

# First Nations Governance Profile

**First Nation:** (There may be many spellings of the First Nation. It is respectful to use the preferred name as identified by the First Nation.)

**Community Name** (Some communities have the proper name in the local language and also have an English name.)

**Acknowledgement**

**Location**

**Nation or Tribal Council affiliation**

**First Nations Language or Languages spoken**

**Words About Governance in the First Nations language**

land or territories:

laws:

oral histories:

chief and other leadership titles:

**Traditional Government**

Names of people who hold positions of Chiefs, Matriarchs and other leaders

**Current Form of Government**

Is the local government a Band Council, a Treaty or Self-governing body, or another form of government?

Names of elected leaders and council members.

## Blackline Master 2

# Who Decides?

Who makes decisions in your life?

Write your ideas beside each decision.

Then think of two more decisions your family makes.

Decision	Adults	Kids
When to go to bed		
What to wear to school		
What to watch on TV		
What to eat for lunch		

## Leaders

Here are some different types of leaders.  
What group do these leaders make decisions for?

Band Council Chief

Brownie Leader

Coach

Hereditary Chief

Mayor

Premier

Prime Minister

School Principal

Ship Captain

Teacher

Team Captain

## Leaders

Here are some different types of leaders.  
What group do these leaders make decisions for?

### **Band Council Chief**

First Nations community; local Band or Community

### **Brownie Leader**

Brownies in the Brownie pack

### **Coach**

A sports team

### **Hereditary Chief**

A First Nations family, clan or community

### **Mayor**

A town or city

### **Premier**

A province such as British Columbia

### **Prime Minister**

Some countries such as Canada and Australia.

### **School Principal**

The teachers, staff and students in the school

### **Ship Captain**

All the people who work on a ship

### **Teacher**

Students

### **Team Captain**

Sports team

# What is a Government?

Have you heard of the word GOVERNMENT?

What is a government? Use these questions to help you find out.

What is an example of a government?

What kind of work does this government do?

Where does this government do its work?

Finish the sentence frames

A government makes \_\_\_\_\_

\_\_\_\_\_

A government is not \_\_\_\_\_

\_\_\_\_\_

A government is \_\_\_\_\_

\_\_\_\_\_

On the back of this page, draw a picture to show something about what a government does.

