



Characteristics of a Nation-to-Nation Relationship:

Nation Building and Nation Re-Building

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CANADIANS FOR A
NEW PARTNERSHIP
LES CANADIENS POUR UN
NOUVEAU PARTENARIAT

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Background: Nation-to-Nation Relationship Dialogue Series

The federal government has committed to pursuing a Nation-to-Nation relationship based on recognition, rights, respect, co-operation and partnership with Indigenous people in Canada, acknowledging this as both the right thing to do and a path to economic growth. This commitment invites the opportunity for thoughtful reflection and discussion of the path forward to achieve genuine Nation-to-Nation relationships. As the nation looks to mark the sesquicentennial and celebrate 150 years since Confederation, important conversations are being had about the Canadian identity, both past and future. A new nation-to-nation relationship is a fundamental component of fostering reconciliation and restoring resilience to Indigenous Nations. Over the course of the past 30 years – from *Section 35* negotiations, through the Royal Commission, to the recommendations of the Truth and Reconciliation Commission – Indigenous leadership has articulated the many aspects of what the nation-to-nation relationship means. Establishing a new relationship with the Crown includes Indigenous self-government founded in self-determination, legal capacity and access to resources; the recognition of inherent Aboriginal and Treaty rights, as well as the ability to exercise and implement inherent rights and responsibilities; treaty renewal and treaty implementation; fiscal arrangements and resource revenue sharing; and closing the social and economic gaps faced by Indigenous peoples.

Beyond reconciliation, empowerment of Indigenous nations with the capacity for self-government was and remains a significant feature of creating a modern, renewed relationship. Recognizing and enabling Indigenous governments would require a significant investment but is considered by many a natural extension of the rights affirmed in *Section 35* of the *Constitution Act*. Progress on the transfer of governing authority, lands and resources has been slow and often mired in legal complexity. Both Inuit Tapiriit Kanatami and the Métis National Council have publically stressed the need for an approach that recognizes and respects the distinctions between Indigenous peoples.

Recognizing the opportunities this moment presents, the Institute on Governance is convening a dialogue around the “Nation-to-Nation Relationship.” The IOG believes that nations and leaders must have the opportunity to share their vision in an open forum and direct the agenda moving forward. By convening experts and facilitating the exchange of knowledge, this project aims to bring to the forefront systemic governance challenges that have impeded advancements in relationship building to date. We are seeking to articulate the characteristics of a nation-to-nation relationship, as defined by Indigenous leaders and government departments – as well as identify key issues, challenges and opportunities.

“Characteristics of a Nation-to-Nation Relationship,” is a five-part dialogue series to be held across Canada seeking to bring together experts to facilitate the exchange of knowledge, focusing on four themes central to the relationship: Nation Building and Nation Re-Building; Jurisdiction; Intergovernmental Fiscal Relationships; and Collective Governance and Wealth Creation. The series will culminate in a national event that will aim to address the outcomes of the discussions that emerged, including identified themes linkages, challenges, potential results, and timelines. The dialogues and events feature invited speakers with vested interests in nation-to-nation relationships. The purpose of these sessions will be to stimulate the discussion through providing a neutral environment where stakeholders can openly communicate the precursors for change.



Nation Building & Rebuilding

The first dialogue in the series, entitled “Nation-to-Nation Relationship”, was held in Ottawa in February 2017. Over 100 participants,¹ including Indigenous leadership and federal government representatives, presented on and discussed the following set of questions.

- What form of recognition within the Canadian federation would work best for Indigenous nations? What is the appropriate Indigenous entity or entities for the federal government to engage with for the relationship to be Nation-to-Nation? What is the role of national organization elected representation? Under which terms and conditions would Indigenous nations want to be part of the Canadian federation? What’s the responsibility of Canada in validating the selection of the collective identity?
- How can Canada support Indigenous nation rebuilding today? What are the features of nation building? Will there be different orders of government within a nation? What does Indigenous citizenship constitute?
- How can restrictions of the *Indian Act* be deconstructed and vacated to allow progress? Given that Aboriginal title rests with nations and not bands, to what extent can Band Councils represent a nation in the interim? How can Canada support the transition, recommended by RCAP, from 633 Indian Act bands to approximately 50 or so nations?
- What collective institutions are required to bring efficiencies of scales? In which cases will transitional institutions (e.g., a health institution under a delegated authority) be necessary or helpful in moving to greater self-governance of a particular area of governance mandate?
- Which relationships do Indigenous communities need to cultivate to advance self-governance aspirations? How can these relationships form the basis of meaningful partnerships?

What follows is a summary of that dialogue. This summary is an attempt to focus and advance the key concepts, as opposed to a verbatim record of the discussion. For direct remarks and comments by speakers, visit the IOG website for [video clips](#). Also, to reference the discussion paper informing the dialogue series, click here: [“Characteristics of a Nation-to-Nation Relationship”](#).

The next dialogue in the series is “Jurisdiction” and will take place in Vancouver April 25-26th. The series will culminate in a national event that will aim to address the outcomes of the discussions that emerged, including identified themes linkages, challenges, potential results, and timelines.

¹ See Appendix A for a list of participants.



Taking Stock of the Current Environment

The Legacy and Reconciliation

“What would reconciliation mean to you we asked, and people said reconciliation would mean reclaiming knowledge around healthy ways of parenting, ongoing healing, reclamation of land, housing, language, culture, and the connection between reclaiming a sense of belonging and identity and the ability to feel one can start to heal.”

Marie Wilson, former TRC Commissioner

A discussion on the current environment and new relationships must be preceded with acknowledging that “history” - or the legacy of residential schools, the sixties scoop, and the child welfare system - is not “history” at all, but the contemporary challenge that is before us. According to Miles Richardson, Canadians For a New Partnership's view is that efforts (no matter how well intentioned) to improve the health, education and welfare of Indigenous peoples are destined to the same failures of the past unless we build a new Nation-to-Nation relationship and restore the trust that has been eroded by a litany of historic wrong doings. So how do we ensure that this latest opportunity to achieve reconciliation is not squandered?

