

The Story of First Nations Governance in BC

The history of First Nations governance in British Columbia has followed a unique path, similar to, but different from other Indigenous peoples in Canada. These resources are built on understanding three main chapters in the story:

1. *Traditional Governance.* Over millennia, BC First Nations developed very diverse laws and governance systems under which they lived together as distinct societies in their traditional territories. First Nations interacted with each other on a nation-to-nation basis, and negotiated agreements with each other.
2. *Colonialism.* A monolithic system of governance was imposed on First Nations which sought to remove people from their lands, assimilate them, destroy their cultures, and remove self-government. Indigenous Rights and Title were denied and in most of British Columbia no treaties were made.
3. *Rebuilding and Strengthening Governance.* Despite multiple attacks on laws and governance systems, First Nations today are engaged in diverse ways of rebuilding and strengthening their systems of self-government in contemporary society. Some are seeking redress of past injustices through the BC Treaty Process while others are following different paths.

Key Concepts

These resources are based on a set of key concepts that are summarized below:

What is Governance?

- Governance is the way groups of people organize themselves to make decisions.
- Governance depends on the membership; who are the citizens and how are they engaged in the governance process?
- Governance is based on a body of laws, values and acceptable behaviours by members of a society.
- Governance and identity - Values inherent in a government contribute to the identity of the citizens.
- Governance includes key features such as:
 - authority - who has a voice, who makes the decisions?
 - decision-making - how are the decisions made?
 - accountability - who is responsible for the consequences of decisions?
 - jurisdiction - what areas of life are governed?

First Nations Traditional Governance

- First Nations occupied their own territories in North America and lived in diverse self-governing and autonomous societies prior to the arrival of Europeans.
- First Nations were sovereign Nations with legal, political, economic and social systems, and a spiritual way of life prior to European contact.
- First Nations relationships with the land influenced how they governed themselves.

BC FIRST NATIONS LAND, TITLE, AND GOVERNANCE: INTRODUCTION

Indigenous Law

- Indigenous societies, like all societies, have had legal traditions since time immemorial. The foundations and the structures of these systems are as diverse as the Peoples themselves.
- Indigenous systems of law are rooted in a peoples' relationship with the land. Out of this relationship grow standards of behaviour for relating to the land and the natural world around them, as well as to each other.
- The worldviews of many First Peoples includes the belief that they were placed on the Earth to take care of the land and its resources. This responsibility to the land forms the basis of much Indigenous legal practice.
- The unwritten laws and legal traditions of Indigenous peoples have traditionally been passed down orally. They are embedded in significant protocols, in narratives and in diverse other cultural practices and customs.
- While colonization in many cases forced Indigenous law underground, today many First Nations are reviewing and renewing the strength of their traditional laws, and applying them to meet contemporary needs.

Imposed Governance

- In an attempt to solidify control of lands, the Canadian Government imposed new forms of governance on First Nations
- First Nations and colonial systems of governance were very different.
- First Nations traditional beliefs value sharing and stewardship of the land and resources, while Europeans valued ownership of the land.
- Colonization through laws and policies such as the Indian Act forced First Nations onto small areas of land (a fraction of the size of their traditional territories) and imposed a colonial (or western) form of government to displace their traditional governments
- First Nations connections with their traditional territories were destroyed or diminished due to colonial and Canadian policies.

Contemporary First Nations Governance Structures

- Traditional governance systems are still in place, though are now adapted to contemporary forms.
- Many First Nations in BC still operate through the elected Indian Act Band Council governance structure, with some adaptations (e.g. custom elections)
- Self-governance can take many forms.
- Some BC First Nations govern themselves by Self-Government Agreements or treaty-based governments.
- Some First Nations have settled, or are in the process of settling comprehensive land claims through treaty negotiations.
- Tribal Councils and provincial and national First Nations organizations provide additional levels of support and advocacy.