

# Nation to Nation Relationships

*I would like to acknowledge that the location of this gathering is on the traditional and unceded territories of the Algonquin Nation.*

## Indigenous Peoples and Participation in Parliamentary Process(es)

Gwen Phillips, Ktunaxa Nation, BC First Nations Data Governance Champion, October, 2017

Information provided for educational purposes only; not to be considered as engagement or consultation.

# In the beginning...

- Indigenous Nations each have unique stories of creation describing how humans and all things, came to be.
- These stories describe *healthy relationships*; they tell humans how to govern themselves, in relation to their environments.
- Indigenous people related as families and clans within communities, as communities within Nations and on a Nation to Nation basis.
- Socio-economic wellbeing was dependent upon all citizens fulfilling their roles as part of the family/clan; *mastery, independence, generosity, belonging...* this is what we call reciprocal accountability!
- Protocols guided the trade and interactions between Nations.



**Relationships were generally based on access to resources; trading across Nations was the norm** - Allied Tribes 1916  
Interior and Coast Salish, Kootenay (Ktunaxa), Tsilhqot'in, Dakelh, Kaska-Dene, Q'uwit'sun, Nuxalk, Nisga'a, Tsimshian, Haida and Gitksan Nations...

**Community Driven  
Nation Based**

# Nature of Indigenous Rights to Title

- Indigenous 'title' is more than a property right; it is unique in that it is a *communal* right, meaning that an individual cannot hold this form of title - it belongs to Indigenous Nations.
- Jurisdiction can be either *inherent (natural – inborn)* or *delegated (given or assigned)*; the jurisdiction of Indigenous Nations arises from their existence in North America *prior* to the arrival of the Europeans and is considered *inherent*.
- Jurisdiction can be *Territorial, exercisable* over a particular land, or *Personal, exercisable* over a particular people, or a *combination* of both. Most Indigenous Nations assert jurisdiction over both their people and their land; they have never surrendered responsibility for either; they are inherently linked via a sacred relationship.
- Métis people have *Aboriginal* rights recognized by the Canadian Constitution, but not *inherent* rights. As a distinct society, they are not indigenous to North America; their culture and language is a result of contact and colonization.

# Colonization, Common Law and Parliamentary Democracy: A Values Clash

## Canadian Concepts 1950 - 1960 Indigenous Concepts

- |   |  |
|---|--|
| 1. British Common Law; women, marriage, property  | 1. FN women owned property and often chose the male leaders                        |
| 2. Parliamentarians inform law; government regulates people <i>and</i> their environments | 2. Natural law informs man-made law; regulates people <i>in</i> their environments |
| 3. Accountability of government to citizens – civil society                               | 3. Reciprocal accountability; citizens to each other                               |
| 4. Political Parties, Stakeholders, Recipients, Beneficiaries...                          | 4. Families, Clans, Societies, Chiefs, Confederacies                               |
| 5. Majority rules   | 5. Inclusive decision making   |
| 6. Regulate to control economy  | 6. Regulate resource distribution  |