Leaders acknowledge that the legacy of colonialism is most glaringly displayed by the struggles of our children and the thousands of TRC witnesses who detailed the facts of their own, ruptured childhood and struggles both as adults and parents. Many are lost to addictions and suicide. Several leaders identified this legacy as the root of the crisis, resulting in a lack of vision and hope. Nation building needs to instil both vision and hope so communities can prepare for the leadership and future of happy and healthy communities.

Regional Chief Isadore Day acknowledged the need to dedicate the nation-to-nation outcomes to the people that need it the most in our communities – the children. It is both important and timely to move forward in order to ensure that our children no longer take their own lives. “They do not see vision, they do not see hope and they do not see opportunity in our communities.” There is potential for new relationships to be formed in the interests of the wellbeing of our children. Regional Chief Morley Googoo reiterated the need to invest into the knowledge systems that will be transferred to and serve our youth’s growth and potential.

Recognition of Sovereignty and Constitutional Rights

“To bring about this fundamental change, Canadians need to understand that Aboriginal peoples are nations. That is, they are political and cultural groups with values and life ways distinct from those of other Canadians. They lived as nations – highly centralized, loosely federated, or small and clan-based – for thousands of years before the arrival of Europeans.”²

Many participants acknowledged that 150 years ago Canada started on the right path, committing to treaty-making and nation-to-nation relationships. The Royal Proclamation ensured that interests could not be ceded without a formal treaty. The covenant chain and the

² RCAP Commissioners, Highlights from the report of the Royal Commission on Aboriginal Peoples, 1996.



two-row wampum were eloquent and clear articulations of the relationship and the intent of relationship entered into. The *Indian Act* changed this path moving from co-existence and sharing to assimilation.

For years the courts and leadership have pointed to the recommendations of the Royal Commission on Aboriginal Peoples and Truth and Reconciliation Commission and the necessary changes therein. Far from a policy of denial and assimilation, Canada must breathe life into restabilising nation-to-nation relationships. It was agreed while it will take time to flesh out the relationship, we must begin with a reaffirmation and a government commitment to recognizing Indigenous nations as seen by Indigenous nations.

Sovereignty

Key aspects of sovereignty are the ability to define citizenship and the relationship to the land and territories. As stated eloquently by Miles Richardson from Canadians for a New Partnership, “nations cannot exist without an acceptable measure of sovereignty, and sovereignty is not negotiated or bestowed by someone else. It exists within Indigenous Nations. It is not drawing down powers, but exercising inherent rights”.

Regional Chief Isadore Day also acknowledge the seed of sovereignty that rests within all of us in this country: “our children are born with sovereignty and why this is so important and know that we are finally at a place in the history of our country that we can discuss this and figure out where we go from here”.

It will take effort on the part of Indigenous people to further define themselves as peoples and nations. Indigenous nations will need to be defined and legitimized by communities so that they can engage with government and institutions.

“Recognizing our own history and our own nations is part of what we have to do to move forward.” Dr. Mark Dockstator, President, First Nations University of Canada.

Self-Determination and the Métis

“Self-determination is a fundamental component of the nation-to-nation relationship: the right to define ourselves – “we know who we are”.” Clément Chartier, President of the Métis National Council

Clément Chartier stressed that there has been lot of confusion since Powley and Daniels around who is Métis; however, “we know who we are”. While the historic Métis nation is based primarily in western Canada, the Métis are a distinct people evolving with their own language, geographic territory, political consciousness, and way of life. The Métis hold all of the attributes of a nation, also meeting all of the international criteria in this regard. Even so, the Métis nation has been systematically dismembered since 1870 when the Métis joined confederation.

The courts were the first to recognize the Métis as a partner in bringing Manitoba into Confederation. It was ruled that Canada has a legal obligation under the *Manitoba Act* to establish a land base for the Métis, which it has failed to do. Powley restricted acceptance of Métis rights to acceptance by a Métis community, however, the Federal government has been painfully slow on acting on Métis rights, meaning that the Métis remain excluded from comprehensive and specific claims, as well as education and health programming.

History dictates that there is potential for a dramatic reset of the relationship between the Métis Nation and the Canadian state. The Métis have been broadly engaged on reconciliation initiatives, establishing a new relationship, and a negotiation process. Along with the federal Government, the MNC is establishing regional exploratory tables to protect Métis rights, recognize governments, and resolve claims. A permanent bilateral mechanism, informed by the Isaac report, was established in December 2016 and will enable joint establishment of policy priorities, including:

- The right to represent as governments, including maintaining culture and heritage, and providing programs;
- A 10-year Métis Nation specific employment and training accord;
- Métis institutes to help with curriculum development and work with youth, early learning and education matters; and
- Developing a new fiscal relationship with sufficient, predictable and sustained financing and fiscal approaches and financial transfer mechanisms.

All of the trappings and mechanisms in place, however there are challenges to nation building that need to be addressed; particularly addressing fiscal arrangements and the lack of federal programs and services (particularly health benefits). It is hoped that the new process will provide fuel for the good systems that are already in place. This distinctions based approach is a welcome change for the Métis and advancement of their inherent right to self-government.

Enshrining the Relationships

What recognition do we need from Canada? Participants noted that in order to move forward, Indigenous nations need recognition from the majority of society, as well as from Canada. A key concept put forward by Miles Richardson was the need for an overarching government policy recognizing and affirming the nation-to-nation relationship. While this idea is articulated later in the paper, several pointed out that the federal government must articulate the policy of Canada in their relationship to Indigenous people and not wait for the courts to define it.

