



# SPECIAL UPDATE ON SELF-GOVERNANCE

Newsletter – August 2024

## RESPECTING OUR PAST, IMPROVING OUR FUTURE

### Reconciliation and Reclaiming our Governance Rights

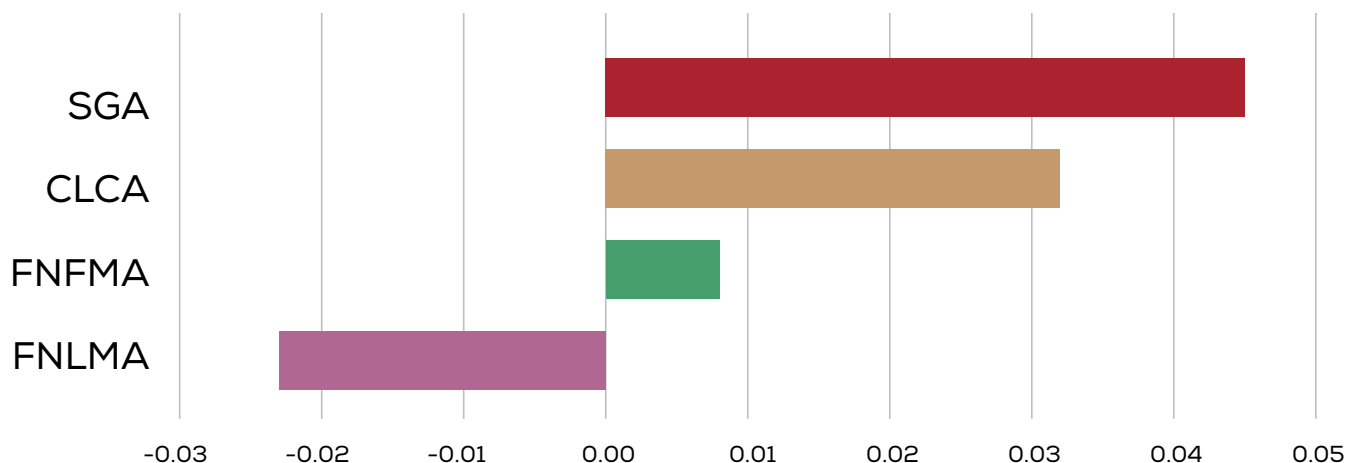
*“Societies that govern well simply do better economically, socially and politically than those that do not. Strong and appropriate governance increases a society’s chances of effectively meeting the needs of its people.”<sup>1</sup>*

Our inherent right to govern ourselves was never taken away at the time we signed the Adhesion to Treaty 5 in 1908. Entering into a Self-Government Agreement (SGA) is an important next step towards reconciliation between Canada and our Nation. An NCN SGA will allow the community to create more sustainable programs and services for our citizens based on our culture, our history and our needs.

### Positive Impacts of Self-Government

The results from the Evaluation of the Impacts of Self-Government Agreements 2018 shows attaining a SGA has a positive impact on the total Community Well-being score as well as on the housing, income and labour force subcomponents. Attaining a comprehensive land CLCA has a substantial impact on the income subcomponent, but the impacts on other components are quite small. For other agreement types (FNLMA and FNFMA), the impact is not statistically significant on any of the Community Well-being measures (Figure 8).

**Figure 8: Total Community Well-Being Index**



<sup>1</sup>Jody Wilson Raybould "A governance Toolkit: A Guide to Nation Building", (2014), p. 1

## NISICHAWAYASI NEHETHOWUK OKIMAWIN: OUR TRADITIONAL GOVERNANCE SYSTEMS

We are the Nisichawayasi Nehethowuk, the people whose ancestors lived near where the three rivers meet and who speak Nihetho, the language of the four winds.

For over ten thousand years, our people have been connected to the land and waters where the Burntwood, Footprint and Rat rivers converge. Kehchi Manitou (the Great Spirit), through Kehchi Othasowewin (the Great Law) granted us, as the guardians of N'tuskenan (our sacred lands) the responsibility to care for and the right to use and benefit from its resources.