# Government Word Sort

vote	hospital	leader
laws	citizen	roads
decide	land	council

## First Nations Community Pocket Chart Labels

Use these labels for pocket chart discussions

**Traditional Territory**

**Community Location**

**Community Names**

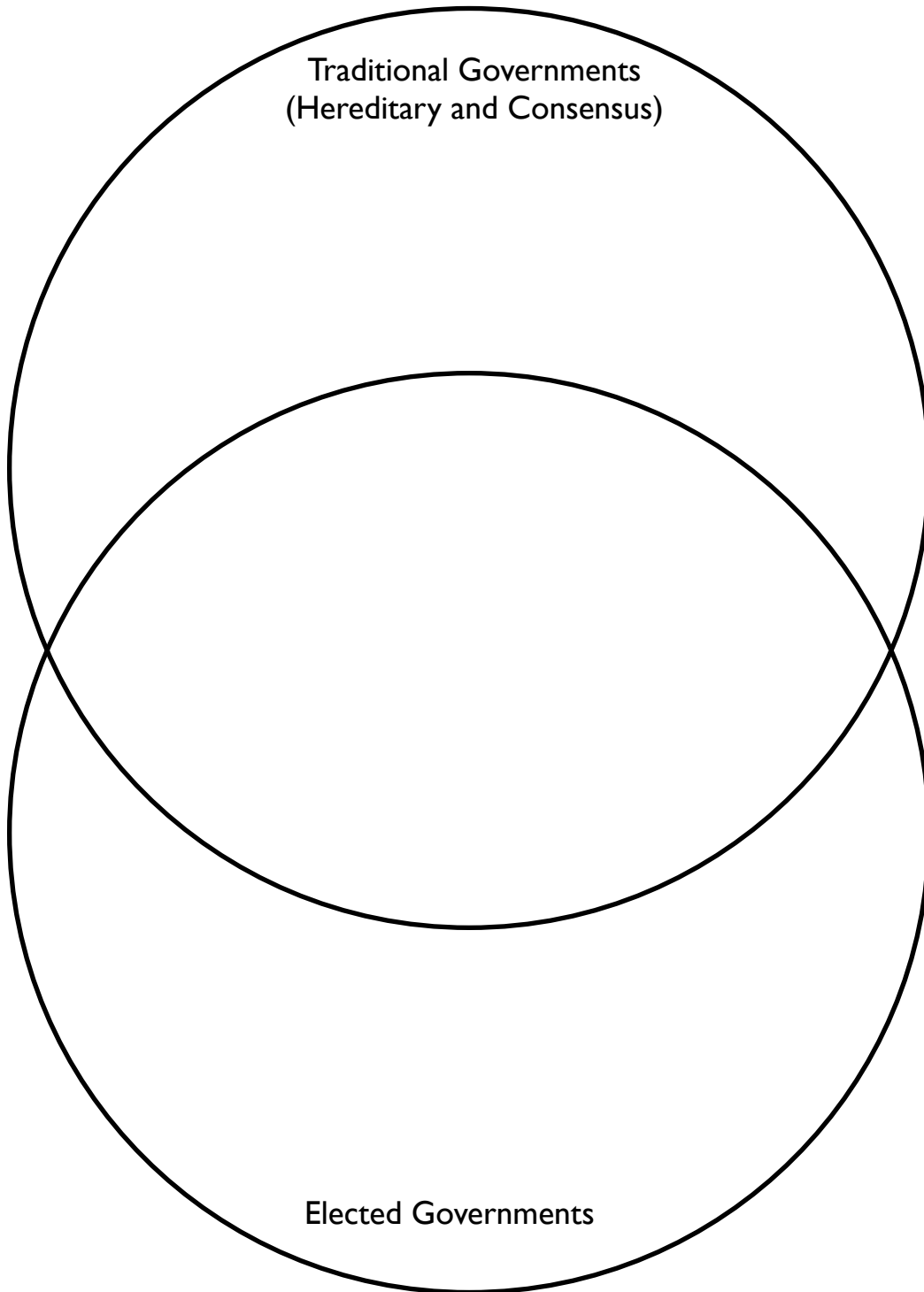
**First Nations Name**

**Nation**

**First Nations Language**

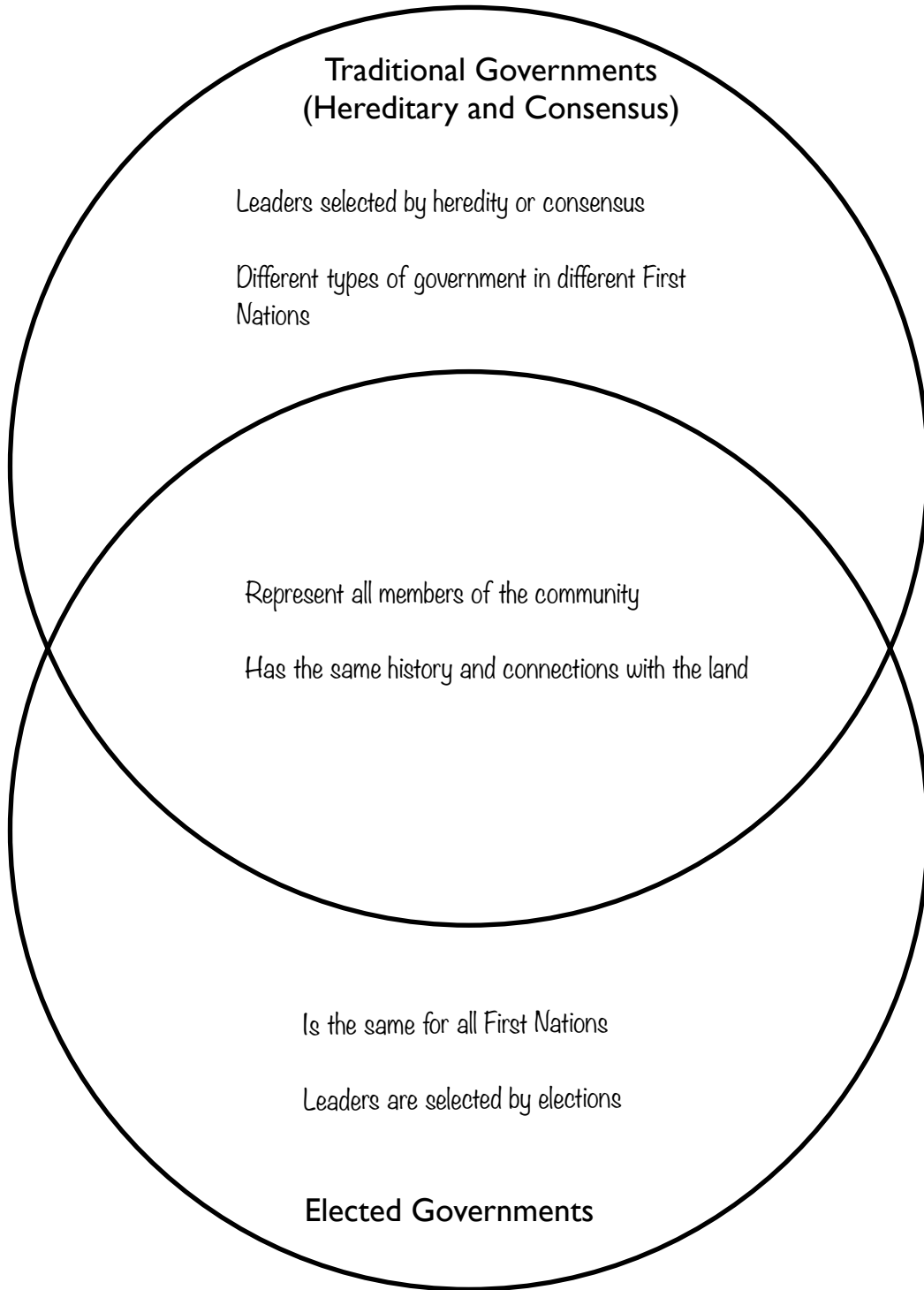
## Two Forms of First Nations Government

Think about the two types of First Nations governments.  
How are they the same and how are they different?  
Record your ideas in the circles.

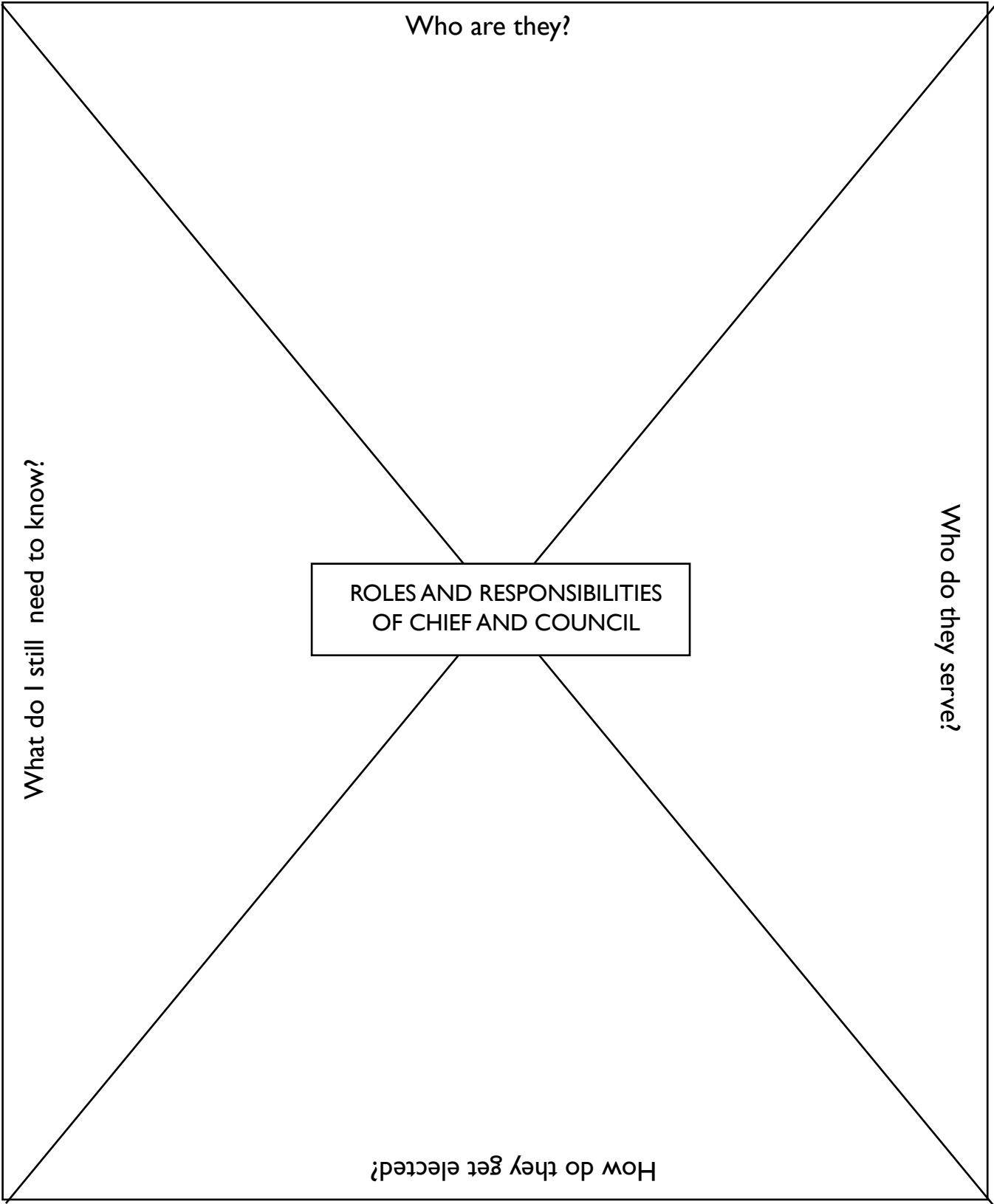


## Two Forms of Government

Think about the two types of First Nations governments.  
How are they the same and how are they different?  
Record your ideas in the circles.