Identifying the Foundations for a Renewed Relationship

Two-Row Wampum

Renowned Mohawk leader Mike Mitchell illustrated how the two-row wampum is a clear articulation of the relationship that was always intended, a relationship that respects “our government, our way of life, our spiritual ways, our customs and traditions.” At first contact the concept of coexistence was discussed, how do we relate to each other? The resulting protocol was the wampum belt: a ship (culture, religion, your government and traditions) and a canoe (our government, our way of life, our spiritual ways, our customs and traditions) travelling together down the river of life, neither try to steer the others’ vessel.

Several participants referenced the two-row wampum as a metaphor for the new nation-to-nation relationship. Peter Dinsdale notes, it illustrates the nature of the treaty relationship, going parallel in the same direction, separately; and it was the founding vision in all of our treaties.

Treaty Nations’ Treaty Focus

The relationship with Canada began through trade with newcomers who were welcomed with a hand of friendship. The treaty discussion remains so important because treaties are the foundation of this country, and without treaties there would be no Canada. After the Royal Proclamation there were historic treaty gatherings to acknowledge original protocols of peace and friendship (1764 Treaty of Niagara stemming from Royal Proclamation of 1763). This serves as a reminder to the Crown that gathering with First Nations has everything to do with the treaties in this country. UNDRIP, and TRC recommendations to implement UNDRIP, bring us back to the time when treaties gave recognition to the nation-to-nation relationship. Since the *Indian Act*, First Nations have been treated as wards of the state, however inherent and treaty rights have never been relinquished.

“Whatever the original vision of the treaties was, the behaviour moving forward is important. We need to ask communities how they want to organize, and help them execute that. We’re going to continue to struggle until we fix the foundations, and recognize First Nations as a distinct order of government”. Peter Dinsdale, President, YMCA

Recently much of the key developments have centred around new treaties, with the numbered treaty First Nations having few ways to make progress on the relationship. Moving forward, nation-to-nation discussions with Treaty First Nations will require a treaty focus.

Nation based, Community Driven

Comprehensive, inclusive and distinct approaches to defining nations are required. As has been demonstrated time and time again, governments cannot parachute solutions into communities. Visions need to begin with Indigenous communities so that solutions are nation based and community driven. While there is a Chief’s Committee on Nationhood/Nation Building, it is acknowledged that the Assembly of First Nations are not rights holders; they have been assigned the responsibility to advocate and coordinate the current dialogue and the processes. The National Chief has taken direction from TRC and Closing the Gap to determine what needs to be done on the ground. Work is simultaneously occurring with Tribal Councils, PTOs, communities and elsewhere across the country.



Language & Culture

“My language, my song, my spiritual beliefs; that is my sovereignty, that's my identity”. Former Akwesasne Grand Chief Mike Mitchell.

According to Gwen Phillips of Ktunaxa Nation Council, the most important component of nationhood is identity. “A new relational model recognizes that our people and our culture IS our nation building.” This means moving away from a program-based relationship model to one of community development and nation rebuilding that has an outcome of health and wellness for communities. This requires enabling environments – physical and economic – and shared responsibility. Many communities are working on language revitalization and embedding traditions and culture into ceremony and governance.

Closing Socio-Economic Gaps

It is apparent that the two colonial culprits – the *Indian Act* and Residential Schools – have had devastating impacts on Indigenous people. Hence another key starting point for the discussion of nation-to-nation relationships is the need to close the social and economic gaps of Indigenous communities with support from Canada. Currently the efforts around the nation-to-nation relationship distinctly contrast with leadership that deal with everything from health to child welfare, without the appropriate resources at the table. There persists a deep incongruence between what government says and what is happening on the ground. While the 2% funding cap was said to be “lifted” in last year's budget, the lack of transparency and the slowness of moving the funds to First Nations has left many doubts in First Nation country about whether the cap has in fact been lifted. The 2016 budget promised 8.4 billion that, at the time of this symposium, was still not flowing. It was emphasized that leadership needs to intervene to ensure funding gets into communities. Participants indicated the need to ensure that Ministers and ministry officials, particularly the Minister of Indigenous and Northern Affairs Canada, understand their objectives/directions as directed by the new government direction and act on them.

As noted by Richard Jock, Chief Operating Officer of the First Nations Health Authority, and others, we need to address these service disparities, to move forward practically, and not just conceptually, on reconciliation. By way of example, First Nations in BC actually lack access to basic primary care right across the province. Part of the goal of the Kelowna Accord was to close those gaps within ten years. It was suggested perhaps a concrete goal of reconciliation is closing the gaps in Indigenous health status.

In parallel to nation-to-nation discussions and processes, there needs to be immediate and targeted funding for communities that are in critical condition and support for a First Nations led process for poverty reduction in First Nation communities.

Lessons Learned in Relationship and Nation Building

This dialogue convened experts who have experience in the modern field of establishing new relationships leading to greater social and economic outcomes.

Successful Processes

By way of example, the Truth and Reconciliation Commission has been really vital in the process of new relationship building. Dr. Marie Wilson, Commissioner for the Truth and Reconciliation Commission, highlighted key TRC achievements that are vital to the new relationship, many of which can be expressed as wise practices in establishing and maintaining relationships with Indigenous peoples:

Community Driven. While there were several parties to the agreement establishing the TRC (including government, four churches, legal representation for survivors, and national Indigenous organizations) the Commission was not politically motivated, however established based on court order and driven by survivors themselves.

Shared Accountability. It was sought by convening an all-parties table, where with some regularity and common purpose, representatives of those parties got together, were briefed, and provided input on challenges and direction.

Consensus Based Decision-Making. TRC decision-making was based on consensus. The Commissioners allowed for the time it takes to get to a point of consensus, and the processes evolved slowly and carefully so that consensus was achieved on the Calls to Action. As Commissioner Wilson notes, there is no consensus of opinion because of the diversity of the country, but there can be consensus building.

Respecting Territorial Protocols. The TRC made an effort to find out which protocols to respect across the country. The work was done up front, prior to entering a territory, in order to ensure the diverse and many protocols were followed and respect was demonstrated.

