

Preparing for the Day After Treaty
Workshop Session:
Capacity Building: Preparing for Self-Government
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Presentation 1: Bertha Rabesca Zoe

My name is Bertha Rabesca Zoe. I'm a Tlicho, a member of the Tlicho Nation from the Northwest Territories. Tlicho region is located just north of Yellowknife around the northern part of the Great Slave Lake. I'm also a lawyer and an associate with Pape Salter Teillet, it's a law firm here in Vancouver and Toronto. And we have an office in Behchoko which is the largest community in my region (Tlicho).

I speak my language fluently. I'm a member of the Law Society of Upper Canada and a member of the Law Society of the Northwest Territories. Prior to going to law school – I went to law school in my early thirties – I worked in the community and doing community development work in the culture, social and recreational area.

But since completing law school and during law school I've been helping whenever I can as a summer student working with the Tlicho Implementation Team on the negotiations of the Land Claims and Self-Government Agreement that the Tlicho have signed or became effective two years ago.

Currently I'm also the laws guardian for the Tlicho Government. I draft laws and work with their assembly and give legal advice on the laws and the Agreement and the Tlicho Constitution. I sit as a representative on the Implementation Committee. I'm also the interim negotiator for the Tlicho on the resource revenue sharing and devolution discussions that are going on in the North.

I also helped in setting up the Tlicho Government prior to the effective date.

And I've helped set up their Tlicho Investment Corporation, their corporate arm, because what happened on the effective date is they took over all the companies of the four bands and the Treaty 11 at that time, the Regional Tribal Council, basically. Everything is transferred to Tlicho Government now so we had to reorganize that.

I also help a lot with their caribou issues; that's a huge issue in the north. I'm quite involved in their environmental processes, their regulatory processes. I was also part of the negotiating team for the implementation plan for the Tlicho Agreement.

I'm basically their technical and legal counsel and my work is mainly with the Tlicho Government because they're in the early stages of the implementation of their agreement. So, that's a little background on what I do right now.

When we talk about capacity building because the Tlicho agreements, I can only speak to the experience of the Tlicho because that's who I work for. I am a Tlicho so on a personal level I have a lot of interest to make sure that what has been negotiated is implemented properly for today and the future generation as our elders and our leaders have said.

The Tlicho Agreement is a land claim and self-government agreement. It's one of a kind in the Northwest Territories. There are about three other land claims in the Northwest Territories but they don't have the self-government component. The Tlicho own outright surface and subsurface 39,000 square kilometres of land. It's been equated to the size of Switzerland, so it's a large, large tract of land. And, when we say subsurface we mean everything underneath.

The Tlicho have a Constitution that they approved prior to the effective date and it's the highest Law in the Tlicho Nation. And we've just gone through a political bump along the way, but the Tlicho Constitution is what guided us through that bump just recently, so I cannot say enough about that document that the elders worked so hard for us for the Tlicho.

Again unlike other claims in the north, this is a three party agreement – it means that Canada, the Tlicho and the Government of the Northwest Territories are party to that agreement. Before, the Government of Northwest Territories – we call them GNWT – used to be part of the federal team in the other negotiations. But this is the first one where they're a full party so they

have a lot of obligations that they have to live up to. Capacity building in my opinion – it's been two years since the effective date – has become a huge, huge issue.

One of the other things is to set priorities and what those priorities are because the way the Tlicho Government is set up as a four-year term, so there's an election every four years. As with any government. One of the elders who was very important to us passed away right after the effective date. He always said, "What are your priorities? What as a government are you going to do for the next four years?" And every year, if you set your priorities, if you don't achieve them, then how you are going to deal with them? He always said that priorities were very important – it's something to measure your successes with and to revisit if something happens that maybe at that time it's not the way to go.

So capacity comes with priorities and, for us anyways, it helps with identifying what our requirements are and what areas to focus on and how to budget accordingly. I look at land claims and self-government in two ways. One is core capacity and one is implementation because one thing we haven't done, and this is my advice to anybody that cares to listen, but to those that are in negotiations or towards completing an agreement is – implementation is so huge, planning for implementation and planning for capacity implementation. Because before the effective date there are a lot of pre-effective date activities that need to be carried out so that on the effective date you're able to achieve what the Agreement said you would. If you're self-governing you have to set up your institution, your laws and all the people have to be in place. It's like from one day, we're a different system and the following day you're a totally complete different system. So implementation capacity is a huge thing.