# Band Council Placemat Activity



## The Land is Important Because...

Think about why the land is important.  
Finish these sentences.

The Land is important because it gives us .....

The Land is important because it helps us to .....

The Land is important because it makes me feel.....

The Land is important because it connects me with ....

The Land is important because it protects .....

## First Nations Laws and the Land

First Nations had governments in the past.  
They have governments today.  
First Nations have always had governments.

They follow traditional laws.  
The laws were followed in the past.  
They are still followed today.  
The laws are unwritten.  
They are passed down orally.

The laws tell how to take care of the land.  
They tell how to treat animals.  
They tell how to treat each other.

Here are some laws about the land:

- Thank the plants and animals when you take them.
- Only take what you need.
- Share your food with others.
- Only take food from your own land.

## Traditional Governments

First Nations people have always governed themselves. Each First Nation has its own way of organizing.

Leaders are often called Chiefs in English. There are special words for leaders in every First Nations language. What is the name for “Chief” or “leader” where you live?

How are leaders picked?

Sometimes the new Chief is born into the role. This is called a **hereditary** leader. Some First Nations follow the mother’s side of the family. Other First Nations follow the father’s side of the family.

Sometimes everyone in the community picks the new Chief. They all agree on who is best to be the leader. This is called **consensus**.

Chiefs have people who help them make decisions. These people make a council. The council has Elders, family leaders, and Clan leaders.

Often First Nations had feasts and potlatches. They were very important for First Nations government. Everyone could see, hear and remember the business that took place in the feast hall.

## Elected Governments

About 150 years ago Canada made a new law. It was only for First Nations people. It was called the Indian Act.

First Nations people were treated differently than other people under the Indian Act. Feasts and potlatches were against the law.

First Nations people were forced to have a new kind of government. It was called the Band Council.

Band Council leaders are picked in a new way. They are not born into the job. They are not picked by consensus.

Now the leaders are elected. People vote for the leader they want. The one with the most votes wins.

The Chief Councillor is the leader of the Band Council. Other people are elected to be councillors.

Many First Nations still have a Band Council. But some First Nations have a newer kind of government. Some First Nations have signed a treaty.

This takes them out of the Indian Act. First Nations with a treaty have control of their own lands and people.

The leaders under a treaty government are usually elected.

## First Nations Governments

Today many First Nations have more than one system of government. There are traditional governments and there are elected governments. They are two different ways of looking after the community.

### **Traditional Governments**

Traditional governments are the governments of First Nations' ancestors. These governments took care of First Nations people for thousands of years.

The traditional leaders are often called Chiefs in English. Each community has a name for leaders in their own language.

In some First Nations leaders are hereditary. That means a new Chief is related to the old Chief's family. In the past, chiefs were often men.

Some First Nations hereditary systems follow the mother's side of the family. This is called matrilineal.

Other First Nations follow the father's side of the family. This is called patrilineal.

Some First Nations have other ways of choosing their traditional leaders. In these First Nations the people pick their leaders. They all agree on who is best to be the leader. This is called consensus.

Some traditional governments have councils who help make decisions. The council is made up of leaders and Elders from families and Clans in the community.

Important acts of First Nations government take place at public ceremonies where guests witness and approve the business that takes place. These are sometimes called feasts or potlatches. However, every First Nation has words in its language for these public ceremonies.

### **Elected Government**

Elected First Nations governments started after Canada became a country. The Indian Act forced First Nations to make a new type of government. All First Nations had to have the same form of government, called a Band Council. Today many First Nations still operate under Band Councils.

Band members vote on who will be their Chief and Council. The Chief Councillor is the leader of the Band Council. Chief and Council make decisions for the community.

Some First Nations have a newer kind of government. These are Nations who have signed a treaty or a self-government agreement with Canada and British Columbia governments.

In treaty governments, the leaders are elected.

### **Working Together**

The traditional leaders and the elected leaders often work together to govern their community. Together they look after the people. They look after the land in their traditional territory.

They keep their cultures and languages alive. They bring jobs to the community. They fix the roads. They look after the water that people drink.

They make sure their people stay healthy.

# Contemporary Forms of First Nations Government

Explain these forms of governance in a First Nations community.  
Find examples of communities where these forms operate.

1. Traditional Systems: Consensus-based or Hereditary

2. Band Councils

3. Self-Government Agreements

4. Treaty-Based Governments

5. Tribal Councils or Other Regional Governments

# Blackline Master 14 SAMPLE RESPONSES

## Contemporary Forms of First Nations Government

Explain the differences between these forms of governance in a First Nations community. Find examples of communities where these forms operate.

### 1. Ancestral Systems: Consensual or Hereditary

*Consensual: The family, Clan or community agrees on the best person for the jobs of different types of leaders*

*Hereditary: The leadership is inherited from the mother's or father's side of the family.*

*e.g. most coastal First Nations are hereditary.*

*Secwepemc is mostly by consensus, but sometimes hereditary played a role in the selection of leaders.*

### 2. Band Councils

*Form of local government for First Nations under the Indian Act*

*Most BC First Nations have Band Councils*

### 3. Self-Government Agreements

*Negotiated agreements between a First Nations and federal and provincial governments that define powers and responsibilities for self-government. This includes treaties and other agreements.*

*In BC, Sechelt and Westbank First Nations have Self-Government Agreements that are not treaties.*

### 4. Treaty-Based Governments

*In BC the First Nations that have treaty governments are the Nisga'a (2000), Tsawwassen (2009), Maa-nulth (2011) and Tla'amin (2016). The Yale First Nations Final Agreement has been signed but has not been put into effect as of July 2019. [Note: these are dates when the treaties became effective, not signed.]*

### 5. Tribal Councils or Other Regional Governments

*Tribal Councils are formed of related First Nations who work together to govern their nation as a whole.*

*For example, the Council of the Haida Nation and the Carrier Sekani Tribal Council. There are other organizations at the provincial level that support all First Nations in BC, such as the First Nations Summit and the Union of BC Indian Chiefs.*

# Traditional Government Sentences

Chief	family	land
Hereditary	Elder	share
consensus	oral tradition	Matriarch

Blackline Master 16  
**Land and Culture**

What I was told from an Elder at one time,  
First there needs to be land.  
When there is land it allows people to be there.  
When there is land and people then it becomes a culture;  
A culture forms out of that.  
When you have land, people and culture,  
You'll need a way of governing yourself.

Source: Ray Warden, Ktunaxa Nation  
Ktunaxa Nation: Building From Their Vision.  
Centre for First Nations Governance 2012.