Our ancestors were nomadic people who lived, worked and played far beyond the boundaries of the current reserve lands at Nelson House. We governed ourselves using the customary law principles our people developed to reflect our beliefs, values and norms and to guide and direct the conduct of Ethiniwuk (individuals), Ka'esiminisichik (the family), Ka'esi

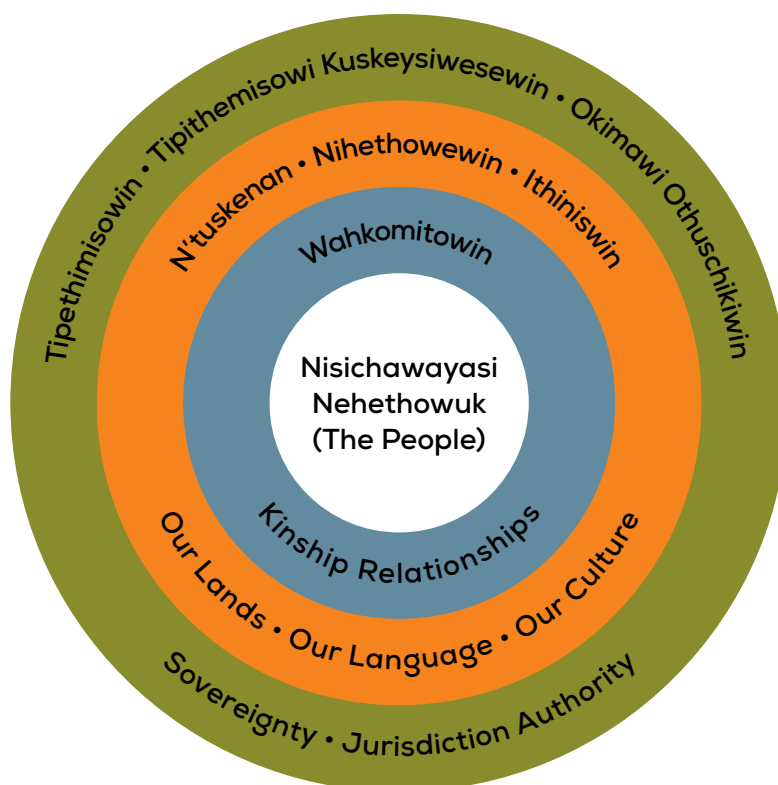
anisko'wahkometochik (the extended family), Ka'esi mamawe'minisichik (the clan) and Ka'esi'pisketuskan'nesichik (the Nation).

These customary laws form the basis for our Othasowewin (Constitution) approved by our Citizens on November 29, 2017. As noted in Othasowewin, "our customary laws are based on the seven sacred teachings of our ancestors as represented by the animals to remind us of our connection to Mother Earth – love (eagle), respect (buffalo), courage (bear), honesty (loon), wisdom (beaver), humility (wolf) and truth (turtle)

and from these teachings, mamawi nisitawenachikewin (mutual recognition), mamawi kistithichikewi (mutual respect), mamawi wichihitowin (sharing) and mamawi tipethimisowin kanawapatamasowin (mutual responsibility) with all relations in tapwetamowinihk (honesty, truth, trust and understanding) within N'tuskenan."

We governed ourselves using our Nehetho cultural practices and strong kinship relationships. Responsibility for our lands and our people is central to our beliefs about how we should exercise our Tipethemisowin.

Othasowewin confirms we continue to exercise our inherent right to govern ourselves and that we will continue to exercise Tipethemisowin in our relationships with all Nations consistent with our vision for our future as it evolves over time.



# INDIAN ACT: OPPRESSIVE SYSTEM OF GOVERNANCE

The Indian Act (Canada) has authorized the federal government to control and regulate the daily lives of First Nations peoples and communities for over 150 years. This jurisdiction and authority includes political control, by imposing band council governing structures, defining who our membership can be, asserting control over our rights and ability to speak our languages, practice our culture, ceremonies and traditions and ignores our customary laws. The Indian Act also enabled the government to determine and control our land base through the reserve system and asserted Crown sovereignty.