# Recognition of the Impacts

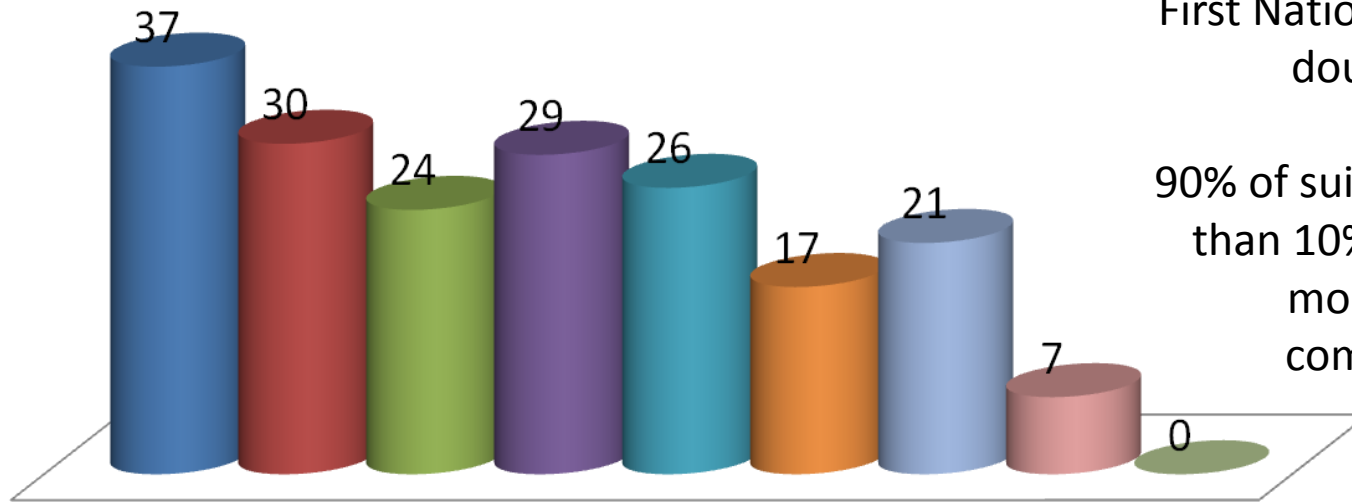
Poverty?



?a·kukpukamnam

# Total Suicide Rate per 100,000 by Number of Factors Present

(1993-2000)



Number of Factors Present

■ 0 ■ 1 ■ 2 ■ 3 ■ 4 ■ 5 ■ 6 ■ 7 ■ 8

**Factors: Health Services Education Services Local Policing  
Cultural Facilities Child Welfare Control Land Claims  
Women in Government Self-Government**

In BC, between 1987 and 2000, the suicide rate for First Nations was more than double the provincial average. 90% of suicides occur in less than 10% of communities; more than half of the communities have no suicides.

## GoC Roles to Support

"Get out of the way"  
Support capacity development in negotiation, mentoring others  
Support knowledge dissemination of successful practices

COLLABORATING

Support culture  
Support healing for individuals and leaders  
Supports and networks for emerging leaders  
Awareness of IRS impacts  
Facilitate safety

PARALYSIS

Support culture  
Development opportunities in programmatic knowledge  
Continuing development for leaders  
Management development in strategic planning, etc

REBUILDING

COPING

Support culture  
Support healing for individuals and community  
Development opportunities for leaders  
Management development: team-building, facilitation, group decision-making

Community Development Approach: Health Canada and INAC





# Try Differently, not Harder

Transfer the knowledge, tools and instruments...  
required of effective governments from  
federal/provincial governments to Nation  
Governments, incrementally, as relationships and  
institutions evolve.



**Investing in Nations to transition  
back to Self-Government**

# Uniting Federal Strategies

Replace  
Program  
Architecture  
with  
Relationship  
Agreements

Fiscal Framework:  
60 Agreements to  
fund Healing,  
Planning and Plan  
Implementation -  
Investing in Nations

Replace  
Contribution  
Agreements  
with  
Transfers

Community  
Development Plans  
and Nation  
Rebuilding Plans:  
Implementing TRC  
and UNDRIP

Data Governance  
Framework:  
Nations Report on  
Relationships and  
Outcomes

Collaboration  
Framework: Nations  
Identify Partners  
and Define  
Accountability

# **Outcomes\* of Indigenous Community Development and Nation Rebuilding Activities**

- **Recognition and reconciliation**
- **Healthy life below water**
- **Healthy life on land**
- **Healthy air**
- **Cultural and linguistic vibrancy**
- **Peace, justice and strong institutions**
- **Social and economic vibrancy**
- **Food security**
- **Good health and well-being**
- **Quality education**
- **Gender equality**
- **Clean water and sanitation**
- **Affordable housing**
- **Reliable transportation**
- **Affordable and clean energy**
- **Meaningful work and growth**
- **Sustainable development**
- **Responsible consumption and production**
- **Industrial and economic innovation**
- **Accessible Infrastructure**
- **Sustainable communities**
- **Effective partnerships**
- **Economic inclusion**

