

USING THE REPORT

The *Governance Report* has been designed as a “guide” for navigating the issues of governance in relation to our peoples and our Nations. The Report is divided into four sections.

Section One – Options for Governance Reform provides a concise history of our Nations’ governance as it has developed within Canada, and the broad options currently available to our Nations to develop governance. These are: (1) incremental jurisdiction under the *Indian Act*; (2) sectoral governance initiatives; and (3) comprehensive governance arrangements.

Section Two – Core Institutions of Governance considers the institutions that are central to governance, including the structures of a Nation’s government, the governing body and the citizens. This section also considers the development of a Nation’s constitution.

Section Three – Powers (Jurisdiction) of the First Nation addresses the range of powers (jurisdictions) by subject matter. This includes cases where our Nations’ governments are already exercising law-making authority or may be considering exercising law-making authority. The subject matters are arranged alphabetically and indexed and tabbed into 33 chapters for ease of reference.

Each chapter has been organized consistently as follows:

- (1) **Background** to the subject matter, which gives context and provides basic information about the subject matter.
- (2) **Indian Act Governance**. “*Indian Act* Options” for incremental governance are considered for the subject matter. Where there are no options under the *Indian Act*, this section will be short.
- (3) **Sectoral Governance Initiatives**. The subject matter is considered from the perspective of “Sectoral Governance Initiatives” that our Nations are involved in or are developing. In some chapters, there is also consideration of other initiatives that do not strictly involve the exercise of law-making authority but are sectoral and relate to activities that in time may have jurisdictional implications.
- (4) **Comprehensive Governance Arrangements**. For each subject matter there is a discussion on “Comprehensive Governance Arrangements.” Here, what our Nations that are governing under comprehensive governance arrangements with the Crown are doing in the particular subject matter is considered. We have included comprehensive governance arrangements (both inside and outside modern treaty-making) in BC. These are Sechelt, Westbank, Nisga’a, Tsawwassen and Maa-nulth.
- (5) **Comprehensive Governance Arrangements – Comparative Charts**. We have compared the arrangements in charts setting out the provision in the comprehensive governance arrangements that address the particular subject matter.
- (6) **BC First Nations’ Laws/By-laws in Force and Other Activities**. We have also included tables providing information about where our Nations have exercised jurisdiction in a subject area. The tables set out which of our Nations have made what laws or by-laws under the *Indian Act*, sectoral governance arrangements or as part of comprehensive governance arrangements.
- (7) **Resources**. Each subject matter includes a list of “Resources” that are available to assist your Nation in considering the subject matter further.

Section Four – Financing First Nations’ Governance considers one of the most challenging aspects of rebuilding our Nations, namely how it will be paid for and the need to expand revenue options for our Nations. This section looks at the sources of our revenues and the broader questions concerning our fiscal relations with Canada and BC.

Much has been written on Aboriginal governance and there are numerous resources available on the subject. This Report contains links to many primary and secondary sources of information, including agreements, laws, reports and studies, as well as to websites where the additional information referred to in the Report can be found. There are also links to resources and ongoing work in each area of jurisdiction identified and a discussion of where further work with Canada, and as the case requires, with BC, is needed to create an environment for the recognition and implementation of our Nations’ jurisdiction. These may be of use to your Nation on its journey of rebuilding or building governance. Copies of the documents referred to in the Report or links to websites can be accessed through the BCAFN website www.bcafn.ca, which houses an electronic version of this Report with hyperlinks.

While there may be similarities between Nations, we assume that each Nation will develop its own form of governance and assume powers (jurisdiction) appropriate to its needs. When reading this Report, it is important to keep in mind that while a number of approaches to addressing governance reform are discussed, in rebuilding appropriate and strong governance, by whatever process, each Nation should consider decision-making systems that reflect its unique culture and traditions. The specific form of your governance and your arrangements will reflect this diversity.

Finally, as our Nations’ governance evolves and new options are developed or existing options refined, it is important for those involved in governance reform to be up to date. BCAFN intends to update this Report from time-to-time so that it remains a useful resource to support our Nations’ governance work. Please note that this Report is not a substitute for legal or other professional advice. Seek specific legal or other advice as appropriate. While every effort has been made to ensure the accuracy of the information contained in it, users should seek specific legal advice as appropriate based on their individual circumstances and needs. Also, if you come across information in the Report that may not be accurate or could be clarified, or if you have material to add, please contact the BCAFN and we will endeavour to include the revisions in future editions.