Broad Engagement. The TRC was intentional in its outreach beyond Indigenous communities, recognizing that Residential Schools are not “Indigenous history,” but Canadian history and that the legacy belongs to all Canadians.

Building Institutions

“I, as the Indian agent, no longer fund programs. My job is to build towards Indigenous led institutions that will move towards self-determination and the kind of goal that was there in the Royal Proclamation...We want to build institutions like yours (FNFB) and stop funding programs.” Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada

The federal government, as demonstrated by Minister Bennett’s remarks, sees institution building as an underpinning of the new relationship. That said, experience demonstrates that institution building requires both investment and time to realize results and bear fruit. The First Nation Health Authority (FNHA) in British Columbia is illustrative of nation building through institution building. Some of the keys to success are cited below:



Unified leadership. Moving forward to establish the FNHA, leadership in BC was unified with a vision of health for their communities. Looking forward, political unity is key to progress.

Reciprocal accountability. Fundamental to new financial arrangements and partnerships is the principle of Reciprocal Accountability. This means that each partner is accountable for the actions and effective implementation and operation of their systems, ensuring that the partners are simultaneously independent and interconnected. There are some very practical means by which reciprocal accountability is exercised and established in agreements.

Governance matters. Doing governance right, and having the right set of balances is really important. In addition to the Health Authority, which is the operational arm of the structure, several additional levels of governance ensure ongoing participation by the partners, including: the senior level Tripartite Committee on First Nations Health; the Health Council, which is a political entity with appointees from each of the 5 regions; the Health Directors Association who provide advice on how to move forward with services from a community perspective. Traditional knowledge also needs to be ingrained in governance. Traditional wellness and cultural approaches are embedded directly within FNHA models.

Provincial involvement. The Province of BC has played a key ongoing role in the establishment and ongoing operation of the FNHA. At a time when actually the federal government did not want to move forward on the transformative Health Accord, the province continued to promote the ideas and push forward.

Comprehensive, consensus based decision-making process The comprehensive, consensus based decision-making process developed for the creation of the FNHA resulted in unprecedented solidarity across BC First Nations. Over 180 of the 203 communities voted in favour of proceeding with the health authority. This is a tremendous example of collective governance and decision making with the wellbeing of all taken into account, which is key to nation building / re-building.

Nation based approaches. One of the prime directives of the FNHA is that activities are to be community driven and nation based. The FNHA works on a regional basis to take a nation based approach and develop service priorities and service models. Nations are not always geographically coherent so it is not easy, but it is a representation of how to do things on differently.

Partnership Tables. Partnerships are the hallmark of the new relationship. For example, FNHA now has a seat at the leadership table with all the other CEOs of the health authorities and FNHA representatives sit at the regional health authority tables. Through the Tripartite Committee, the Deputy Minister of Health in BC, the Health Authority CEOs, and regulatory bodies have signed a commitment to cultural safety and humility. While revolutionizing the health system will not occur overnight, the partnerships are illustrating how we can achieve reconciliation by making those broader health systems address our needs more appropriately, and more comprehensively.



Community Based Approaches

When traditional governance was replaced with the *Indian Act* band council system, Indigenous nations were no longer recognized as allies but as subjects. “The new model for nation rebuilding is us doing it from the inside out. Not the outside in. We need enabling institutions, not representative institutions. Who has the right to represent our children? The grandmothers in our nation. We need to bring our grandmothers back out to tell us how to behave. In our languages. Because in our languages we know how to govern and relate to our environment.” (Gwen Phillips, Ktunaxa Nation Council)

Community Based Vision

Several leaders spoke to the need for community ownership over a vision for nationhood. It was noted that while the Métis are building a nation, First Nations are rebuilding nations, and it is the communities that will create the trajectory and determine the future. This includes recognizing Indigenous nation language families. Community visions are about providing youth with hope and maintaining language. Institutions are representations of nationhood, thus as languages and cultures are rebuilt, the institutional environment will start to change.

Active Community Participation

Communities and citizens must be active participants in determining the future. This includes involving traditional knowledge keepers in defining what reconciliation means for each nation. According to Chief Councilor Marilyn Slett of the Heiltsuk Nation, the Heiltsuk Nation declaration of sovereignty was developed with hereditary leadership and mandated by the community, and includes “using our own language, our own concepts, meeting the social and economic needs of our people, balancing the economy and the environment, and respecting our connection to the land and waters, and our stewardship responsibility”.

Assertion of Inherent Rights

Akwesasne, along with many other First Nations, has worked to restore nationhood status to its people – nation rights, the inherent right, and treaty rights – including passing laws on land management and hunting and fishing. Akwesasne did not seek recognition or acceptance from the government for its initiatives and laws, but simply began to implement self-government by systematically taking over education, policing, and environment. This was accomplished in spite of the *Indian Act*. Blending traditionalism into modern practice is the challenge ahead.

Reclamation of Nationhood

“We have fallen into a pattern of programs and policies, of false names, of governance and nationhood and governments. We’ve got caught in an identity that we didn’t create. The government sold that identity to Canadians and stereotyped all of our problems – not realizing how traditions are not the same and governments are not the same in Nova Scotia, or BC, etc.” Morley Googoo, AFN Regional Chief, Newfoundland and Nova Scotia

After facing some barriers in the development of Miqmaq governance in Nova Scotia, both with government and with the Miqmaq people, there is a need to amplify transparency and build a clearer structure so that communities can understand what they are taking from the *Indian Act*. For a number of First Nations, the *Indian Act* offers safety. A large cultural shift is needed in these communities, particularly those with high social assistance rates. Once those structures are clarified, as in the Miqmaq education example, higher success rates and better outcomes will follow.



Senator Charlie Watts reiterated that we are talking about systems that are steeped in values that are not really Indigenous values, and reminded that if we are going to accept a certain amount of authority, we have to accept a certain amount of responsibility.

Changing the Outcomes for Canada’s Indigenous Peoples

Moving forward, communities that are at different places along the nation building/rebuilding spectrum will require the tools, capacity and institutions (transitional/ collective/ perpetual) to do so. Discussions explored what is required to support nation building.