# Informing and Investing in Nation Rebuilding

***Vision:*** *The First Nations Information Governance Centre envisions that every First Nation will achieve data sovereignty in alignment with their distinct world view.*

***Mission:*** *We partner to strengthen First Nations' data sovereignty and assist with the development of governance and information management systems at the Community level; to achieve transformative change. We adhere to free, prior and informed consent, respect Nation-to-Nation relationships, and recognize the distinct customs of Indigenous Nations.*

- **First Nation:** Synonymous with Indian Band
- **First Nation Community:** A geographic, social or cultural Community of First Nations people; to include FN Communities that are reserve and non-reserve based, rural and urban, sometimes self-referenced as tribes
- **Indigenous Nation:** A Confederacy of linguistically/culturally/historically aligned First Nation Communities or the Innu Nation
- **Indigenous Data Sovereignty:** Indigenous Nations asserting ownership and control to enable access and possession of data that relates to the identity, culture, language, history or contemporary circumstance of their Peoples/Citizens, Communities and Nations.

# First Nations' Data Governance Discussion Paper: Measuring the Nation-to-Nation Relationship

- It is fundamental that the federal government understands that First Nations controlled national institutions and organizations are not Nations. The federal government cannot continue to enter into agreements with these organizations/institutions without first re-establishing relationships with the Nations themselves.
- It is through the relationship building process that the Nations will define who, organizationally, represents them, locally, regionally and nationally.
- In this vein, and according to the Royal Commission on Aboriginal Peoples, the federal government would need to respectfully participate in 60 some caucus tables to facilitate the establishment of Nation-to-Nation relationships with the Indigenous Nations of Canada.
- Each unique Indigenous Nation will then define in culturally appropriate terms, what they expect from this relationship. ***The goal of this paper is to present a very high level perspective on what a Nation-to-Nation relationship might look like and how it could possibly be measured.***

# Canada's Open Government Plan: An Evolving Relationship

## Commitment 3: Expand and Improve Open Data Commitment

- Develop and refine guidance to help federal departments and agencies set priorities for the release of high-value open data and understand the specific circumstances under which data cannot be released for privacy, security, and/or confidentiality reasons:
  - Establish data quality standards for open data;
  - Provide guidance on engaging with key communities in Canada (e.g., First Nations, Inuit, and Métis, etc.) to better understand their needs when setting priorities for the release of open data;

## Commitment 20: Enable Open Dialogue and Open Policy Making

- Promote common principles for Open Dialogue and common practices across the Government of Canada to enable the use of new methods for consulting and engaging Canadians.
  - Engage with First Nations, Inuit, and Métis to ensure that these principles and practices support meaningful engagement and reflect the renewed nation-to-nation/Inuit-to-Crown/government-to-government relationships.

# INDIGENOUS DATA SOVEREIGNTY PRIMER: PROTECTING AND STRENGTHENING IDENTITY

1. **Indigenous Data Sovereignty** is the right of each Nation to govern the collection, ownership, and application of its data. It needs to be defined by Indigenous communities;
2. **Data is not neutral** - Conversations about data, open data, and data sovereignty have to be defined and understood from the context of colonization, colonizer and colonized - the way information has been collected, owned and interpreted in Canada has a history of systemic barriers, oppression and subjugation that cannot be overlooked;
3. **First Nations are not “stakeholders”** - First Nations are Nations within their own right and as such, should be granted due respect and procedures accordingly;
4. **OCAP®** - The standards that establish how First Nations data should be collected, protected, used, or shared comes from a specific Nation-to-Nation context;