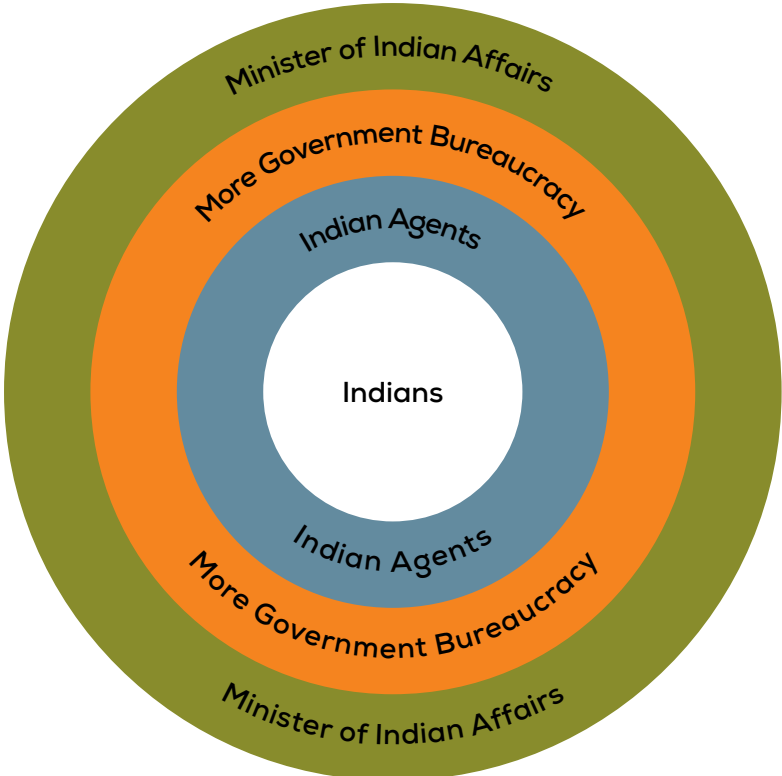
The Indian Act is a part of a long history of assimilation policies intended to terminate the cultural, social, economic, and political distinctiveness of our peoples. We became “wards of the state” without the right to vote and with limited authority over our lives. It is the framework used to remove our children from our communities whether through residential schools or the 60’s scoop.

While the Indian Act has undergone numerous amendments since it was first passed in the 1800’s, its original content largely remains the same. It is an

invasive, paternalistic system that disregards our kinship relationships and gives control to federal government agents.

“The Indian Act makes it easier to control us: where we live, how we choose leaders, how we live under those leaders, how we learn, how we trade, and what happens to our possessions and relations when we die.” (John Borrows, 2008)

The Indian Act does not recognize our inherent right to govern ourselves. It is inconsistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).