Investing in Youth

In addition to culture and language, discussion around investment in youth also included the role of Universities and the public service. Dr. Mike DeGagné, President of Nipissing University, presented universities as a model for consideration where recognition and accommodation can contribute to shared outcomes. Institutions are recognizing the importance of making accommodations for Indigenous people and beginning to transform the way they are doing business. The “indigenizing institutions” approach involves weaving Indigenous ideas and worldviews into curriculums so that the dominant western view is not the only view. Further, it is acknowledged that while many Indigenous students enter University, there are not many leaving with a degree. Part of “indigenizing” institutions is focussing on the factors required to ensure success of students. There was also a call for federal commitment to capacity development and training through transformative public sector initiatives. An investment in young Indigenous talent, with a view to doing governance functions at the community level, could include specialized programs for leadership and executive skills. Significant resource investments are required create a vibrant and capable Indigenous public service.

Leveling the Justice Playing Field

Koren Lightning-Earle, President of the Indigenous Bar Association, discussed another ingredient to the relationship, levelling playing field - particularly within the justice system. “What tools do people need? Access to justice and diversity on the bench. If there has to be a quota of Quebec judges on the bench, why can’t there be a quota of Indigenous people on the bench?” As it stands, those interpreting laws and land claims are not Indigenous. Systems dealing with Indigenous people should have some Indigenous representation to be legitimate. Systems need to be safe and created by Indigenous peoples, and institutions need to set thresholds to be held accountable.

Building Financial Literacy

Terry Goodtrack, President and CEO of the Aboriginal Financial Officers Association, stipulated the need to improve finance and management in communities as governance evolves. The AFOA plays a role in raising the level of financial literacy of First Nation peoples. While there are different strategies on building wealth, and moving Indigenous people into the middle class, we know that 49% of average Canadian’s wealth is in real estate. However because of the legal framework, this does not exist on reserves. All high performing communities have a higher level of management capacity; whereas challenged communities, communities that most need it, do not have a high degree of capacity for management. As a result the wealth gap gets broader and broader. In the absence of substantial investment from the private sector and the capital markets, we will never bridge the gap. There is a need to continue to evolve fiscal institutions and create Indigenous organizations that are more than advocates.



Providing Access to Capital

According to Harold Calla, the Executive Chair of the First Nations Financial Management Board, access to capital will be the barrier or success of any community. Access to capital facilitates access to opportunities – access to procurement, or to the land in our territory, or to natural resources. Canada can support First Nations’ access to capital, acknowledging that transfer payments will never meet the needs of communities, and use loan guarantees to support that access to capital. There are 700 billion dollars in major projects in this country. If there was 30% equity participation for First Nations – what would that mean for communities?

Developing New Fiscal Relationships

“Do not hand us a fiscal relationship that is mired in poverty in the guise of self-government and walk away.” Harold Calla, Executive Chair of FNFMB

The fiscal relationship should not be about mitigating the costs and legal exposure of the Crown to Aboriginal Rights and Title. The focus needs to shift, understanding that the current federal transfer system alone will never be able to undo the effects of colonization. The existing transfer payments policy is heavily in favour of the Crown and not client or recipient focused. Change cannot occur when operating within tight funding authorities, and when applying different rules from different departments. First Nations need flexibility to make decisions based on community priorities, with long term and responsive approaches.

Developing Indigenous Institutions

The question was posed: Are we ready to replace the *Indian Act* with our own traditional systems of government? With our own intuitions? Federal dismantling of several Indigenous institutions, such as the First Nations Statistical Institute and the First Nations Governance Institute, coupled with the depleting resources for tribal, provincial and territorial structures, has left a need for building various Indigenous governance capacities. Indigenous institutions are important to supporting communities, particularly in terms of providing the data required to create policy.

It has been acknowledged that Indigenous institutions were not allowed to evolve to keep pace with the rest of society. In the 1960s First Nations thought that they were getting self-government, but received self-administration instead. The question remains, are we going to have the patience to develop modern day institutions in a modern day context? At this point it remains unclear what financial investments will be made, if any, to support further development of these types of institutions, such as financial institutions, that need to continue to evolve.

Investing in Community Capacity Building

“I do want to add that we can’t pretend that there hasn’t been extreme devastation in the most remote communities, because those are the very ones where 90% of the adult population went to residential schools. It’s not as if we have a clean slate of healthy people figuring out the solutions. There’s a need for ongoing supports. We need to rethink expertise, recognize the expertise that is there, but also invest in the ongoing growth that is essential.” Dr. Marie Wilson



Participants urged the need to demonstrate to central agencies and to government that if they invest in capacity development, it is a better alternative than the expectation that there will be a perpetual escalation in transfer payments to support the crises in our communities. A strong society cannot be built on welfare. How do we support communities? Providing them with the skills and tools to succeed. The capacity exists within communities and this needs to be coupled with education and employment opportunities.

Indigenous nations and communities need to lead their own governance renewal and nation rebuilding processes, while Canada can play a supporting role in this nation and capacity building. Canada can invest in community engagement and decision-making processes, so that nations have a clear vision for what they will do with self-government and how they will do it, and Canada can provide funding support to help build and sustain self-government capacity.

Framing the Crown Responsibility in the New Relationship

Having identified some of the desired outcomes along with some of the governance and representational components, the final dialogue explored the changes required in order for those aspects to come to fruition.

Role of Canada in asserting Indigenous Nationhood

In addition to the investments and approaches cited above, there were four key actions put forward for Canada:

- 1) The federal government must articulate the policy of Canada around their relationship to Indigenous people, and formalize their commitment to nation-to-nation as a departure point from the failed colonial experience. The policy would be negotiated with Indigenous groups. The policy would ensure federal messaging is consistent so that there is a “whole of government” approach to the nation-to-nation relationship.