## RECONCILING RELATIONSHIPS - NATION TO NATION

At this point in history, it is time for each Nation to self-determine; to identify ourselves as the unique and diverse Nations we are in British Columbia. It is time to rebuild our Nations through Community Development, re-establishing Community-driven, Nation-based institutions to care for our lands, waters and our people. We can no longer be consulted as one group;

*First Nations* is a label given to us. We must remind Canada, our neighbours and the world that we are the Indigenous Nations of BC and we are diverse. The citizens of our various Nations speak the following unique languages:

- |   |  |
|---|--|
| 1. Anishnaubemowin                                | 19. Nuučaánuł  |
| 2. Dakelh (C̣Ḅʷ)                                 | 20. Nuxalk   |
| 3. Dane-Zaa (C̣ɔ̣ b)   ɔ̣ʷΔɔ̣ɔ̣ɔ̣ɔ̣ (Nēhiyawēwin) | 21. Oowekyala / 'Uikala                                    |
| 4. Danezāgé'                                      | 22. Pəntl'áč   |
| 5. Dene K'e                                       | 23. Secwepemctsin  |
| 6. Diitiidʔaatx                                   | 24. SENĆOŦEN / Malchosen / Lkwungen / Semiahmoo / T'Sou-ke |
| 7. Éy7á7juuthem                                   | 25. She shashishalhem                                      |
| 8. Gitsenimx                                      | 26. Ski:xs   |
| 9. Hailhzaqvla                                    | 27. Skwxwú7mesh sníchim                                    |
| 10. Hul'q'umi'num' / Halq'eméylem / həŋqəmiŋəŋ    | 28. Ṣṃalgyax   |
| 11. Ktunaxa                                       | 29. Státimcets   |
| 12. Kwakwala                                      | 30. Tāltān   |
| 13. Łingít  | 31. Tse'khene  |
| 14. Nedut'en                                      | 32. Tsilhqot'in  |
| 15. Nəxʷsłáʔəmúcən                                | 33. Witsuwit'en  |
| 16. Nisga'a                                       | 34. Xaad Kil / Xaaydaa Kil (Haida)                         |
| 17. Nłeʔkepmxcín                                  | 35. ʔenaksialakala / ʔa''islakala                          |
| 18. Nsyilxcən                                     |  |

***We recognize each other as the Nations that existed before contact with Europeans***, and we, the Indigenous Nations of British Columbia, will engage with the governments of Canada and British Columbia, on a Community-driven, Nation basis. We will self-determine our approach to Nation rebuilding and will each, as Nations, define the terms of our Nation to Nation relationships with each other and with the other governments in Canada.