With Tlicho, we always say the Tlicho Agreement is about language, culture and way of life. So everything the Tlicho do is always with those three important elements. Again, because Tlicho Government is a self-government, there's a lot of capacity building that needs to be done. The way the Tlicho Agreement works is that there are four communities within the Tlicho region and prior to the effective date there were bands in the communities. But in the Agreement, bands were done away with because our leaders and our elders see bands as an *Indian Act* system, it's not a

traditional governing system of the Tlicho. The Tlicho are one united people. So they've gone back to the way it used to be prior to the signing of the treaties and the *Indian Act* becoming applicable in our area, even though we're not reserves but certain sections of the *Indian Act* still apply. So we don't have bands anymore but we have one Tlicho Government for the four communities and the Tlicho citizens.

So, it means getting rid of that type of institution and setting up a Tlicho governing system. So in developing institutions like the usual finance, administration and human resources departments and those types of areas, you need to develop laws if you have governing powers. Especially for such a huge tract of land, you need to have a system in place. So instead of opening up the land for development, and because the land was frozen after the effective date, the law makers, the assembly at that time, passed a law putting that land in a moratorium. The Tlicho land is all in a moratorium; there's no disposition of land whatsoever until such time as they develop a land-use plan.

So how do you use that land and what kind of capacity do you need? This has given the Tlicho time to build that capacity. We live in a diamond mine area. We have four diamond mines in our traditional territory, which is outside of Tlicho lands but is still within our traditional territory. The pressure of development, as most of First Nations are experiencing, is tremendous and the social impact that comes with that is also unavoidable. To date governments haven't addressed those kind of social impacts, but you still need to develop capacity in that area. How do you deal with developing pressures and all the regulatory regimes and environmental concerns and assessments that go along with that? How do you build capacity so that that 39,000 square kilometre of land is monitored and protected properly?

This is where the Tlicho Government is developing a system for that right now, because the land is in a moratorium. We've made it known to governments and industry that they're not allowed on Tlicho lands unless they come and talk to us. And there are no developments, so don't even bother applying for a permit or a lease or a land use permit or water licence or anything like that.

So in the meantime, what does that mean for capacity building? What kind of capacity do you need using traditional knowledge? We still have traditional land users, traditional

economy is still very strong. So it's building capacity in that area as well because not everybody wants to work in the job market and because we have mine companies we have a lot of people working at the mines. So the pressures that come with development also make you focus on the type of capacity you need in that area.

One of the things, in terms of capacity, is dealing with other governments. In our case we haven't really dealt much with the Department of Indian Affairs through Canada yet. But as a member of the Land Claims Agreement Coalition –where all the land claim groups in Canada have come and formed a coalition to work on common issues and try to get the federal government to agree to an implementation policy – we haven't really dealt much with Canada. But GNWT has been our number one concern because sometimes they fail to consult you when they should and other times they want to consult when it's not really a priority.

I always say that this is a Tlicho Agreement. It's for the Tlicho people and so the Tlicho people should be able to set the priorities and then government should follow those priorities. But they always need to work with other Aboriginal groups and other Aboriginal groups would have other priorities that are different from yours so there's a balancing act there. But the Agreement is pretty straight forward as well sometimes.

For example, in the Tlicho Agreement, it talks about developing core principles and objectives for social programs like social assistance, housing, child care and early child care development, but in our Agreement there's no deadline to develop those things. But in another First Nation that's negotiating self-government. It's in their AIP that says they have to have a CPO, or core principles in place, prior to their Final Agreement. So the Government of Northwest Territories is trying to pressure us into negotiating with them on this territorial wide core principles and objectives. And the reason why we're saying it's not a priority for us and we're not going to waste capacity in that area, is that we have a sub-agreement with a territory government where they take on health, education and social services for ten years until we build our own governance capacity and deal with the lands, which is a priority for the Tlicho.

So programs and services are still being delivered by this agency that was

created through this ten-year agreement and so it's not a priority. But because another First Nation has made it in their Agreement, they're pressuring the Tlicho to get on board on this consultation. But again, it's not a priority for the Tlicho and they've decided not to waste what limited resources we have on capacity.

Again, land is land, and I need to go back to the land because land claims is about land and resources, as was said earlier by Justice Berger. You have core management regimes in the land claim areas. In the Tlicho way it's no different from other land claim groups. We have Wek'ézhíí Renewable Resources Board, Wek'ézhíí Land and Water Board, then the overall Mackenzie Valley wide board, so you have to work with them because you do have the appointments. So that is also part of capacity building. Your own people are being trained in those areas to be on quasi-judicial bodies and learn about environmental assessments and preliminary screening and how the process for water licensing works, what kind of requirements mining companies require when they file documents and what kind of capacity do you need to understand those things. You need environmental assessors and you need environmental engineers and you need water experts and wildlife biologists. So these are the areas that a lot of our people aren't trained in but these are the areas, as you take over the land and build a management regime, these are the kind of people you're going to need that have that knowledge. So you need to train your people in those areas.