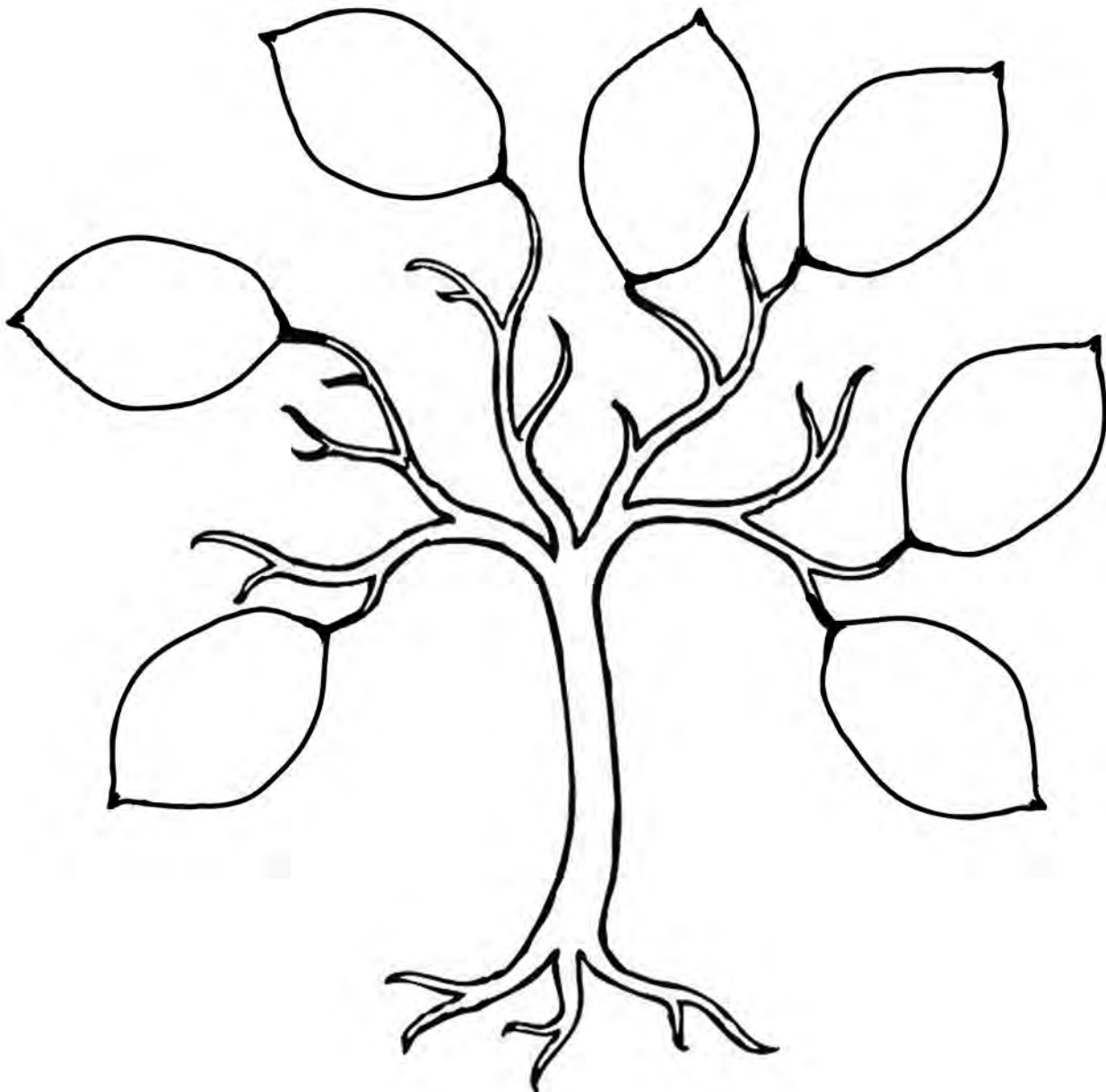
## Culture Tree

What makes a culture? Create a culture tree. Put the name of the culture on the trunk of the tree.

Put words or pictures that show different features of the culture in the leaves.

Add more leaves if you need to.

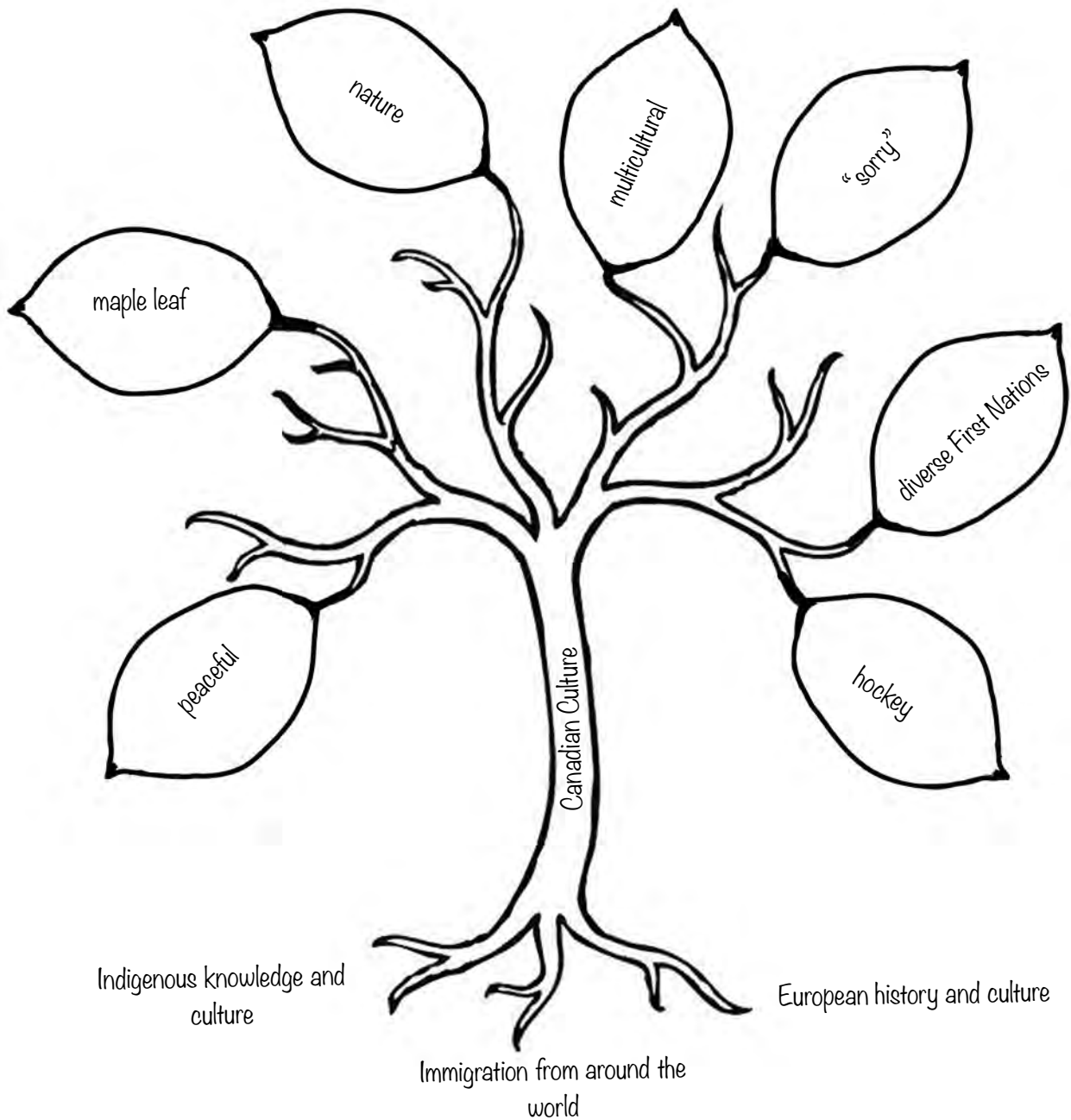
Put words that show where the culture comes from around the roots.