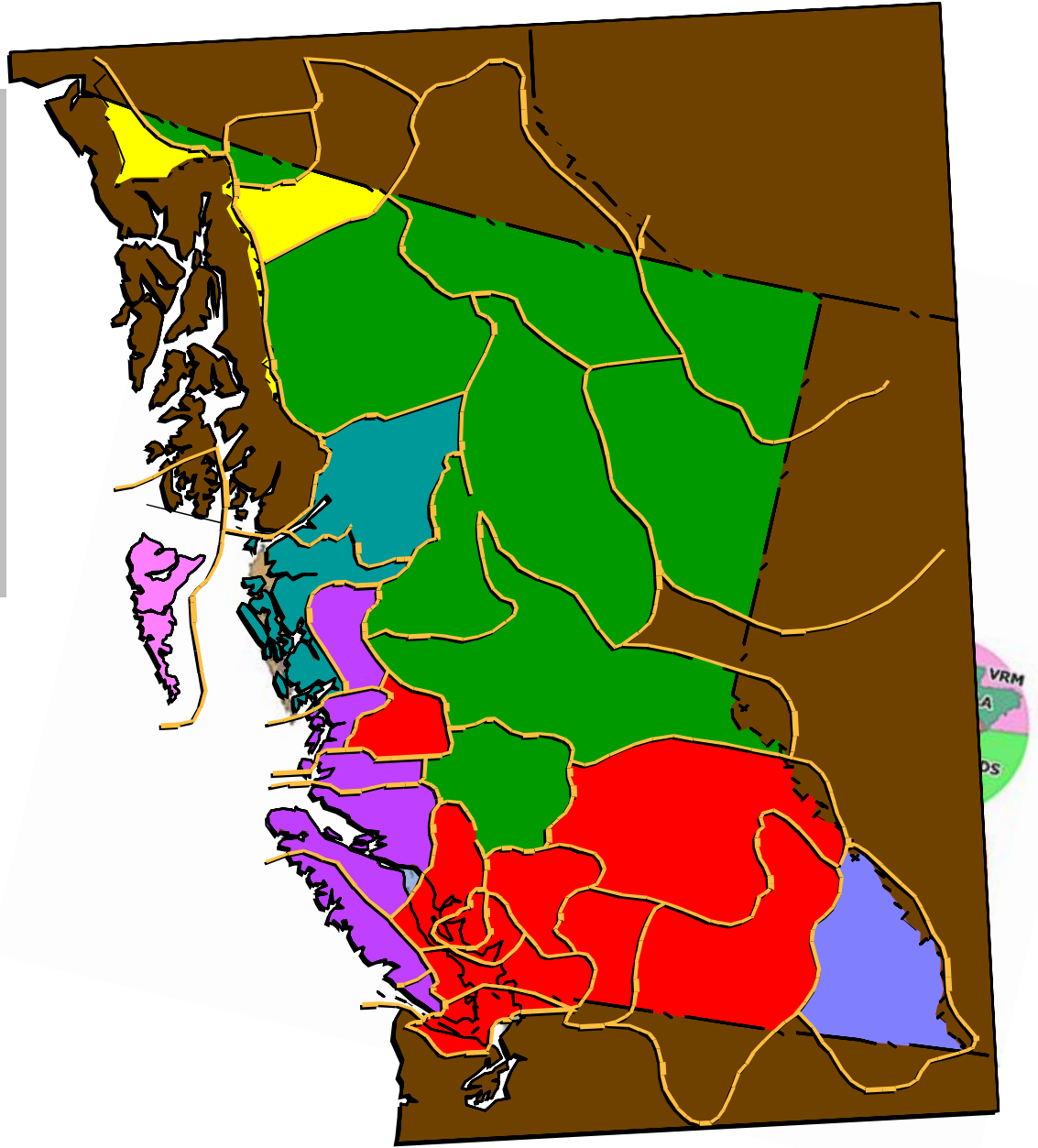
**DRAFT: FOR DISCUSSION PURPOSES ONLY**



# First Nations of British Columbia by Linguistic Identity

Additional 35 Seats

-  Athapascan
-  Wakashan
-  Salishan
-  Tsimshian
-  Haida
-  Ktunaxa
-  Tlingit



# Inclusion in Parliamentary Processes

- Recommend Indigenous Nations and Métis people to have non-partisan participation in legislative processes of each province/territory: example 37 new seats in B.C. Legislature – 35 unique First Nations Confederacies, and one seat for the Innu and Métis Nations
- Recommend Indigenous Nations and Métis people to have non-partisan participation in Canadian Parliament; example 60 new seats, 1 for each of the 58 unique First Nations Confederacies from across Canada, and one seat for the Innu Nation and one seat for the Métis Nation
- Would legitimize relationships; achieve RCAP, TRC, UNDRIP... objectives
- Function somewhat like a legislative check and balance, working with whomever is elected to govern – context: Crown's current function with *the right to be consulted, to encourage and to warn* – transfer part of the Crown function to our Headdresses – *Queen reconcile with us!*
- Benefit from traditional and ecological knowledge and 7 generation thinking... better law for everyone!



# Ka Kniṭwitiyaṭa

## OUR VISION

A vibrant, healthy community, speaking our language, governing effectively, and maximizing our lands and resources for the benefit of all living things and future generations, in a manner consistent with *qanikitei* (our values and principles).