the administration of government services, by helping institute traditional forms of governance; enhancing fiscal efficiency and inter-government relations; and developing constitutions and codes.

2. Professional Development Services:

The Centre will ensure that our leaders and people working in First Nations governance will be able to access training and leadership courses in community and organizational development and management.

3. Land, Law and Governance Research:

The Centre will support a proactive research agenda that looks to both First Nations and Canadian legal traditions. Opportunities to conduct practical research in these areas with post-secondary and other institutions will be developed. The Centre will also publish and disseminate First Nations based periodicals and research papers and will establish a national electronic network to link First Nations with researchers and research institutes around the world. It will also house a legal library, conduct legal research, provide legal education and offer information and advice on dispute resolution processes.

4. Public Education and Communication:

Conferences and media services will be at the forefront of the Centre's Public Education in order to ensure broad public access to an increased understanding of First Nations governance and its place in the structure of Canada.

Over the period of March to June 2004, the First Nations Governance Centre Advisory Committee, guided by an Elders Advisory Council and chaired by Satsan (Herb George), focused on extensive information sharing, feedback and research activities with national, regional and community based First Nations. Input from these forums across Canada ensured that the Centre's foundation was broadly based and had the legitimacy, power and resources to serve First Nations constituents effectively.

Recommendations for the structure and function of the Centre will be submitted to the Minister of Indian Affairs and Northern Development in July, 2004.

NOTE:

For the purposes of this business plan, the term "First Nations" refers to all first peoples of Canada, whose origins arise from their traditional land, territories and places.

INTRODUCTION

Supporting First Nations

This paper is offered as an overview regarding the First Nations Governance Centre that will be established in the summer of 2004. As such, the focus is on the direction and possible services of the Centre as well as the national discussion process that will unfold from now until the end of June.

The Government of Canada has firmly committed itself to the establishment of a centre that is envisioned in this paper. The Centre will be national in scope. It will have its main office in Ottawa. In addition, four regional offices will be established. Canada has made it clear that ample resources will be available to the Centre, but its yearly budget and its operational priorities will be set after a period of discussion among First Nations.

As illustrated on the following pages, the First Nations Governance Centre will be based upon the principle of choice. First Nations may draw upon its services as we see fit. We will not be required to do so by legislation or any other means. The Centre will operate through the control and direction of First Nations.

The Centre will develop services that are culturally enriched and empowered by our traditions, customs, laws and inherent governing powers.

A First Nations Governance Centre will have a two-pronged mandate. It will be designed to assist in the further development of our day-to-day government operations, and it will support us as we seek to implement the inherent rights of self-government.

This means the Centre will support our efforts to gain recognition for our jurisdictional authorities and to achieve the characteristics of good government.

Most fundamentally, the objectives of the Centre will be to support and enhance our efforts to govern ourselves.

In its *Final Report*, the Royal Commission on Aboriginal Peoples noted that:

To be effective—to make things happen any government must have three basic attributes: legitimacy, power and resources. Legitimacy refers to public confidence in and support for the government.... Power is the acknowledged legal capacity to act.... Resources consist of the physical means of acting—not only financial, economic and natural resources for security and future growth, but information and

technology as well as human resources in the form of skilled and healthy people.... A government lacking one of these attributes will be hampered in its operation....

How might we begin to clear a path for Aboriginal Peoples to set about the enormous undertaking before them? We see the task in the area of governance as building or rebuilding Aboriginal nations, including financial and administrative support...(and) creating a jurisdictional space within which they can start to act as one of three orders of government instead of as the delegates of the existing orders....

Report of the Royal Commission on Aboriginal Peoples (1996), *Volume 2, Restructuring the Relationship*

In the Commission's Final Report, in accordance with its general recommendations, the Commission indicated there is a clear need for a centre which will foster and support our efforts to become, once again, fully self-governing entities where our citizens enjoy the attributes of good government.

The design of such a centre is outlined in this paper. An investigation of these matters formed the core of the work of the First Nations Governance Centre Advisory Committee. This committee undertook a broad program of consultation and research over the period March to June 2004. The Committee was chaired by Satsan (Herb George), a Wet'suwet'en Hereditary Chief.