# SPECIAL UPDATE

## TWO GOVERNANCE MODELS: ONE SUPPORTS A NATION'S DEVELOPMENT, ONE DOES NOT

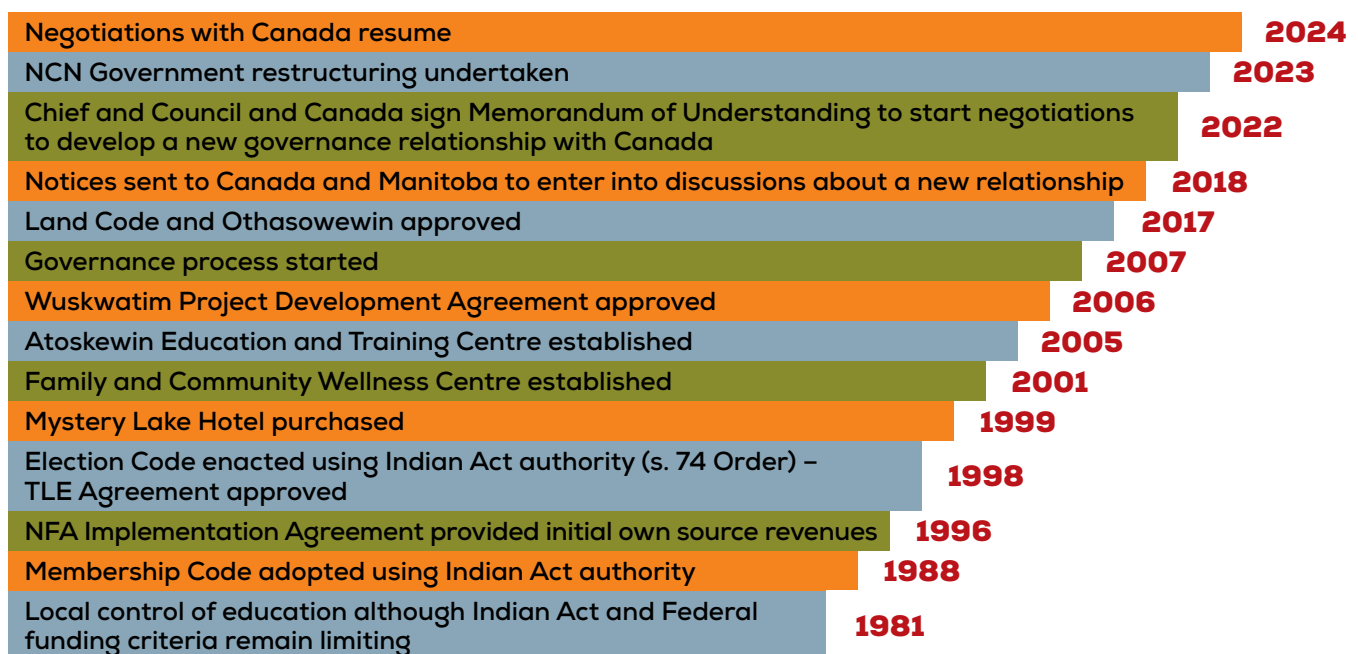
Indian Act Governance Model	Nation Rebuilding Governance Model
Federal government controlled with short term, non-strategic decision-making	Nation asserts sovereignty/decision-making authority
Federal government sets the development agenda	Nation asserts its authority by creating effective governing institutions
Development is treated as an economic problem – goal is to minimize/reduce federal expenditures	Governing institutions match Indigenous political culture
Indigenous culture is seen as an obstacle to development	Decision-making is strategic
Elected leadership serves as distributors of limited resources	Elected leaders serve as nation builders and mobilizers

## MOVING AWAY FROM THE INDIAN ACT: STEPS NCN HAS TAKEN

NCN has taken various steps since the 1980's to shake off the constraints of the Indian Act. We have moved toward a true Nation

Rebuilding Governance model to assert our Tipethimesowin (sovereignty), pursue economic self-sufficiency and build our

institutions and capacity. It has been a slow process but over this time we have taken important steps forward.



# PAVING THE WAY TO SELF-GOVERNMENT ACROSS CANADA

There are currently 25 self-government agreements across Canada involving 43 communities. There are also about 50 self-government negotiating tables underway across Canada that involve many more communities. A number of Nations like ours started out with land codes and moved to Self-Government Agreements. Alternative federal legislation and program options such as land code, 10 year grants, financial management board operations are all useful INTERIM tools that can be used while negotiations for the broader self-government arrangements are being completed.