This harkens back to RCAP: "The first step is for the government of Canada to make a clear commitment to renewing the relationship between Aboriginal and non-Aboriginal people, guided by the principles of recognition, respect, sharing and responsibility. Change of this magnitude cannot be achieved by piecemeal reform of existing programs and services - however helpful any one of these reforms might be. It will take an act of national intention - a major, symbolic statement of intent, accompanied by the laws necessary to turn intentions into action. This can best be done by a new Royal Proclamation... [which] would set out the principles of the new relationship and outline the laws and institutions necessary to turn those principles into reality”.

- 2) The Government of Canada, along with the provinces, must follow the direction of the courts. The courts have clarified the law in Canada and those decisions need to be implemented by the relevant authorities. The Government of Canada must live up to the direction of their courts.
- 3) The Government of Canada, along with the provinces, must also recognize each First Nation and their territory. Recognition is the first step in a dialogue with Canada.



- 4) The Government of Canada must invest in relationship building – both with resources and with time. It will take time to transition out from under the *Indian Act* and away from Indian Affairs. Solutions must be nation based and community driven - we know what is best for our communities. The government must operate in a manner that is tangible and reasonable and sequenced appropriately. Comprehensive and inclusive approaches are required.

Role of the Provinces

Bob Rae, former Premier of Ontario, emphasized that when talking about the Crown, we should not forget the provinces. The federal relationship is based in the constitution, which has been interpreted in the most narrow of ways. In Ontario, Manitoba and across Canada, the “government” is the province; any time someone leaves to go to school, hunt, or live off reserve, it is under provincial jurisdiction. Dialogues opened in Ontario. For example, in 2015 the Chiefs of Ontario and the Government of Ontario signed a historic Political Accord that will guide the relationship between First Nations and the province - a powerful signal of equality, restitution and recognizing sovereignty. Clément Chartier also noted that Métis institutions responsible for service delivery and Métis political organizations have evolved within provinces, hence there is a need to deal with the provinces and respect all jurisdictions.

Role of Canadian Public

Many participants were amazed by the extent mainstream Canadians want to work with Indigenous people moving forward on reconciliation. Peter Dinsdale noted that there is no shortage of organizations that want to engage with Indigenous peoples; however there is a lot of hesitation to engage, which demonstrates the need to build a relationship and ensure that communities are benefiting from the efforts. Mainstream Canada has no idea how to go about building relationships, and thus will require navigators to ensure a process of respectful engagement.

The TRC was braced for a waning of interest in reconciliation; however, it has been just the opposite. Law societies, nursing associations, medical schools, social workers, educators, faith communities, public servants, indigenous governments, journalists, child welfare advocates, and even the parliaments of other countries have all demonstrated great interest in Reconciliation in Canada. We need to honour what has been done by the TRC by implementing the Calls to Action, by moving away from crisis management to collaboration based on meaningful relationships, to care for each other, and to put our children back at the centre of the circle.

Barriers to Moving Forward

Pre-Confederation Claims

Joe Miskokomon, former Grand Chief of the Anishinabek Nation noted that the government of Canada continues to refuse recognition of pre-confederation treaties, where underlying title still lies, taking the position that Friendship Treaties ceded rights and title. Reconciliation among pre-confederation treaty people requires rethinking these positions. Reconciliation is not only about improving social services but also about the underlying title to the land.

Whole of Government Approach

One of the largest impediments often cited is the failure of Central Agencies to adapt to the decisions of the Supreme Court. Nation-to-nation conversations require a recognition that government policies should not be about mitigating the costs and exposure of the Crown to issues such as Aboriginal Title. The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs Canada acknowledged that this is a whole of government issue and noted that there is a Prime Ministers' commitment to bringing the appropriate Ministers to the table on a regular basis to ensure a whole of government approach.

Indian Act

Many participants expressed the need to get rid of the *Indian Act* and Indian Affairs, raising the question – what conditions are necessary for this? The response is a self-government framework that does not exclude land or extinguish rights; a federation willing to discuss the division of powers; the proper data to develop and create policy; and an Indigenous public service to take on that governance. The federal exploratory tables led by Joe Wild, Senior Assistant Deputy Minister at Indigenous and Northern Affairs Canada have begun – meaning that 240 First Nations are prepared to think about how to get out from under the *Indian Act*. In health and other jurisdictions, there needs to be an informed discussion on what it means to draw down certain powers and programs, as well as what economies of scale are required to manage those powers and programs effectively.

Surmounting the remoteness gap

Another key challenge raised was how do we deal with the geographic remoteness gap? In the FNHA's experience, economies of scale are very hard to achieve to manage that in a way that's effective for remote communities. Marilyn Slett noted that Coastal First Nations have been successful by allying and partnering with others to overcome geographic remoteness, acknowledging that more power derives from eight nations all working on the same objectives than lies with just one community.

Moving Forward

By engaging Canadians in dialogue about the relationship between First Peoples and others in Canada, and by honestly acknowledging our shared past and present circumstances, the IOG believes a foundation of trust and hope can be established. As we continue looking at the nation-to-nation relationship, we will build on what sort of steps, recognitions, accommodations, can move us towards that goal while improving the outcomes for First Peoples. Participants emphasized that it is important to recognize that we are in a process of taking stock and assessing what the landscape looks like. In that spirit, a brief summary of highlights follows.