Outcomes

The results of the Centre's efforts will stem from its work with our Nations in helping to enhance our governments and become more effective and efficient.

Good governance is key to community prosperity and wellness as it promotes healthier social, cultural, community and economic development for First Nations. With good government in place, citizens become more confident in the operations and management of our community's affairs and the resulting conditions include improvement in the investment climate and a healthier economic and community development environment for the First Nation. Among the benefits will be the ability to create more jobs and more sources of revenue for First Nations and our citizens. Most importantly, positive community and economic development will result in

reducing the costs associated with poverty as our citizens begin to experience an improved standard of living and quality of life.

FUNCTIONS AND SERVICES

The First Nations Governance Centre will feature four kinds of interrelated services:

1. Governance Advisory Services,
2. Professional Development Services,
3. Land, Law and Governance Research, and
4. Public Education and Communication, (Chart I below).



Chart I: Overview of Services

These services will be developed and implemented in a coordinated and interconnected manner. They will involve staff and contract personnel who will work with regional personnel across the country to provide opportunities for First Nations who seek to become more self-governing, more accountable and transparent, as well as more efficient and effective.

It is important to note that the Centre will not be established to replace other institutions or agencies. Wherever possible, it will work with other organizations in a cooperative and supportive manner to further self-government among First Nations.

1. Governance Advisory Services

The Centre's Community Governance *Services* (see Chart II) will be designed to assist us no matter where we sit on the spectrum of implementing our inherent right to self-government. These will focus on developing our: constitutions (oral or written), building institutions of government, conducting processes for nation re-building and governance matters such as citizenship, accountability, conflict of interest, leadership selection and administration.