Forest management is not very huge in our territory, because, we don't have very large trees, but a lot of people still burn wood and so there's commercial interest in it and personal use as well. Again, going back to developers, there's been a lot of consultation and so how you want to be consulted is another area. Because, they want to come to your community to do engagement initiatives or to do an update on a project or, and they use these words and because when you tell them you don't want to be consulted - but you want to be consulted in a certain way - and so there's got to be some protocol as to what that is. And there have been a lot of leading cases, especially out of BC on consultation from mining companies and multi-corporations. So it's really interesting to look at all the latest development of the law in that area from BC and as a lawyer I take great interest in that kind of stuff especially like the recent case in the BC on the *Little Salmon/Carmacks case*, where they litigated

the Agreement and that's going to the Court of Appeal.

But one of my colleagues is a lead counsel on that so we're pretty excited about that case. I'm sure it's going to have huge impact on how agreements are interpreted and applied.

Economic development is also a huge, huge area in which capacity is so required, not just financing capacity, but also human resources and knowledge about business. One of the things that the Tlicho have done is separate business from politics, but not so separated, so far apart that they don't have control over their businesses anymore. Because one of our bands had done that, where they've separated them so far that they didn't really have any control over how their business was operating or any policy direction or shareholder direction.

So the Tlicho Government has, through the work that we did prior to the effective date - because one of the things about agreements is that little simple clauses can have huge, huge impacts. In our Agreement there's a section, Section 14, that says on the effective date the assets and liabilities of the bands become the assets and liabilities of the Tlicho Government. That's all it says. On the effective date those assets and liabilities become assets and liabilities of Tlicho Government. What does that mean?

So, two years prior to the effective date, when I finished law school and became an articling student, that was what I was tasked with, implement that before the effective date. So what we had to do was look at the bands and their corporate interests, their companies, the Dogrib treaty and tribal council and all its corporate entities. Because you have four bands with different companies and you had this Regional Tribal Council with its own companies. They were competing for contracts with other Aboriginal partners for the same contracts. And so, one band was doing really well, the other one was always bailing its companies out, so there was a mixture of all of that. But they were all going to be a part of Tlicho Government after the effective date. So, it meant looking into all the companies, their audit statements, understanding what they are, and how they were set up. Some were federally incorporated, territorial corporation, some were not-for-profit but they were making profit. Some were just shell companies holding another shell company and it was a mixture and it was pretty interesting work.

But those little clauses can mean so much implementation activity and so through that process we got to learn a lot about the companies and the kind of capacity we need. You need good board members who know about companies, who know about how to be board members yet understand and respect the Tlicho language, culture and way of life. And understand that even though the bottom line is something to look at there are still some essential services that are required in the communities. And so you have some really good companies that are nothing but you want to make profit and really good profit. But there are maybe three or four companies that provide essential services in a community that you don't really need for them to make profit, but they need to provide those services.

For example, in three of our communities you have to fly in. There's no road, and the airport is located ten kilometres away, and not everybody has vehicles so you provide taxi services. You don't expect to make money from providing that taxi service but it's an essential service that you need to provide. So you have to put a little bit of money into it. But it's not going to break your bank because you have this other huge, huge company that has these multi-million dollar contracts with the mining companies and that's making you a lot of profit.

So those are the kind of balancings you need your people to understand. That if you hire non-aboriginal managers and they only think about profit because they have to – they want to make that 5% pre-tax bonus that's usually in their contract.

So you need to have board members who understand those things. And so economic development is – and it's in most land claims agreements – there are economic measures when if there are government contracts in your region then the federal policies in existence apply so that they give you a preferential contracting arrangement. So those are really key to understand and it helps in building capacity because you're talking about getting access to contracts in your region and training, not just for jobs and employment for those mining companies that require it, but it also helps in assisting for traditional economy and land users as well because, the objectives in those chapters are usually to achieve economic self-sufficiency and to promote traditional economies.

So, traditional economies for us are hunters and trappers and people that use

the land because they are the real key holders or the knowledge holders of the land. And the Tlicho are working extensively in developing that area in traditional place names and where all the caribou migrations are and where all the heritage sites are and protection of those. Those are where the land users are, the knowledge holders for those areas, and so they become very instrumental in land-use planning. And again, that is all part of capacity building based on the knowledge that you have as a people already.