# Blackline Master 17: SAMPLE RESPONSES

## Culture Tree

What makes a culture? Create a culture tree. Put the name of the culture on the trunk of the tree.  
Put words or pictures that show different features of the culture in the leaves.  
Add more leaves if you need to.  
Put words that show where the culture comes from around the roots.



# Blackline Master 18

## Stewardship Acrostic

Find words, phrases or sentences that start with each letter and tell something about stewardship.

S

T

E

W

A

R

D

S

H

I

P

## Stewardship Acrostic

Find words, phrases or sentences that start with each letter and tell something about stewardship.

Sharing the land

Territories

Elders give advice about how to care for the land

Water

Action

Responsibility to care for the land

Diversity of nature must be sustained

Seven generations

Healthy and sustainable environment

I play a role in stewardship

Plants and animals are gifts to take care of

## Families, Clans and the Land

There are many different First Nations in British Columbia, so there are many different perspectives on land use and stewardship. But they all share one big idea: The land belongs to a group of people, not to an individual.

### **Families**

First Nations cultures are built on the family. They included many generations: parents and children, aunts and uncles, grandparents and great grandparents. In the past the family always stayed together. They lived together and they worked together. They moved from place to place to harvest, hunt and fish. They followed the patterns of the seasons.

Each family had its own land to get the food and resources it needed. Families depended on their lands to survive. They were stewards of their own lands, so they followed laws to take care of their land.

### **House Groups**

A House Group is like a very large family. In some First Nations the House Group is the main way people organize themselves. In winter they often lived together in one house. That is why large families are called House Groups in some First Nations.

### **Clans**

Some First Nations have a Clan system. Clans are like big extended families. All the people in a clan are related. Each Nation that has Clans has a special word in its language for Clan.

In some First Nations a Clan is related on the mother's side of the family. This is called Matrilineal.

Some Clans are related on the father's side of the family. This is called Patrilineal.

Clans take their name from nature. Most Clans are named for animals, like Raven, Bear or Wolf. A few are named for plants like Fireweed or names from the sky, like Sun.

## Families, Clans and the Land

In some First Nations, the Clans have their own territories. It is the Clans who are stewards of the land.

Remember that there are many First Nations in BC. Some of them have Clans, and some do not. Are there Clans where you live?

### **Community Stewardship**

In some First Nations, the territories were not divided by family, House Group or Clan stewardship. For some, all the families or groups in the community shared everything in their territories. Everyone shared in the responsibility of caring for the land.

### Types of Land Use

Here are some types of sites that could be taken care of by different groups:

- Fishing sites
- Berry picking sites
- Plant harvesting sites
- Hunting grounds
- Traplines

From a First Nations perspective, land ownership comes with a responsibility. The group that harvests the resources from the land must take care of the land.

The group that owns the territories are the stewards of the land. This responsibility makes sure the resources will last for future generations.

## Language, Story and the Land

Every First Nation has stories that connect their people with the land. Sometimes the stories are held by an extended family. Sometimes the stories are held by a Clan. Sometimes the stories are held by the whole village. Usually, only the group who has rights to the stories can tell them.

These are origin stories that go back to the beginning of time. Often they tell about how animals or other beings helped humans find their place on the land.

The stories are part of the oral tradition that passed on First Nations history for thousands of years. The stories confirm a Nation's ownership of its territories.

In the past, each First Nations told its own stories in its own language. The language is important because it has own way of putting ideas into words.

These important stories are passed on in many ways. They may be told to children by an Elder. They are often presented at public ceremonies. Performers from the family or clan present the story in song and dance.

Families or clans have special crests that are connected with their stories. Only the family or clan members are allowed to display the crests. The crests can be worn on special regalia used for dancing. They can be shown on special masks that show creatures from the story.

## Ancestral Laws and Governance

For First Nations people in the past, governance was a part of everyday life. It connected with family life, with cultural, spiritual and economic life.

The laws and protocols that governed people were not written down. They were taught and passed on through everyday practice and the oral tradition.

In the past, First Nations laws fit into daily life in three main ways:

- Laws for the Land and Resources
- Laws for people in communities getting along together
- Laws for dealing with other First Nations

### **Laws for the Land and Resources**

First Nations laws and protocols make sure people respect the resources when they harvest them.

- Thank the plants and animals when you take them for food or other uses. People may give gifts to the land, such as tobacco or a piece of food. People also may give blessings or say words of thanks before harvesting.
- Follow special protocols and practices. Most First Nations have their own ceremonies when they harvest different resources. Many people hold a First Salmon ceremony to honour the first salmon of the season. Others have First Plant ceremonies
- Be trained before you harvest resources. People should understand the most respectful ways to hunt, fish and harvest plants.
- Only take what you need. This law makes sure there is enough food for the future. It makes sure people use the land and resources sustainably.
- Only take food from your own territories. People are stewards of their own territories. They are responsible for looking after their lands. Sometimes people share their territories if they have plenty of resources.

### **Laws for Living Together**

First Nations laws help people live together in communities. They can solve conflicts between people. They make sure the community works together.

- Community Consensus. Often in the past, important decisions were made by the whole community. Everyone got together to discuss the problem. They talked about it and came to a decision by consensus. Sometimes if it was a family problem, the whole family would make a decision.
- Responsibilities to the family, clan and community. Each person has a role they are expected to play to help make the community work.

## Ancestral Laws and Governance

- Elders have a special role in the family and community. Elders give advice when families or communities make decisions.
- Leaders and authority. Each First Nations has its own laws about who will be their leaders. The laws confirm who has authority over different areas of daily life.

### **Laws for Dealing With Other First Nations**

In the past First Nations respected each other's territories.

They recognized that other Nations had their own laws and their own territories. They recognized each other's independence.

People usually did not enter another Nation's territories without permission. Usually there were ceremonies held or gifts were given.

Like any society of people, the laws did not always work.

Some people did things that were against the laws of their family or community. Sometimes Elders would talk with them and give them advice. Sometimes if their actions were very serious, a person could be banished from the village.

Sometimes in the past conflict broke out between two First Nations. They could be at war with each other. Often after a period of war, the Nations made peace and created a Peace Treaty.

## The Indian Act and the Indian Agent

The Indian Act is a group of laws that only apply to First Nations people in Canada. The Indian Act was written by the Government of Canada. First Nations did not take part in making the laws. The Indian Act became law in 1876.

The Indian Act controlled every part of life for First Nations. It told them where to live. It told them what kind of government to have. It told them where to go to school. It decided who could be an “Indian” and who could not be an “Indian.”

