

British Columbia Assembly of First Nations
'Building on OUR Success'
Governance Toolkit: A Guide to Nation Building

LETTER FROM REGIONAL CHIEF JODY WILSON-RAYBOULD

Dear Leaders,

The BCAFN is pleased to present the BCAFN Governance Toolkit: A Guide to Nation Building in accordance with the Building on OUR Success action plan and the first pillar of that plan, "Strong and Appropriate Governance." The Governance Toolkit is a comprehensive guide intended to assist your Nation in building or rebuilding governance and navigating its way out from under the Indian Act at its own pace and based on its own priorities. Since it was first conceived, this project has taken on a life of its own and continues to grow. The Governance Toolkit also continues the work of previous BC Regional Chiefs and draws on the growing governance experiences of Nations in BC, working together to improve the lives of our people.

Simply defined, "Governance" means "establishing rules to coordinate our actions and achieve our goals." As societies, the institutions we create to make rules and then enforce them, we call "government." Governance and government come in many forms but are always needed. They can, of course, be done well or badly. Research and experts tell us that the quality of governance, much more than its specific form, has a huge impact on the fortunes of any given society. Ours are no exception. Societies that govern well simply do better economically, socially and politically than those that do not. Strong and appropriate governance increases a society's chances of effectively meeting the needs of its people.

In many diverse ways, based on our different cultures and traditions, this is exactly what our peoples did for centuries before the arrival of Europeans. The reality that we lived in productive, sustainable and viable societies is a testament to the fact that our governing systems worked. With the arrival of the newcomers, all this quickly changed. While we may have had some form of government under the Indian Act, we were for the most part denied the powers (jurisdictions) we needed to govern and the governing institutions that could exercise power effectively.

During the colonial period, our governments were based on models developed by the federal government to deliver its programs and services. The powers of our governments were very limited. The effects on us were unfortunate, as the Indian Act system promoted an impoverished concept of government. "Government" for us became little more than managing programs (education, health, housing, social assistance, etc.) and distributing limited resources (money, jobs, influence and services). The concept of government as being about making laws, resolving disputes and generating the means to pursue a collective vision was smothered by the need for federal programs and services and the fact that the local "band office" was the instrument to deliver them.

Thankfully, this is changing, and a more robust concept of governance based on Indigenous legal traditions is re-emerging as we slowly rebuild strong and appropriate governance. This is happening for many reasons. One reason is the advancement of our right to self-determination, both domestically through section 35 of the Constitution Act, 1982 and internationally through the United Nations Declaration on the Rights of Indigenous Peoples. It is also a reflection of the growing political realization — not just among us but among others — that our Nations truly need strong and appropriate

governance in order to succeed. Finally, this is happening because our Nations are increasingly raising more of their own revenues to provide strong governance.

In BC, our Nations are leading the way. Between them, they have made over 2,500 contemporary bylaws and laws, and they are the leaders in numerous "sectoral" and "comprehensive" governance initiatives in Canada along a continuum of governance reform. Governance is being exercised on "Lands reserved for Indians," treaty settlement lands and Aboriginal title lands, as well as on ancestral lands that transcend all other categories of First Nation lands.

The Governance Toolkit draws on all of this work in post-colonial governance and brings it together in one document. Much of this work has, in truth, only taken place in the last 25 years as we have translated legal and political victories into practical benefits on the ground, in our communities.

The Governance Toolkit includes a number of parts. The core of the Toolkit is Part 1, The Governance Report, which takes a comprehensive look at options for governance reform and considers, subject by subject, the powers (jurisdictions) of our Nations. The report is written from the perspective that the Nation is the building block of governance and that our Nations have the inherent right to govern. It looks at how we are moving in this direction along a continuum of governance options and reforms by providing a snapshot of what our Nations in BC are actually doing.

Part 2 of the Governance Toolkit is The Governance Self-Assessment in two modules that your Nation can use to evaluate the effectiveness of your institutions of governance and the effectiveness of your administration. The evaluation is an important exercise that any Nation can undertake to identify what is working well and what is not working so well, where the institutional framework may be deficient and where there are gaps, both in terms of the institutions of governance and the powers of government that may need to be advanced.

Part 3, A Guide to Community Engagement: Navigating Our Way through the Post-Colonial Door, will assist your Nation in beginning or continuing discussions with your citizens about the importance of strong and appropriate governance and options for governance reform, including moving beyond the Indian Act.

I am pleased to say that the Governance Toolkit has been developed in-house by the BCAFN with the support and contributions of many individuals and organizations. Drafts of the report were reviewed by peer groups, and the self-assessment modules were piloted in a number of our communities and revised extensively following insightful dialogue. The Governance Toolkit is available on the BCAFN website (www.bcafn.ca), where there are also links to most of the primary documents that are referenced in The Governance Report.

Finally, transforming Indian Act governance is no small task. After more than a century of living under the Indian Act, it may be difficult for some Nations, as indeed it has been for the federal government, to shed the routine of colonialism and tackle the seemingly overwhelming task of Nation building or Nation rebuilding. For some, the status quo works and unfortunately serves their self-interest. For others, it may be hard to shed the old ways. Many more will simply be afraid of change, preferring to live "with the devil they know rather than with the one they do not." At times, there will be tensions between current and traditional practices, and it will be a challenge to reconcile them. What is encouraging, though, is that despite the challenges, many of our Nations have already walked through, or are walking through, the "post-colonial door," are reconciling with the Crown, and are establishing strong and

appropriate governance with their own institutions of governance and the range of powers they need to govern. While considerable work remains, we are well on our way to realizing our collective vision.

I hope the Governance Toolkit will be a practical and useful resource for your Nation during this exciting period of change and of Nation building and rebuilding. Gilakas'la.

Respectfully,

Puglaas (Jody Wilson-Raybould)
Regional Chief