Again, capacity building is also about building capacity. Meaning that what the Tlicho have done is, they're in a process of developing a school of Tlicho governance. The goal and objective is to teach every Tlicho citizen – and there are about 3,600 Tlicho citizens – about the Agreement, about the Constitution, about how the Tlicho Government is set up, what all its sub-agreements are – we have IBA's with mining companies, we have environmental agreements and we have other agreements as well. So we want Tlicho citizens to know all those things so that as a Tlicho citizen it's in their best interest to make sure they understand what the Tlicho Agreement and the Tlicho Government are all about and what they're doing. So that you have a knowledge base and you're building capacity, because then they would have a good idea of how they want to contribute, and in doing so, you help them achieve that by setting up these types of schools.

The Tlicho have been contributing annually to scholarships, to high school and university and college students in the neighbourhood of about \$500,000 out of its own budget. They have a strong support of the education system, the Mission Statement has always been to be strong like two people, to still retain your language, culture and way of life, but also be able to exist in the modern way as well. And so, they learn the language at an early age and continue on and they still learn the usual math, writing – what we call the non-Tlicho education. Because of these initiatives a lot of Tlicho have gone to university and colleges and so we're building that capacity. But we also worry about brain drain of our communities, because now that a lot of our people are educated, how do you bring them back is the next challenge. Because people have jobs and lots of money and it's very common to see households with two or three vehicles. People are mobile and they go and they live where they want to because they can now. And so how do you bring your people back to your

communities so that they would want to work for your people is the next big challenge for the Tlicho right now.

Again on capacity building, that's an area that I work closely with the Tlicho Government on. The Tlicho Government is two years into the effective date. They still need to set their priorities. As I've said, on the Implementation Committee there's a new thing that Government of Canada is pushing on groups and the Implementation Committee especially, results-based reporting. And you're going to hear some of that as some of you progress on your negotiations and they want to achieve results. Because of the auditor general's reports about how Canada's not living up to some of the obligations in the claims, there's got to be this results-based reporting.

But again it goes back to Tlicho, because it's a Tlicho Agreement I always argue the Tlicho need to set its priorities then we could measure results that way or modify it in such a way that, in the end we want to see the same thing, that we achieve some of these objectives that were set out. And so, capacity is always an issue when you're going to set priorities.

But on the other hand, you need priorities to set what your requirements for capacity are and your financial resources and how you're going to achieve those things and what time lines. The Tlicho are facing that challenge right now, but because the land is in a moratorium it's given them time, they've just extended that moratorium for another two years because the land-use plan they just started is not going to be completed until then. Just for your information, the land-use plan that the Tlicho are developing for the Tlicho lands, which is huge, is totally different from how it was done in the Northwest Territories with the other land claim groups. Because, they have to develop a plan with the governments, and I think the federal minister has a final say on approving the land-use plan. But in the case for the Tlicho, nobody tells the Tlicho whether their land-use plan will be approved or not because it's up to the Tlicho to develop their own land-use plan and so that's what they're doing.

And so that has helped in easing or giving us time to really set up a department that will address all needs for how to manage Tlicho lands and the wildlife and the trees and the plants and the waters. So, again that's an area of capacity building that's going on right now. And by working with key elders and the land users, because they're ultimately the ones who are going to guide

how that land will be used. And they're the ones who are teaching land-use planners and environmental engineers and people that know about GIS and biologists because, they know about the land and they've used it day in and day out. So, that's my presentation on the Tlicho experience on capacity building and on implementation and governance.

Presenter #2 – Kathryn Teneese

My name is Kathryn Teneese and I'm the chief negotiator for the Ktunaxa Nation and I'm here today to talk a bit about the activities that we've been involved with in building capacity of our nation as we prepare for implementation of Ktunaxa governance.

And one of the things that I say to our citizens – and although we are here under the invitation of the BC Treaty Commission and the Nisga'a Nation, both of whom are deeply committed to the whole notion of concluding treaties and concluding arrangements between our governments and the Governments of Canada and British Columbia – I have said to our citizens that the work that we are doing in preparing ourselves for this we have to do regardless of whether we conclude a treaty or not.

So, what I'll talk about today is some of the activities that we've been involved with and the fact that capacity building and preparing for self-government is not just about people. Obviously people are a very important component of this exercise and we certainly need to do that, but as Bertha (Rabesca Zoe) has mentioned in her comments, the importance of building the institutions to ensure that we're able to move forward is also a critical part of the activity that we need to engage in.