The Indian Act took away many things from First Nations people. They were not allowed to buy or sell land. They were forbidden to hold potlatches. They were forbidden to dance and wear masks in traditional ceremonies. Sometimes they were even forbidden to leave their community.

One thing the Indian Act does not do: it does not talk about Indigenous Rights and Title. It does nothing to settle land claims in British Columbia.

When it became law many people were hired to make sure the Indian Act was followed. The Canadian Government created the Department of Indian Affairs. It divided the province into regions called Agencies.

Each Agency had a man who was responsible for the First Nations who lived there. He was called the Indian Agent. He held a great deal of power over the lives of people in his Agency. He had to approve every decision the First Nations government made.

The Indian Act has been changed over the years. Some of the laws like the one banning the potlatch are gone. But the Indian Act is still in effect today.

The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change.

– John A Macdonald, 1887

# Indian Act Word Sorter

These are all words and phrases that relate to the Indian Act and its impact on First Nations. Cut out the words and phrases and sort them in a way that makes sense to you. Explain your sorting to a partner. Are there other ways you can sort them?

Indigenous Rights and Title	loss
Potlatch banned	government
Indian Agent	Band Council
power	money
laws	land
Indian Residential School	identity
assimilation	illegal

# Band Council Powers, 1886

Band Councils had very limited powers under the Indian Act. Below, on the left, are the specific areas of jurisdiction granted Band Councils in early versions of the Indian Act. In the right-hand column, paraphrase the Indian Act legal text.

Indian Act	Paraphrase
The care of the public health	
The observance of order and decorum at assemblies of the Indians in general council, or on other occasions;	
The repression of intemperance and profligacy	
The prevention of trespass by cattle	
The maintenance of roads, bridges, ditches and fences	
The construction and repair of school houses, council houses and other Indian public buildings	
The establishment of pounds and the appointment of pound-keepers	
The locating of the land in their reserves, and the establishment of a register of such locations	

## Blackline Master 24 SAMPLE RESPONSES

# Band Council Powers, 1886

Band Councils had very limited powers under the Indian Act. Below, on the left, are the specific areas of jurisdiction granted Band Councils in early versions of the Indian Act. In the right-hand column, paraphrase the Indian Act legal text.

Indian Act	Paraphrase
The care of the public health	Making rules to make sure people stay healthy
The observance of order and decorum at assemblies of the Indians in general council, or on other occasions	Policing community members at gatherings
The repression of intemperance and profligacy	Controlling drinking and wasteful or immoral behaviour
The prevention of trespass by cattle	Keeping cattle from going off reserve onto settler's land
The maintenance of roads, bridges, ditches and fences	Public works: roads, bridges and fences
The construction and repair of school houses, council houses and other Indian public buildings	Public works: public buildings
The establishment of pounds and the appointment of pound-keepers	Controlling dogs
The locating of the land in their reserves, and the establishment of a register of such locations	Make rules controlling lots on the reserve

## Changes to Control of Lands and Resources

Before settlers came to what we now call British Columbia, First Nations governed their own lands. Nations, families, clans and villages looked after their territories for thousands of years.

The forests on the land, the fish in the waters, all the resources were under their control. The value and wealth of the resources belonged to each group.

But that all changed when the newcomers arrived.

### **Fur Trade**

The fur traders were only interested furs. They had the power of money and guns. But they didn't have the power of government.

First Nations were the hunters and trappers. They had the power of controlling the fur supplies. Fur traders depended on First Nations for their business. At first, First Nations and fur traders were equal partners in the fur trade.

### **Colonial Government**

Then Britain turned the land into a colony. British Columbia was governed from Britain. First Nations governments were mostly ignored.

At first it didn't seem so bad when settlers came. Some First Nations would work to money. First Nations still had their territories. They got value from their resources as they had always done. They still followed their traditional forms of governments.

When more colonists came, however, the two governments clashed. They looked at the land differently.

The colonists wanted land, and decided that the land they saw did not belong to anyone. They felt they could take what they wanted. They didn't understand that First Nations had always looked after the land.

The British government ordered that treaties be made with First Nations to gain access to their lands and resources. In BC, Governor Douglas made a few treaties.

Mostly, settlers took the land they wanted. The British government put the settlers before the First Nations. Over time, the control of lands and resources was taken from First Nations.

At the same time, diseases brought by settlers killed many, many First Nations people. Small pox and the flu broke up families, clans and villages. First Nations lost many of their members, including Chiefs Elders and young people.

### **Government of Canada**

In 1867 Canada became a country. In 1871 what is now called British Columbia joined the country. Powers were split between Canada and British Columbia.

Canada took control of the lives of all First Nations. They used a new law called government made the Indian Act. It had many laws that discriminated against First Nations.

First Nations people were pushed off their

## Changes to Control of Lands and Resources

lands. They had to live in small areas called Reserves. Their traditional governments were ignored. Important ceremonies became against the law. The Indian Act told them how to run their government.

Traditional ways were out. The new and unfamiliar “Indian Band” was in.

People did not make decisions by consensus or in the old ways anymore. Instead, they voted and the most votes won. The leaders were now called the “Band Council,” with a Chief and Councillors elected in.

But their votes didn’t count for much. The Indian Agent and the Canadian government made most of the decisions.

### **Government of British Columbia**

When Canada became a country, the provinces took one big power. They took control of the land and its resources.

This led to a problem for First Nations. British Columbia assumed it owned all the land and resources. It didn’t want to give them away.

The provincial government denied that First Nations had any rights. They refused to make treaties with First Nations. They gave up only small pieces of land for Reserves.

The Province sold some of the land to settlers. It kept the rest of the land. It used and made money off the resources. The province took the value of the land away from First Nations and kept it.

### **First Nations Communities**

First Nations communities watched as other people made money from their resources. They saw people cut down the trees from their lands and make a profit. They saw people catch fish from their waters and make a profit. They saw people dig minerals from their mountains and make a profit. First Nations received nothing.

First Nations had many losses: loss of government, loss of land, loss of people through disease, loss of control of their resources.

But one thing they did not lose was their connection to their lands, resources and territories.

For the last 150 years, BC First Nations communities have stood by their Indigenous Rights and Title. They have continued to call for the outstanding Land Question to be settled.

This means that federal and provincial governments need to recognize Indigenous Rights and Title as the inherent right as the First Peoples of the land (a part of reconciliation)

Today, changes are finally happening. First Nations are getting back some control of their lands and resources. Some reconciliation is taking place through treaties. First Nations are increasingly sharing in the value of their land and resources.

## Blackline Master 26

# Geographical Features

What connections can you find between the natural geographical features of your region and the local First Nations society?