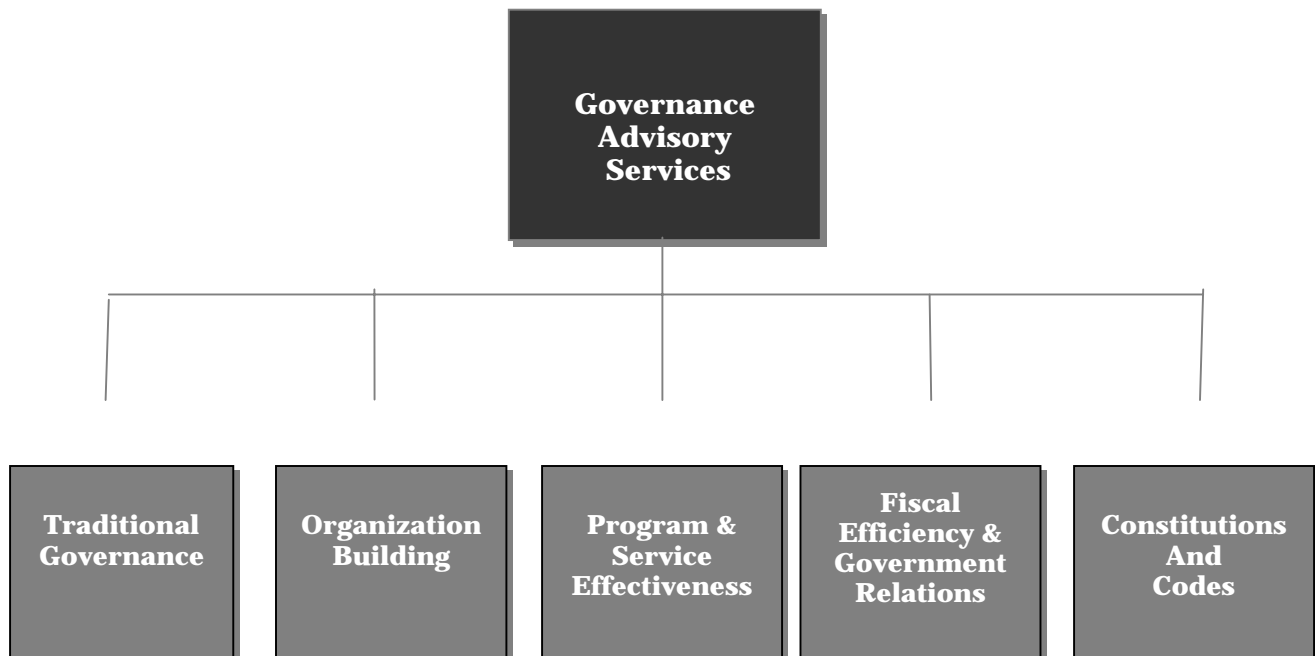


Chart II: Governance Advisory Services, First Nations Governance Centre

Traditional Governance

The Centre will work with First Nations to ensure that the traditional dimensions of First Nations' experience form the basis of principles and values to guide contemporary systems of governance.

Organization Building

The First Nations Governance Centre will support First Nations in the design and creation of organizations that provide resources, services and information to help in the delivery of efficient government services for our citizens.

Building Organizations, at both the regional and community levels, is a critical part of developing First Nations governance in practice.

For example, the centre has a unique opportunity to work with First Nations to undertake research and establish initiatives that introduce First Nations principals of governance and management into the health care domain. Given the costs of governing and managing the existing health care system, First Nations, with the support of the Centre, could blaze a new trail in this regard rather than copy a system that is known to lead to problems.

Program and Service Effectiveness

The Centre will work closely with First Nations governments to ensure that the services provided fit the needs of our citizens, residents, businesses and other organizations in First Nations communities.

Fiscal Efficiency and Government Relations

The Centre will work with First Nations to help improve our fiscal management and efficiency. The Centre will also help develop stable political, financial and economic government-to-government relations as a means to ensure that our interests are protected, appropriately communicated and dealt with effectively.

Constitutions and Codes

As we become more self-governing, we will be involved in developing our own nation based constitutions that define how we see ourselves as a nation and how we define the laws and policies that bring expression to our governance institutions and practices. The Centre will work to assist First Nations in creating community based constitutions and codes.

2. Professional Development Services

The Centre's *Professional Development Services* will be aimed at enhancing the administrative and political skills of First Nations people who are already working or seek to work in, or with, First Nations governments (Chart III below). It will also ensure that it is undertaken in a manner that ensures that the delivery of professional development services is culturally relevant and opportunities for professional accreditation exist.

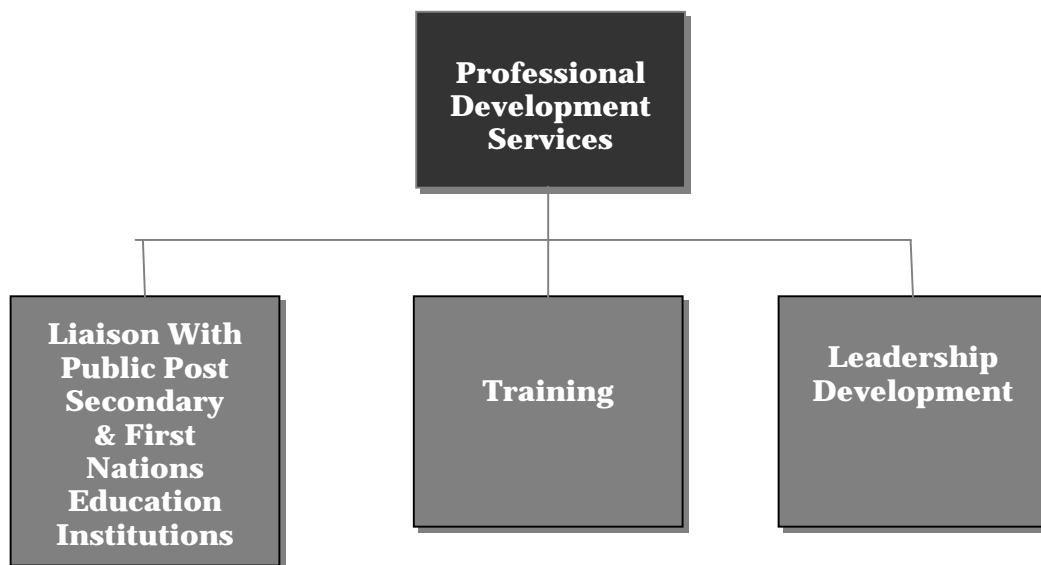


Chart III: Professional Development Services, First Nations Governance Centre

Liaison With Public Post Secondary Education Institutions

The Centre's Professional Development services will be designed to encourage and support the efforts of both public and First Nations educational institutions across Canada, as these institutions seek to provide relevant and culturally sensitive programs for present and future First Nations government leaders and administrators.