The other thing I wanted to say is that, as we move forward in this, there's no quick fix, there's no easy answer and it's an activity that you need to move in a slow and purposeful way. In Bertha's comments, she spoke of priorities and yesterday when I made this same presentation I referred to the comments that had been made earlier in the day with respect to the importance of setting objectives. We're just using different words but the idea is the same. In order to get where you're going you need to have a plan and you need to have a target. Otherwise you're just going, you could find yourself going in circles.

We're working on some steps and we're building towards the day that Ktunaxa Government is going to be the body that makes the decisions for how we're going to live. And I emphasize that because that's all that I can speak about, much the same as Bertha says she can only speak about Tlicho, I can only speak about Ktunaxa. But I'm happy to share our experiences of what we're doing and hopefully I can provide you with some information that you may find useful to move forward with what it is that your nation is doing.

So, first things first and I'm using the presentation, first of all, I said this yesterday and I want to say it again, I want to acknowledge the Coast Salish people whose land we're on and thank the organizers for the invitation and the opportunity to make a presentation. But also to acknowledge the work of my colleague from our nation, Gwen Phillips, who helped me put together the presentation. Some of you may have heard Gwen in other forums so if some of the material looks familiar for those of you who have heard Gwen, you'll know I wanted to be very up front to say that I worked very closely with a colleague.

The analogy that I'm going to use here in terms of what it is that you need to do in planning for capacity building is, when you build a house and the things that you start off with. You start a rough idea of what you want, what your needs are, the number of bedrooms, the number of bathrooms, you want one or two stories. As all of us, and I listen to Mr. Berger and Dr. Gosnell this morning talking about their ages, I'm not going to go there. But just in terms of planning and when you think about planning a house that perhaps when you're younger that the notion of one or two stores is, you don't think about it that much. But as you get older you're thinking well, you know what, I don't really want to have to go down stairs to do the laundry or I don't want to have to do this or that. But that's the reason that we need to think about all of the things as we make our plan.

So then after you've got a rough idea of what it is that you want, then you talk to people to help you pull your ideas together. And in this instance we're talking about architects and engineers and eventually your plan goes to the builder. But the thing is you're embarking on a very complicated process, but at least you've got a picture of what you want. So, that's the same, and I say that's what we need to do in terms of capacity building – you need to have a rough idea of where it is

that you want to go. And in our case, the way that we did that was we spent quite some time on various activities, gatherings and bringing ourselves together in various forms, and bringing us back to who we are as Ktunaxa people and where we've come from. And reminding ourselves that, indeed we're governing, and we continue to govern ourselves subject to the interferences in our lives by others.

And so the rough plan or the goal, the thing that helped us establish where it is that we wanted to go, was the development of our Ktunaxa Nation vision. We have a Vision Statement that says that what we are seeking to achieve is strong, healthy citizens and communities, speaking our languages and celebrating who we are and our history in our ancestral homelands. Working together towards managing our lands and resources as a self-sufficient, self-governing nation.

Now that's a lot of good words but the fact is, that we worked on getting to that place of what our plan was going to be over many years, it took us a long time to get to that place. It sounds like it should be pretty straightforward but the fact is that in order for it to really be the nation's vision it had to belong to everybody.

So we started off by bringing together our leadership who created the framework for this and then engaged in a long community consultation process, not specifically on the vision, but on all of the things that are connected to the vision. The things of reminding ourselves what are our values, who are we as people, where have we come from, what is it that we're trying to achieve and how are we going to say that. So, this is what we came up with. And this is the target that we've set for ourselves and it's our way of continuing to check back and measure whether or not we, indeed, are even getting to the place that we said that we want to.

We have this everywhere in our communities. In fact, in one of our community schools the children have been able to say it to us in the Ktunaxa language. They can speak our language saying this vision. Unfortunately, not a lot of people are able to do that and that's one of our activities that we're working towards, to ensure that in maintaining and building the capacity that the emphasis on our language and culture is critical.

So as we were working together and talking about the Ktunaxa Nation, we realized that we needed to ensure that we had something, a picture, so that people could understand

what it is that we were working towards and the fact that being part of a nation is a feeling, it's something that we need to work towards. But the fact is, it's not a thing that you can really, really touch, because it's all based on our values and principles, but we also have to remember what makes up a nation and in our case it's our communities within the nation. Then also what is it that makes up those communities, it's family and at the very centre is the individual, the citizen.

So we've made sure that everyone has a clear understanding of this structure, that in order for the nation to exist all of these other bodies, and they're all the same, all need to be taken into consideration and have a sense of belonging based on who we are as a people, that helps us move forward in the vision, in trying to achieve the vision that we've identified for ourselves. And that vision has to be shared.