## NCN SELF-GOVERNMENT AGREEMENT – PROS AND CONS

PROS	CONS
Maintains and restores NCN Tipithimisowin (sovereignty) & Actively pursues Kwayaskonikiwin (reconciliation)	Remain an Indian Act Band benevolent to the Government of Canada/Manitoba (continue to go to them cap in hand)
Builds capacity and Self-Sufficiency	Be submissive to government bureaucracy and reporting
New fiscal arrangements/transfer payments from Canada and other governments	Maintain existing program and proposal based funding models with control exercised by others
More programs and benefits from increased revenues	Difficult to improve programs and benefits to meet community needs
Move from self-administration to self-determination/self-government	No control in decision-making, maintains self-administration and colonization
Maintains NCN's long established credible leadership role among First Nations	Canada will not likely come back to the table if the MOU is not proceeded with as there are many other tables proceeding or being established

### SGA Critical Benefits

- Once a self-government agreement is concluded, implementation legislation is enacted and will recognize NCN's sacred inherent right to govern ourselves.
- Self-Government initiatives include new fiscal arrangements to ensure that the needs of our citizens can be met to the same standard as other Canadians. This will free up some of our own source revenues to invest further in economic development, infrastructure, housing and services for our citizens.

## COLLABORATIVE SELF-GOVERNMENT FISCAL POLICY

This new policy is intended to improve the fiscal relationship between Canada and self-governing Indigenous Governments and guides federal officials in developing fiscal agreements between Canada and each Indigenous Government. The policy will not apply to the fiscal arrangements between Canada and an Indigenous Government until an agreement is reached.

### Pros of Collaborative Self-Government Fiscal Policy

This policy allows First Nations to:

#### 1. Financial Autonomy:

- have greater control over their financial resources and decision-making processes.
- develop and implement their own fiscal policies, budgets, and economic development strategies tailored to their specific needs and priorities.

#### 2. Flexibility and Responsiveness:

- design their own fiscal policies so First Nations can be more flexible and responsive to changing economic conditions and community needs.
- to adapt their financial strategies and investments to maximize benefits and address emerging challenges or opportunities.

#### 3. Capacity Building:

- encourage capacity building within First Nations communities by taking responsibility for their fiscal management so communities can develop expertise in financial planning, budgeting, and resource allocation.

#### 4. Economic Development Opportunities:

- leverage their fiscal autonomy to attract investments, develop partnerships, and pursue economic development opportunities to improve socio-economic outcomes.

### Cons of Collaborative Self-Government Fiscal Policy

#### 1. Limited Land and Resources:

- Limited access to resources, such as land or natural resources, can constrain a First Nation's ability to implement robust fiscal policies and adequately fund essential services and infrastructure.

#### 2. Capacity Constraints:

- Developing and implementing effective fiscal policies requires specialized knowledge and skills. There will be challenges to establish capacity constraints in terms of financial management expertise, human resources, and administrative infrastructure.

#### 3. Potential Inequities:

- Communities with greater resources or economic opportunities may have more favorable fiscal positions compared to those facing greater challenges. This can lead to potential inequities in service delivery and socio-economic outcomes between First Nation's.

#### 4. Accountability and Transparency:

- Ensuring accountability and transparency in fiscal management can be a challenge. First Nations must establish robust governance structures, financial reporting mechanisms, and oversight mechanisms to maintain public trust and demonstrate responsible stewardship of resources.