Training

One of the key aims of the Centre's professional development services will be to establish a stable and effective First Nations public service. To this end, the Centre will engage in an active program of training and development in: community organizing skills, strategic planning, human resources development, financial administration and board development. It will also seek to develop programs that can be used by other institutions and delivery agents across Canada.

Leadership Development

Leadership is a key component of First Nations governance. The Centre will develop and deliver a series of leadership development initiatives designed for elected and traditional leaders as well as for senior First Nations administrative personnel.

3. Land, Law and Governance Research

The *Land, Law and Governance Research* function of the First Nations Governance Centre will be dedicated to the development and distribution of high quality research (Chart IV below).

The relationships with land, as caretakers, are the centre of First Nations legal relationships and governance structures. Research that creates the opportunity for First Nations to articulate traditional legal systems will be provided.

The centre will also undertake and review relevant research from communities that presently demonstrate effective governance to better understand the factors that promote healthy First Nation governments. We will consider research that indicates a positive connection between communities that promote cultural development and language and the relationship such efforts have to good governance.

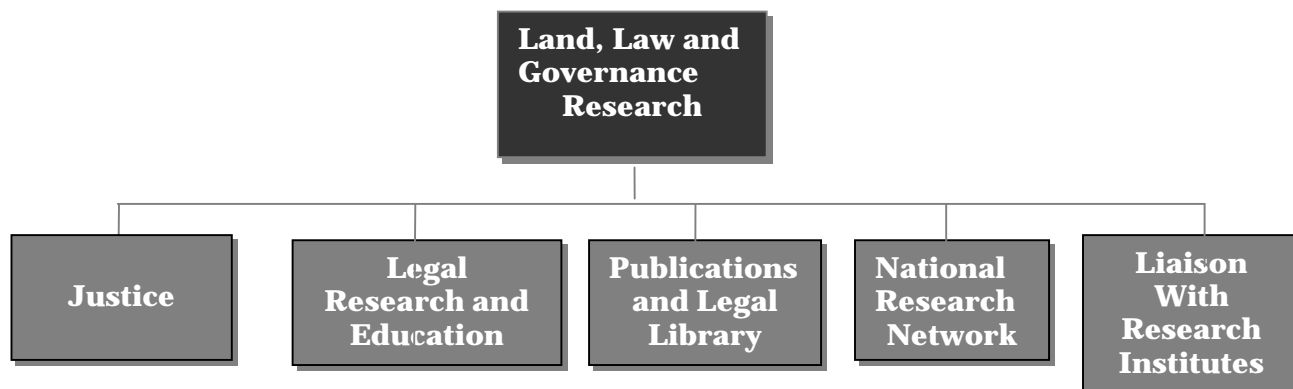


Chart IV: Land, Law and Governance Research, First Nations Governance Centre

Justice

Bringing forward the laws of First Nations – those handed down from previous generations are an important component of Governance. Protecting rights, establishing respectful relationships – including balanced gender relationships, enforcing laws, appealing decisions, resolving disputes, the proper care and use of the land both within First Nations, between First Nations governments and with other governments in Canada, is a critical tool for orderly and good governance. The Centre will provide First Nations with access to information and advice about a variety of approaches to developing or instituting our own systems of Justice.

Legal Research and Education

The Centre will actively undertake legal research and education. In addition to monitoring and analyzing important judicial rulings, it will focus on our needs as First Nations to develop laws to guide our governments. It will pay close attention to relevant constitutional issues, law making authority and the process of law making.