As I spoke about earlier, the process that we went through, and I'll refer to it as the community development process, of creating that shared vision and getting us to the place that we were trying to get to. And in creating the vision, and in creating all of the things of who we are, that we also needed to make sure there was an understanding that in moving towards being in control of our lives that meant we have responsibilities. And each of us has to ensure that, again, there's that understanding, that we are going to be responsible for ourselves. You know the buck stops with us now and that we're not going to have someone else to shift the blame to or to point our fingers at. And to move from a place of dependence to the independent people that we've always been. But unfortunately through the infringements and interferences in our lives over time, that has changed, but we're working towards getting us to also recognize that as we carry out our responsibilities that come with it some privileges of being part of the Ktunaxa Nation.

So in our Vision Statement, flowing from that, we have created our governing structure to deal with the services and to deal with how it is that we're going to address the issues that face us as Ktunaxa people. What we've done is created what we call sectors. We have sectors of our government that take our Vision Statement and we've sort of divided it up into areas so that we have our sectors and we have the first one being social investment. And that's all of the people things, all of the services and the social safety net that we know that we need to have as a government. And under

that we deal with child and family services, we deal with health, education, justice so all of those things come under our umbrella of social investment.

Another important area, and I indicated this earlier, is the whole area of traditional knowledge and language. If we don't build what it is that we're trying to do based on who we are as Ktunaxa people, we're no different from any other government. So the emphasis on traditional knowledge and languages is a very critical one. And we've done various activities and we engaged in things like the multi-million dollar broadband project so that we can ensure that we can use technology to preserve and enhance our language activity. We have a goal; we are presently identified by the First Nations Technology Council as what they call a FIT community and what that stand for is fully integrated technology. So we're working on all kinds of activities in that area. And it was our director, our overall administrator for traditional laws and language who was the champion for that particular work. And people used to say, "Why is the TKL person being responsible for getting broadband?" And we said, "Because it's going to be our tool to help us to save our language."

An obvious area, I mean in the treaty negotiation process, we're talking about land and governance and so the whole area of lands and resources is another corner or pillar of our government structure. Not only are we talking about lands and resources from a development perspective, but we're also talking about it from a stewardship perspective. Because we all know that the values we bring to the table are quite different from the folks that have had that responsibility since they've come into our respective territories.

And finally, in order to ensure that our government is able to function and that we can pay for things, we have what we call economic investment. And that's a sector of our government that will be responsible for ensuring that we are creating a vibrant economy for the Ktunaxa Government and also to ensure that we have the resources to provide for our government.

Yesterday in one of the panel discussions there was a comment about the need to ensure that you know what it's going to cost. And I think that's one of the tasks that we're undertaking as we're going along, of trying to figure out, okay, as we move towards implementation of Ktunaxa Government, how are we going to do it, what's it going to cost? And that's ongoing work that

we're involved with.

All of these things, as I described them as part of our government, all of them are engaged in their own areas of capacity development around the specialties that they're involved with.

Then what we have is sort of overall of these, what we're calling corporate services, kind of the administrative arm of our government that is going to be responsible for the common services that each of those sectors are going to require in order to do their business. The things like our treasury board, and just generally the things that we're used to what are now either our tribal or our band administrative units.

All of these things are, as we're moving forward and we know that we need to do these things, based on, first of all, competency. We have to make sure that we're building the level of competency that is required, the capacity and the tools and the instruments to get us to the place that we're trying to go. All of this is a package that we're trying to move forward at the same time in dealing with all of these things. But remembering that all of them are based on who we are as a people, our traditional values and our principles, that's what guides us as we move forward.

So competency and capacity, we need to make sure that we've got sufficient knowledgeable, skilled, qualified, ethical individuals in the right place at the right time to do all of the jobs that need doing in order to achieve the vision. And it includes our citizens, our leaders, our directors, our managers, our staff and our partners. There are a lot of things that need to be happening at the same time.

And, as I sit here and describe it, I don't want to leave you with the notion that any of this is easy. It's a tough slog and sometimes you feel like you're going two steps forward and three backwards. But the fact is, we need to make sure that as we're moving towards achieving our vision that we are all moving together as close to the same time as we possibly can. We don't want the gap between our citizens and leaders to get too big. Although, leaders just by their very name, obviously have a responsibility of being forward thinking and taking on the job of ensuring that we're getting where we're going, we want

to make sure that the gap between the leadership and the citizens doesn't ever get too big and unmanageable.

I mentioned earlier the need for the tools and instruments and all of the things we need to do in order to achieve the goal of increasing our capacity. Things like the right location, the building, equipment, systems and supplies, all of the things that we need to do the job that needs doing. And then also the regulations and relationships necessary to protect and enhance these assets and achieve the vision. Things like offices and all of the things that are on the slide.