1. Landforms

2. Bodies of water

3. Geology (What kinds of rocks and soil are we living on?)

3. Latitude (how far north are we?)

4. Altitude (how high above sea level are we?)

5. Climate

6. Ecosystems

## BC Tribal Councils and First Nations Alliances

Carrier-Chilcotin Tribal Council  
Carrier Sekani Tribal Council  
Coastal First Nations  
Deh Cho First Nations  
Gitxsan; Office of the Hereditary Chiefs of the Gitxsan  
Haida: Council of the Haida Nation  
Kaska Dena Council  
Ktunaxa Nation  
Kwakiutl District Council  
Laich-Kwil-Tach Treaty Society  
Lillooet Tribal Council (a.k.a. St'at'imc Nation)  
Lower St'atl'imx Tribal Council  
Musgamagw Dzawada'enuxw Tribal Council  
Nanwakolas Council  
Naut'sa mawt Tribal Council (Coast Salish - around Georgia Strait)  
Nicola Tribal Association (Nlaka'pamux and Okanagan)  
Nlaka'pamux Nation Tribal Council  
Northern Shuswap Tribal Council  
Nuu-chah-nulth Tribal Council  
Okanagan Nation Alliance  
Shuswap Nation Tribal Council  
Southern Dakelh Nations Alliance  
St'at'imc Chiefs Council  
Stó:lo Nation  
Stó:lo Tribal Council  
Sto:lo Xwexwilmexw Treaty Association  
Tahltan Central Government  
Treaty 8 Tribal Association (Peace Country-Fort Nelson)  
Tsilhqot'in National Government  
Tsimshian First Nations Treaty Society  
Wet'suwet'en: Office of the Wet'suwet'en Society  
Wuikinuxv Kitasoo Nuxalk Tribal Council

## Self-Government Agreements in BC

In BC to date seven comprehensive governance arrangements have been negotiated:

- Sechelt (1986) – negotiated before the federal approach to implementing and negotiating the inherent right had been adopted
- Nisga'a (effective 2000) – negotiated as part of the Nisga'a Treaty with Canada and BC under the federal Comprehensive Claims Policy and Inherent Right of Self-Government Policy
- Westbank (2005) – negotiated bilaterally with Canada under the Inherent Right of Self-Government Policy
- Tsawwassen (effective 2009) – negotiated with Canada and BC as part of a modern treaty through the BC Treaty Process
- Maa-nulth (effective 2011) – negotiated with Canada and BC as part of a modern treaty through the BC Treaty Process
- Yale (signed 2013) – negotiated with Canada and BC as part of a modern treaty through the BC Treaty Process. As of July 2019 it is not yet in effect.
- Tla'amin (effective 2016) – negotiated with Canada and BC as part of a modern treaty through the BC Treaty Process.

This was accurate in 2019. Find out if there are other First Nations to add to the list.

## Powers and Jurisdictions of First Nations Governments

1. Aboriginal Healers and Traditional Medicine
2. Administration of Justice
3. Adoption
4. Agriculture
5. Child and Family
6. Citizenship
7. Education
8. Elections
9. Emergency Preparedness
10. Environment
11. Financial Administration
12. Fish, Fisheries and Fish Habitat
13. Forests
14. Gaming
15. Health
16. Heritage and Culture
17. Intoxicants
18. Labour Relations
19. Land and Marine Use Planning
20. Lands and Land Management
21. Licensing, Regulation and Operation of Businesses
22. Matrimonial Property
23. Minerals and Precious Metals
24. Oil and Gas
25. Public Order, Safety and Security
26. Public Works
27. Social Services
28. Solemnization of Marriages
29. Taxation
30. Traffic and Transportation
31. Water
32. Wildlife
33. Wills and Estates

Source: BC AFN Governance Toolkit.

## Blackline Master 30

# Consensus Activity

In some traditional government systems, consensus was used to make decisions. That means everyone in the group had to agree on the decision.

In a meeting, Chiefs, Elders and other leaders would share their thinking. People didn't vote. They kept talking until the group could come up with a decision that everyone could agree upon.

You are going to try out the consensus model.

Your group is going to sit in a circle and one student will be asked to be the speaker. The speaker shares the decision that needs to be made and starts the conversation. Only one person speaks at a time. Once you have spoken, you cannot speak again until the circle returns to you. This means there are no rebuttals. There is no cross talk. You cannot speak until it is your turn, which means you have to be actively listening.

All thoughts and ideas that shared are to be respected. You do not name someone in the circle. For example, if a person liked an idea that someone shared, they might say, "An idea was shared that I think would help our community." If an idea is shared that you don't agree with, you could say "an idea was shared and I am wondering if we should think more about what the consequences might be."

Topic:

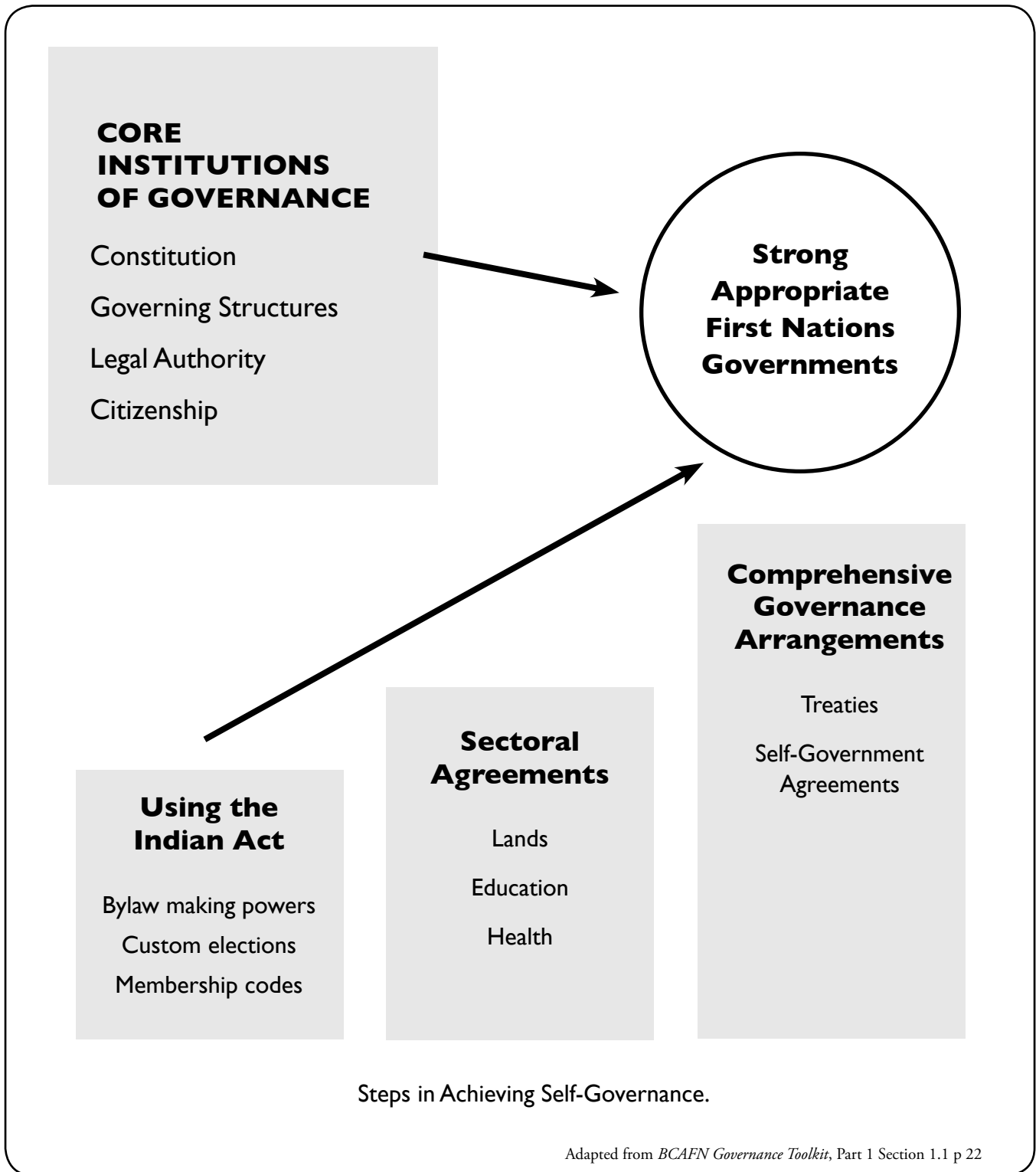
Your class is studying life cycles in science and your teacher wants the class to go on a field trip. He has a few ideas and wants the classroom to make a decision.