Lawyers, judges and other First Nations professionals and leaders need to know more about Aboriginal rights and title law and its application in the Canadian legal system. The Centre will provide educational and professional development services to meet this need. It will also work with universities and various legal associations and societies to increase the relevance and quality of related opportunities in law schools.

Publications and Legal Library

The Centre will produce and publish reports on topics such as governance institution-building, the nature of First Nations constitutions and enhancing the role of First Nations traditions in governance, laws and institutions. This service will be a key aspect of the Centre's operations. The Centre will engage in an active function of publication and distribution. It will produce a periodical report on First Nations governance.

As First Nations we require a place where we can go for access to legal information. The Centre will organize a legal library for this and other relevant purposes.

National Research Network

The Centre will develop a national electronic network of research and researchers that will be a shared resource for us as we become more self-governing. This network will be electronic and physically based at the Centre.

Liaison with Research Institutes

There are a number of key national and international institutions, engaged in high quality research regarding Indigenous development and governance. The Centre will maintain liaison and regular communications with these established institutions. Where appropriate and feasible, it will engage in joint research and other projects with these institutions.

In Canada there are institutions with developed programs in public policy, governance, and intergovernmental relations.

In the United States, prominent research capacities relevant to First Nations include the Harvard Project on American Indian Economic Development and the Native Nations Institute for Leadership Management and Policy at the University of Arizona.

In New Zealand, the Institute of Policy Studies and the Treaty of Waitangi Research Unit at Victoria University of Wellington are doing significant relevant research in the areas of governance.

The North Australia Research Unit and the Institute for Indigenous Australia of the Australian National University have much to offer for the Canadian experience.

4. Public Education and Communications

Public Education and Communications is of crucial importance in the further development of our governance in Canada. Knowledge of First Nations' history and realities is often ill informed, resulting in misunderstanding and conflict. The First Nations Governance Centre will mount an active and innovative program of public education (Chart VI below).

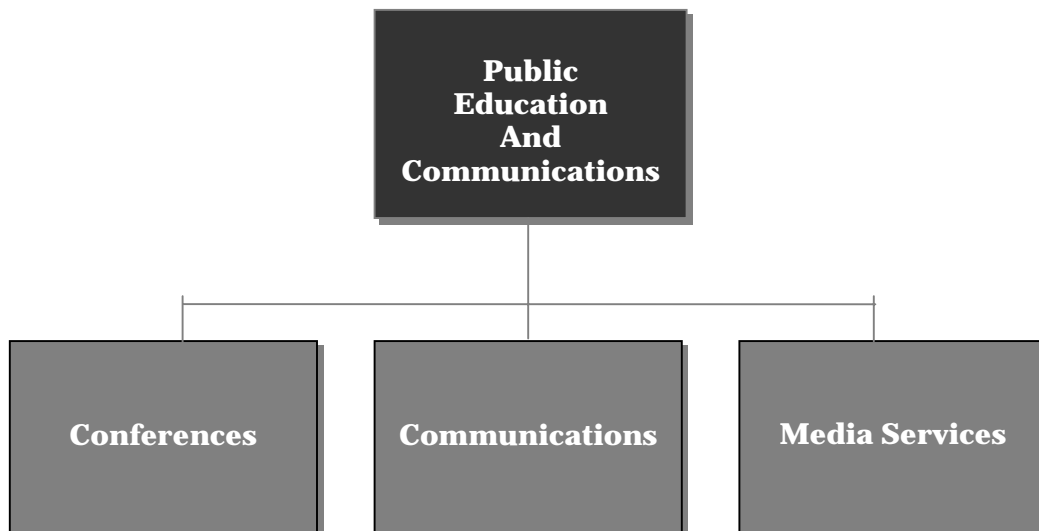


Chart VI: Public Education and Communications, First Nations Governance Centre

Conferences

The Centre will sponsor and co-sponsor conferences and forums on important issues. These conferences will not be presented to make money for the Centre. Rather, they will be made available to provide large audiences, in a variety of venues across Canada, with access to open discussion and high-quality resource people.

Communications

The Centre will produce and distribute public information regarding First Nations governance in easily accessible formats and language to First Nations and the general public. The communications initiative will encourage more understanding regarding the role and place of First Nations governance in Canada.