There have been several definitions of capacity building and basically all of them all speak to the same thing. They all talk about the combination of people and institutions and practices that permit countries to reach their development goals, and capacity building is an investment in human capital. Institutions and practices, now that's a definition from the world bank and then there are a couple of other definitions but when we look at them they're all similar, they're all the same outcomes they're all seeking to achieve the same thing.

And I guess I couldn't leave without talking about some of the barriers and challenges that we're faced with. Some of them that we find today are things that here in the Province of British Columbia, and I can only speak about that, is the fact that the people that we deal with, i.e., the governments, always want to find the easy way out. And, very often they want to deal with bodies rather than dealing with each of us as nations, so that's a real problem. And, I know that I look around the room and I see familiar faces who have, say for example, been at the First Nations Summit table and the concerns that we have of trying to deal with issues and then being told, well we're dealing with the Leadership Council on that. And, I'm certainly not saying this in any way to denigrate the Leadership Council, but it's an example of a huge barrier when you're trying to do something for your own nation. When in trying to seek the easy way out and the one-size fits all of let's just deal with one group and come up with the answers. That's an example of the kinds of barriers and challenges that we're faced with.

So, in terms of governance capacity - what is it that we've got to do? We've got to establish strategic alliances and institutions with those presently holding the authorities of

government. We have to engage our citizens in nation rebuilding and community development. We have to assess our current governance capacity and adopt a preferred model. And again, that was part of the long process that we engaged in – trying to find a model of governance that’s going to work for us building on where we come from, but also recognizing that we are in the 21st century.

And a very important part of that step is the whole notion of developing transition strategies and development plans and partnership agreements across the sectors. Because in order to get where you’re going – it’s not like a light switch on and off – you need to have a plan to go from A to B and a transition plan to get you to where you’re going.

And then lastly, obviously, you need to build a competency and the capacity, acquire the necessary tools and develop the instruments to get you to where you want to be.

So finally, we just included this slide because it was a capacity building framework that was put forward by a group called BC Healthy Communities. I’ll just read it to you because I think it kind of, encapsulates where it is and it sounds very much like our own vision statement that I’ve referred to earlier, that our purpose is to create communities that provide us with the physical, social, economic, environmental, cultural, physiological, and spiritual assets that promote health, well being and the capacity to develop to our full potential. Since human potential is unlimited, capacity building is an ongoing aspect of community life.

I found that very interesting because it was a group that was launched in the fall of 2005 with funding from the BC Ministry of Health. We’re not sure where it is now, but just in terms of the vision and the frame work that they described for themselves, it’s not unlike what I spoke about as the Ktunaxa Nations work.

I’d like to thank you for your attention and hope that I’ve been able to provide you with a least a quick snapshot of where it is that we are in terms of our capacity building initiatives. And hope that and certainly offer up to say that we are available to help if we can and that more information can be found on our website which is ktunaxa.org. So thank you very much.

Presentation 3: Jaimie Restoule

All right, good morning everybody. Thank you for inviting me on behalf of our Grand Council Chief John Beaucage of the Anishinabek Nation in Ontario. I thank you very much for having me here today to share our experiences in capacity development that we've been taking on over the last four or five years.

I just want to provide a bit of background as to how we got to where we're at right now with our capacity development initiatives. There are two main agreements that we're negotiating in terms of self-government. There is certainly a difference between Ontario and BC in terms of First Nations self-government or treaty developments. Within the Anishinabek Nation I'd say the majority, almost all of our First Nations, have treaties that they are signatories to. So that's certainly a key difference between our initiatives and the initiatives you guys are undertaking here.

We are involved in self-government negotiations in two core areas, which are education and governance. We aren't in a comprehensive process as of yet, although, it is something that we are looking into for the future.

So that's a little bit of background on the difference between our initiatives. But, I just wanted to give also a bit of background as to the Anishinabek Nation itself before we get into capacity development initiatives because there are some unique issues that we deal with as a collective group as opposed to individual communities.

The Anishinabek Nation is also known as the Union of Ontario Indians, which is our corporate name that we work under. And, we're the political advocate and secretariat for forty-two First Nations in Ontario. And our geographic area goes from Ottawa, north to Thunder Bay and south to past Toronto near London, Ontario. So we have a fairly large geographical area with a number of communities that we represent and negotiate on behalf of.

In '95 we received our mandate from our political leadership to get involved in the self-government negotiations under the inherent right policy, and in '98 we started those sectoral negotiations.