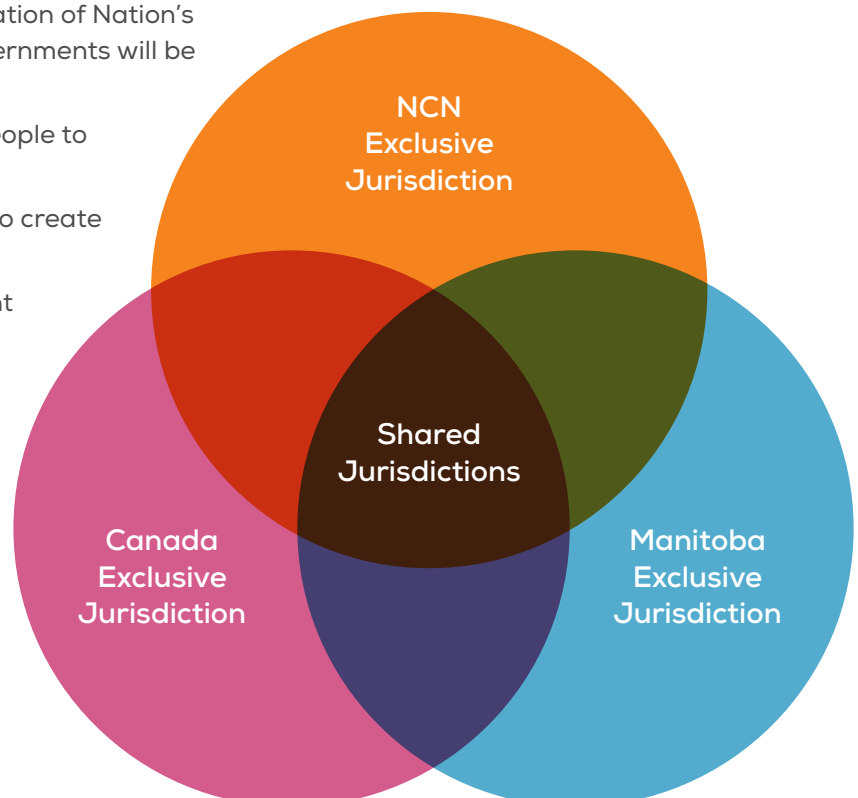
## SELF-GOVERNMENT RECOGNIZES OUR GOVERNMENT, LAWS AND JURISDICTION

A Self-Government Agreement acknowledges each government **including ours** has exclusive jurisdiction in a number of areas and shared jurisdiction in others. It provides additional revenues to meet a community's identified needs.

## WHAT'S IN A SELF-GOVERNMENT AGREEMENT

Although each Self-Government Agreement is unique to the First Nations negotiating it, there are certain common elements:

- Indian Act Band is replaced with a First Nation government formally recognized by Canada
- The Nation will establish or maintain its own Constitution
- Jurisdiction of the Nation is set out but generally can be taken up when the Nation is ready to do so with proper funding and capacity building in place
- Rules for the development and application of Nation's laws and how conflicts with other governments will be resolved
- Description of the lands/territories/people to which laws and benefits apply
- Separate Fiscal and Tax agreements to create longer term fiscal stability
- Legislation to recognize and implement the Self-Government Agreement
- Ongoing Implementation Plans



# SPECIAL UPDATE

## NCN Chief and Council Message

We look forward to your input throughout this important process.

## NEXT STEPS

### Community Engagement

SGA Small Group Workshops to inform and obtain input

### Governance Treaty/Agreement (Jurisdiction)

- Review wording in other agreements and connect with other First Nations to determine what has worked and what has not
- Review Canada's proposed wording in light of Canadian Constitutions sections 91, 92, 25 and 35 and UNDRIP and recent related court decisions to ensure NCN's Tipethomisowin, Jurisdiction and Authority is maximized
- Assess which areas will require Manitoba and how best to deal with those issues

### Fiscal Arrangements

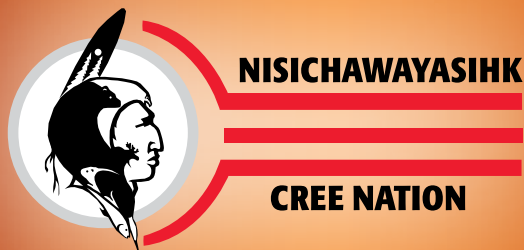
Work closely with Managers and obtain feedback from NCN Citizens to assess NCN's situation and consider the impact of the recent collaborative self-government fiscal policy which has significantly increased the revenues of other self-governing Nations

### Tax (Revenue) Arrangements

Obtain updates on Tax Commission work on Resource Charge and work with tax specialists on other matters to determine next steps for further increasing NCN revenues to enhance community improvements



Back (L to R): Kim Linklater, Vice-Chief Marcel Moody, Jeremiah Spence, Ron D. Spence.  
Front: Shirley Linklater, Chief Angela Levasseur, Cheryl Moore.



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### WE WANT YOUR FEEDBACK

Please complete the enclosed form to let us know how you want us to engage with you and what Kwayaskonikiwin/Reconciliation, Tipethimisowin/Sovereignty and Self-Governance mean to you.