Media Services

The Centre will also provide media services that focus on audio-visual presentations about the challenges and accomplishments of specific First Nations and the dynamics of selected governance issues.

The Centre for First Nations Governance will be service-oriented. It will be a tool for First Nations that desire those services. This service emphasis will drive the Centre and characterize its approach to productivity and effectiveness.

INVOLVING A WIDER PUBLIC

As the Centre develops its services, several advisory and discussion processes will be employed (see Chart VII). An Advisory Council was appointed in March 2004. Shortly thereafter, an Elders Advisory Council was established. Advisory council meetings have been held in Vancouver, Ottawa and in Winnipeg. These council meetings have helped guide the work of the Council Chairperson, Satsan (Herb George). A report with recommendations about the establishment of the Centre will be submitted to the Minister of Indian Affairs and Northern Development in July 2004.

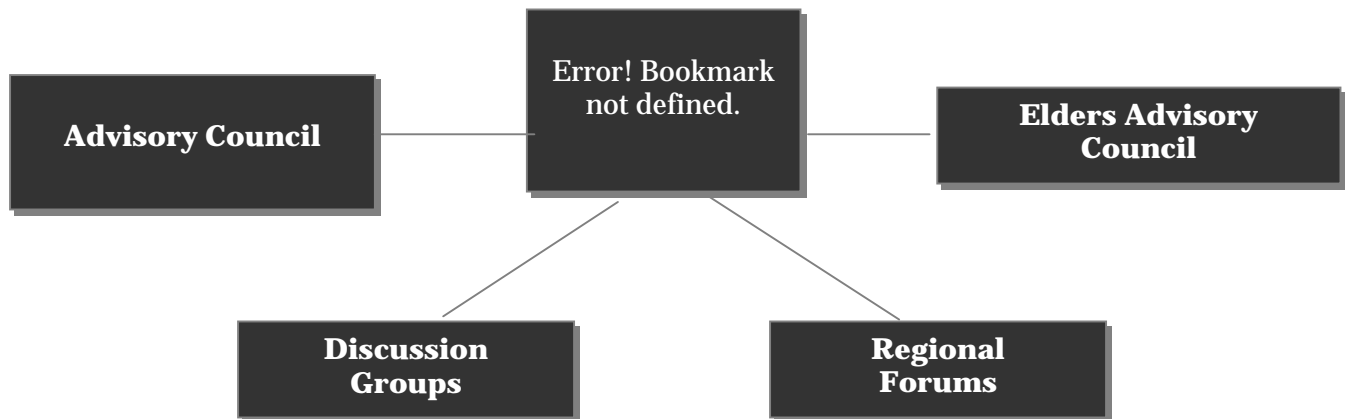


Chart VII: Advisory and Consultative Processes, First Nations Governance Centre

Discussion groups involving leaders from the First Nations and non-First Nations communities have also been sponsored. Regional Forums involving a wide group of people and have been taking place in regions across Canada. At least one think-tank, involving key people in the area of governance, was held in March 2004.

The participants at these meetings are asked to pool their collective wisdom to help give substance and shape to the design of the services of the Centre.

These developmental activities will start in the latter stages of 2003-2004 and continue and intensify in 2004-2005.

CONCLUSION

In the *Highlights from the Report of the Royal Commission on Aboriginal Peoples*, the RCAP asserted that:

“Canada is a test case for a great notion—the notion that dissimilar peoples can share lands, resources, power and income while respecting and sustaining their differences.”

To guide the unfolding of this notion, the Commission proposed four principles for a renewed relationship: *recognition, respect, sharing and responsibility*.

The First Nations Governance Centre will base its work on these four principles. As it does so, it will rely upon the assumption and the aspiration that First Nations governance, properly pursued and empowered, can and should become the focal point for a new understanding of Canada now and into the future.

This is a vision of what the First Nations Governance Centre can be. To give full effect to the Centre, it will be important for us as First Nations to express our views about the future and the priorities of such a Centre. First Nations governance belongs to First Nations. This Centre will accomplish its purposes only if it belongs to First Nations.