- The two-row wampum is a clear articulation of the relationship that was intended and that is needed today, a relationship that respects our government, our way of life, our spiritual ways, our customs and traditions. What is needed is a protocol establishing that kind of relationship expressed by the two-row wampum will renew the relationship and always be clear how we will coexist. (Mike Mitchel)
- Self determination is a fundamental component of the relationship – the right to define ourselves and our citizenship – we know who we are (Clément Chartier)
- Cannot be a nation without an acceptable measure of sovereignty. Sovereignty is not negotiated or bestowed upon you by someone else. It exists within us. It is not drawing down powers, but exercising inherent rights. (Miles Richardson)
- An overarching government policy recognizing and affirming the nation-to-nation relationship and ensuring that our interests are not ceded. (Miles Richardson)
- Many of the starting points exist and have been expressed by the Royal Commission, the Truth and Reconciliation Commission and UNDRIP. The government needs to mine the repository of information and discussions to formulate a response through discussion, dialogue and direction. (Isadore Day)
- Residential schools weren't encouraged, they were mandated. We need to mandate the language of reconciliation. It shouldn't be optional. (Koren Lightning-Earle)
- In parallel to these discussions and processes, there needs to be immediate and targeted funding for communities that are in critical condition and support for First Nations led processes for poverty reduction in our communities. Nation building needs to instil vision and hope where they can prepare for the leadership and future of happy and healthy communities. (Isadore Day)
- A self-government framework recognizing Aboriginal Title and a federation willing to have the conversation about division of power are required. (Peter Dinsdale)
- Are First Nations ready to aggregate themselves to allow for economies of scale and the harnessing of human talent? First Nations have to be prepared to invest in themselves, and to start recognizing that government to government, nation to nation, means receiving and exercising jurisdiction. Not accepting responsibility for management of things that others have decided upon. To exist within a modern day economy requires capacities that cannot be replicated 634 times in this country. (Harold Calla)
- You just mentioned the Governance Centre. You mentioned the Healing Foundation. All organizations dismantled shortly after the Apology. If we are going to move towards dismantling Indigenous Affairs, we need to be ready, and have an Aboriginal public service that can take that on. (Dr. Mike DeGagné)



- Federal government needs to align its political statements with its bureaucratic undertakings. We run into too many obstacles. There's got to be alignment, and that requires legislation. We cannot continue to avail ourselves of the generosity of the government in power. (Harold Calla)
- Why is it in Canada's interest? At the end of the day it is their pocket book. What we need is change and we have to rely on Canadians. Where are we going to spend the wealth that we are going to generate? It is going to create a sustainable economy. We have to message to Canadians in a language they can understand. Everyone can get inside with drinking water, but not all issues will be as easy. (Harold Calla)
- We need to see immediate and targeted funding for communities that are in critical condition, and support for First Nation led process for poverty reduction.
- The only shared outcome is to reverse the legacy of the residential school system. Allowing First Nations people to be governed by the system they want, in a federation that recognizes them. Need to recognize as a distinct order of governments; contribution agreements are not reconciliation. Shared outcomes will only come when we reverse the image – when we are allowed to live as we want with governments we want. (Peter Dinsdale)
- I want us to respect and honour the input we had from 7000 people. Let's not start with new ideas. Let's figure out what their ideas mean, and figure out how to apply them. (Marie Wilson)



Appendix A: Participants List

- Tomo Adachi, Negotiator, Indigenous and Northern Affairs Canada
- Terry Ansari, Board of Directors, Institute on Governance
- Anna Baillie, Senior Advisor, Natural Resources Canada
- Nicole Bakes, JD Candidate, University of Ottawa
- Don Barraclough, President, NationTalk
- Nicole Beben, Vice President, Strategy, Canadian Partnership Against Cancer
- The Honourable Carolyn Bennett, Minister, Indigenous and Northern Affairs
- Catherine Blanchard, Director General, Indigenous and Northern Affairs Canada
- Chief Thomas Bressette, Kettle & Stony Point First Nation
- Saul Brown, Reconciliation Coordinator, Heiltsuk Nation
- Harold Calla, Executive Chair, First Nations Financial Management Board
- Yaneeka Candappa, Analyst, Indigenous and Northern Affairs Canada
- Chief Maureen Chapman, Chief-Skawahlook First Nation,
- Clément Chartier, President, Métis National Council
- Barry Christoff, Vice President Indigenous Governance, Institute on Governance
- Scott Clausen, Manager Aboriginal Affairs, Natural Resources Canada
- Brittany Collier, Analyst, Library of Parliament
- Kristi Carin, Legal Counsel, Privy Council Office
- Chief Lee Crowchild, Tsuu'tina Nation
- John Cuddihy, Senior Policy Analyst, Department of Finance
- Isadore Day, AFN Regional Chief, Ontario, Assembly of First Nations, Ontario
- Dr. Mike DeGagné, President, Nipissing University
- David Dendooven, Director General, Indigenous and Northern Affairs Canada
- Peter Dinsdale, President, YMCA
- Dr. Mark Dockstator, President, First Nations University of Canada
- Katarina Dumancic, Senior Policy Advisor, Indigenous and Northern Affairs Canada
- Danielle Duval, Junior Operational Analyst, Indigenous and Northern Affairs Canada
- Peter Edwards, Director General, Indigenous and Northern Affairs Canada
- Maryantonett Flumian, President, Institute on Governance
- Lee Francoeur, Lawyer (Taku River Tlingit – Northwest British Columbia), Eagle Law
- Tim Gauthier, Director of Research, Institute on Governance
- Kefyalew Gameda, Policy Officer, Employment and Social Development Canada
- Terry Goodtrack, President and CEO, AFOA Canada
- Morley Googoo, Regional Chief, Newfoundland and Nova Scotia, Assembly of First Nations
- Jessica Gordon, Senior Policy Manager, Indigenous and Northern Affairs Canada
- Ian Hamilton, Senior Negotiator, Indigenous and Northern Affairs Canada
- Tara Jane, Hayward, Social Policy Analyst, Indigenous and Northern Affairs Canada
- Bryan Hendry, Senior Advisor, Chiefs of Ontario
- Nadine Huggins, Director, Public Safety Canada
- Jane Hurtig, Consultant
- Lori Idlout, JD Candidate, University of Ottawa
- Chris Jennings, Senior Advisor, Natural Resources Canada
- Richard Jock, Chief Operating Officer, First Nations Health Authority
- Stacey Kaazan, Assistant Negotiator, Indigenous and Northern Affairs Canada
- Sharif Kassam, Junior Analyst, Indigenous and Northern Affairs Canada