- The first idea is to go to the Salmon Fish Hatchery.
- The second idea is to go on a nature walk and invite an Elder to guide the class.
- The third idea is to go on a virtual field trip. For the virtual field trip, a scientist from Haida Gwaii would talk about sustainable fishing practices. The class would get to connect with her via Skype.

In your group, discuss which field trip would work best for everyone.

After you have all shared ideas, come to a consensus decision. That is, make a decision as a whole group that everyone agrees on.

# Building Strong First Nations Governments



## Core Institutions of Governance

What makes a government? There are many answers to that question. Here you are going to learn about four very important things that are needed to make a government.

Work with a partner or a group to find out what each of them means.

	Example: Government of Canada	What does it mean?
Constitution	<ul style="list-style-type: none"> <li>• Constitution Act of 1867</li> <li>• Constitution Act of 1982</li> <li>• Canadian Charter of Rights and Freedoms</li> </ul>	
Governing Structures	<ul style="list-style-type: none"> <li>• Prime Minister and Cabinet</li> <li>• Parliament—House of Commons and Senate</li> </ul>	
Law Making Authority	<ul style="list-style-type: none"> <li>• House of Commons and Senate</li> <li>• Court System of Canada</li> </ul>	
Citizenship	<ul style="list-style-type: none"> <li>• Government of Canada decides who is a citizen</li> </ul>	

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Constitution	<ul style="list-style-type: none"> <li>• Constitution Act of 1867</li> <li>• Constitution Act of 1982</li> <li>• Canadian Charter of Rights and Freedoms</li> </ul>	<p>The set of rules that tells how a government or other organization must work. It lays out who will have powers, what those powers will be, and how they will work. It lays out the rights and responsibilities of citizens.</p> <p>Laws cannot go against the constitution.</p>
Governing Structures	<ul style="list-style-type: none"> <li>• Prime Minister and Cabinet</li> <li>• Parliament—House of Commons and Senate</li> </ul>	<p>The bodies or groups that run the government. They are elected by the citizens to represent them, make laws and make sure the group or organization runs properly. Responsible for managing the money needed to run the government.</p>
Law Making Authority	<ul style="list-style-type: none"> <li>• House of Commons and Senate</li> <li>• Court System of Canada</li> </ul>	<p>The people who are elected (or otherwise selected) to make decisions about what laws are needed, how to enforce the laws, and what to do if someone breaks the law.</p>
Citizenship	<ul style="list-style-type: none"> <li>• Government of Canada decides who is a citizen</li> </ul>	<p>Citizenship is being a member of the group or nation, with all the rights and responsibilities laid out in the constitution.</p>

# Goals of Self-Government

How are the Core Institutions different for First Nations under the Indian Act and First Nations with Self-Government?

Core Institutions	First Nations Government Under the Indian Act	First Nations Self-Government
Constitution		
Governing Structures		
Law Making Authority		
Citizenship		

# Goals of Self-Government

Core Institutions	First Nations Government Under the Indian Act	First Nations Self Government
Constitution	<p>British North America Act 1867 (later Constitution Act)</p> <p>Indian Act</p>	<p>Constitution created and agreed on by citizens of the First Nation</p>
Governing Structures	<p>Department of Indian Affairs</p> <p>Band Council</p>	<p>Government structure decided on by the First Nation</p> <p>Example: Nisga'a have Wilp Si'ayuukh Nisga'a with 36 elected members, the Council of Elders, and four Village governments.</p>
Law Making Authority	<p>Government of Canada Department of Indian Affairs</p>	<p>The First Nation's legislative body makes and enforces laws as decided by the citizens</p>
Citizenship	<p>Government of Canada Department of Indian Affairs</p>	<p>Citizenship is decided on by the people of the First Nation and it is laid out in the Nation's Constitution.</p>

## Moving Forward to Self-Government

Today First Nations are re-establishing their own governments. There are different paths that communities can follow to reach the goal of exercising full self-government.

Some First Nations have or are negotiating treaties which outline the organization of their renewed government. Others are keeping the Band Council framework for now but negotiating greater powers through sectoral agreements. Many communities enter into partnerships with other governments and the private sector.

There are three main ways that BC First Nations are working towards self-government.

### **Incremental *Indian Act* Governance**

Some communities are able to use the Indian Act to begin moving towards self-government. Three ways this can be achieved are through membership codes, council elections and making bylaws.

First Nations can decide for themselves who are citizens of their Nation through membership codes. It allows First Nations to set their own election rules to elect their leaders. Also, First Nations can make bylaws in certain areas such as zoning, construction, or disorderly conduct.

The federal government retains the power to approve these bylaws, but rarely uses them today. These Indian Act powers are incremental steps for some First Nations towards autonomy.

### **Sectoral Governance**

A sector is a specific part of a government's responsibility. For example, land management, health and education are all sectors. In the past, the Canadian and British Columbia governments have held the decision making power in these and other sectors. Today many First Nations are negotiating agreements to resume decision making powers in one or more sectors.

Sectoral agreements give communities powers outside of the *Indian Act* on matters that are important to them. However, they don't have full self-government. That comes through a Comprehensive Governance Arrangement.

### **Comprehensive Governance Arrangements**

The goal for First Nations is to resume full control of all parts of their government.

However, there are questions to be answered for First Nations and the federal and provincial governments. Whose laws apply to First Nations? Where do these laws apply?

One way is to negotiate a treaty. Or, this can be done through self-government agreements that address jurisdiction and laws, but not the ownership of land.

A comprehensive governance arrangement is a formal agreement between the First Nation, Canada and sometimes the Province of BC. It sets out the areas of self-government to be used by the First Nation. It also sets out the how the laws of Canada and BC will apply to the First Nations territory.

The agreement usually confirms these core institutions of government:

- A constitution which sets down the rules the people will follow.
- Governing structures that will form the government
- Law making authority
- Citizenship.

Negotiating a comprehensive governance agreements can be a long and slow process. But such agreements bring reconciliation. They make governance powers between governments clear. Conflict between governments is minimized.

These agreements help First Nations' to have self-determination and control of their own lives.

# Map of British Columbia