- Katherine Koostachin, Senior Policy Advisor, Office of the Minister of the Environment and Climate Change
- Lori, Lafontaine, Senior Advisor Indigenous Affairs, Mental Health Commission of Canada
- Andrew Leach, Chair, National Aboriginal Capital Corporations Association
- Marion Lefebvre, Senior Associate, Institute on Governance
- Koren Lightning-Earle, President, Indigenous Bar Association
- Laura Mackenzie, Chief Policy, Natural Resources Canada
- Catherine MacQuarrie, Senior Executive in Residence, IPAC
- Stephan Matiation, Director, Indigenous and Northern Affairs Canada
- Shanley Matthews, Senior Policy Analyst, Privy Council Office
- Catherine Peltier Mavin, Indigenous Policy and Promotion Advisor, Natural Resources Canada
- Pamela McCurry, Assistant Deputy Minister, Department of Justice Canada
- Craig McNaughton, Special Advisor to the VP, Social Sciences and Humanities Research Council
- Konwatsi'tsaw Meloche, V.I.S.T.A Seminars
- Shannin Metatawabin, CEO, National Aboriginal Capital Corporations Association
- Herb Metcalfe, President, Whom Strategies
- Joe Miskokomon, former Chief of the Chippewas of the Thames First Nation,
- Mike Mitchell, former Grand Chief, Mohawk Council of Akwesasne
- Melody Morrison, Canadians for a New Partnership,
- Adele Mugford, Policy Analyst, Indigenous and Northern Affairs Canada
- Joshua Nichols, Research Fellow, Centre for International Governance Innovation
- Marcia Nickerson, Consultant
- Gwen Philips, Ktunaxa Nation Council
- Sophie Pierre OC, OBO, former Chief Commissioner of the BC Treaty Commission
- Amanda Powers, Policy Analyst, Employment and Social Development Canada
- Andrew Preston, Senior Policy Advisor, Environment and Climate Change Canada
- The Honourable Bob Rae, PC, CC, O.Ont., QC
- Tim Raybould, Professor of Practice, McGill University
- Miles Richardson, Board Member, Canadians for a New Partnership
- Sahar Rizvi, JD Candidate, University of Ottawa
- Murray Rowe Jr.,
- Alison Rygh, Project Manager, Indigenous and Northern Affairs Canada
- Chief Dean, Sayers, Batchewana First Nations,
- Scott Serson, Board Member, Canadians for a New Partnership
- Nihal Sherif, Director, Natural Resources Canada
- Hayley Sherman, Data Research Assistant, Indigenous and Northern Affairs Canada
- Steven, Singer, Senior Advisor, Indigenous and Northern Affairs Canada
- Marilyn Slett, Chief Councillor, Heiltsuk Nation
- Sophie Sliwa, Senior Advisor, Natural Resources Canada
- Harmony Sluiman, Research Officer, Institute on Governance
- Heather Smith, Vice-President, Operations Sector, Canadian Environmental Assessment Agency
- Jennifer Smith, Chief Operating Officer, Institute on Governance
- Lisa Smith, Director of Parliamentary Affairs, Office of Senator Charlie Watt, Senate of Canada

- Stacey Swan, University of Ottawa, Student
- Martine Tanguay, Director, Indigenous and Northern Affairs Canada
- Bev Therrien, Manager, Western Economic Diversification Canada
- Genevieve Toupin, Consultant, PGF Consultants
- Jacob Travis, UOttawa Law Faculty,
- Gaelle Vanbrugghe, Consultant, PGF Consultants
- The Honourable Senator Charlie Watt, Quebec (Inkerman)
- Elder Gordon Williams, Peguis First Nation
- Karen Jacobs Williams, Kahnawake
- Dr. Marie Wilson, Truth and Reconciliation Commission
- David Yurdiga, Member of the Canadian Parliament for Fort McMurray—Cold Lake,

Appendix B: About Us



Institute on Governance

The Institute on Governance (IOG) is an independent, Canada-based, not-for-profit public interest institution with extensive experience in exploring and developing approaches to responsible and responsive governance in Canada and abroad. The Institute's goal is to promote and share good practices, and offer solutions and continuous improvements in the capacity of organizations to deliver on their mission. We do this through our advisory services, original research and learning laboratory. We operate an Indigenous Governance practice encompassing each of these areas.

For us, governance is concerned with governance frameworks and strategies, how decisions important to a society or an organization are taken, and how accountability is managed. We believe that in order to resolve issues that are impediments to the development of Indigenous communities, it is important that communities define their own governance agendas so that they can have a more authoritative voice when engaging with others such as stakeholders from all areas of government, communities and organizations to discuss authority and jurisdiction and the creation of corresponding institutions and governance structures to support self-government.



Canadians for a New Partnership

Launched in September 2014, this registered charity is the result of the vision and determination of founder and President Stephen Kakfwi, former Premier of the Northwest Territories, and past President of the NWT Dene Nation.

CFNP's view is that efforts, no matter how well intentioned, to improve the health, education and welfare of Indigenous peoples are destined to the same failures of the past unless we build a new Nation-to-Nation relationship and restore the trust that has been eroded by a litany of historic wrongs. Put simply, Canadians for a New Partnership is working to ensure that this latest opportunity to achieve reconciliation is not squandered. By engaging Canadians in dialogue about the relationship between First Peoples and others in Canada, and by honestly acknowledging our shared past and present circumstances, we believe a foundation of trust and hope can be established.

We seek to:

- bring together leaders, new audiences, and resources to talk about the importance and need for a new relationship between Indigenous and non-Indigenous peoples;
- inspire new ideas, partnerships, and commitments in education, health, business, and communities by facilitating new partnerships among stakeholders;
- amplify and advance a growing conviction among Canadians that the time for constructive, forward-moving action is now; and
- highlight the numerous achievements being made by Indigenous communities and individuals.