Under the inherent right policy, there's certainly a lot of discussion that has taken place as to the pros and cons of the policy itself. With our organization we are aware of those

negative aspects, of the limitations that are included within it, but we certainly look at the positives that we can take from it as well. The two main things of the negotiations of the two agreements, and supplementary to that, we also look at the benefit of the internal consultations that we can undertake for our nations that we work with.

It's a nation-building initiative, it gives us a number of forums that we can come together and discuss strategy and future planning at. So that's certainly one of the big opportunities that we see from that.

The restoration of jurisdiction is the self-government initiative itself, that's the title for it that we work under. And what we're looking at doing is getting specific improvements in the areas of education and governance in our Ojibwa language. We are moving forward in these important areas.

And as I mentioned, there's no limitations on future opportunities. We are looking at a comprehensive process which we hope will include lands and resources, health, social and a lot of those areas.

As I mentioned, the challenges that we have with those large scale negotiations is the geographic area. I think one of the bigger things beyond geographic, looking at a map and seeing the areas, is the distance between our communities – that challenge we have to overcome when it comes to consultations, information sharing, communications. In some cases, I know from my community Dokis First Nation to Fort William and Thunder Bay, it's probably about a 14-hour drive. So there's certainly a lot of distance between the communities, that's a challenge we have to overcome.

Another challenge to overcome is the off-reserve membership issue, with the major centres like Toronto, Ottawa, Thunder Bay, Sudbury. There's a large number of our community members who live there for various reasons whether it's work or school or what not. So to keep them involved in the process as well is certainly a challenge. And the consensus building for everybody in all of those areas is a challenge, as well.

A couple of ways that we address these challenges is through different levels of decision making. The first, and certainly the most important one, is at the Anishinabek Nation

community level, having those information sessions within the communities themselves to give our grassroots people the opportunity to come out, hear what's going on and provide their input. And as you'll see in a couple of minutes, be involved in that cycle of how their information is actually inserted into the agreements that we're negotiating.

The second level is the chiefs' committee on governance, which is a specific group that meets to provide some specific issues and direction. They meet on a quarterly basis and really are the political decision makers for the self-government process. And the third is our Anishinabek Nation Grand Council; they meet twice a year. That's our annual meetings with all of our political leadership, so they come together to give final direction to the critical issues that are brought forward.

This is the information cycle model that I was speaking about a couple of minutes ago, something we really use as a backbone to all of our capacity development initiatives we're information sharing and what not. As you can see at the top we have the community member and it goes full circle back to them as well through our community facilitators. And just to avoid a question later, we had a question yesterday about how we overcome the challenges of information sharing and what not, and we employ four community facilitators who are located throughout our areas. And what they do is conduct, if it's regional sessions or community-based sessions, to bring the information to the community members and take the information and feedback from the community members as well. That is then put into a report which comes to my office and I collate all of those reports to bring forward to the negotiators for the respective agreements. It's then considered for clauses or sections within the Agreement itself, the new draft agreements brought back to me which then go back to the community facilitators and to the community members again and that cycle continues. So, there's really a lot of opportunity and it's really been successful in showing the community members that their input is valued and there is a value to it and it does get consideration at the negotiation table. That's certainly a way of building support for the agreements as well, when we get to the issues like ratification, implementation.

As I mentioned, I'd say virtually all of our sessions are held within the

communities themselves or within the larger centres where we have a large population. And we certainly have a lot of notices that go out. And it's really about that – developing those agreements and initiatives for the community members by the community members.

Some of the opportunities that I wanted to mention, and this really gets into the capacity development issue itself, is like I mentioned, we have the two main thrusts, which are the governance and education negotiations themselves and the final agreements stemming from those. But there's a lot of opportunity for the community members and the communities themselves to develop tools of capacity alongside those agreements.

Certainly, the goal is to have negotiated, ratified and implemented agreements in education and governance, but realistically, there is opportunity in that they may not be ratified. What we want to do is ensure that we are moving forward agenda items that the community members identify as well. Items such as constitution, development at the First Nation and the collective Anishinabek Nation level, development of the Anishinabek education system, a series of community consultations and other activities such as development of appeals and redress mechanisms, First Nation law enforcement and adjudication, and the other issue I'm going to get into a little bit more specifically, the capacity development workshops.

Each of those items that I just went over, are tools the communities can use. The constitutions are certainly one of the more high profile activities that we're undertaking right now in conjunction with the First Nations themselves. This past fiscal year we were able to help 16 of our First Nations develop their own constitutions, which was certainly a good success. And this fiscal year we're looking at doing the same thing. So as I mentioned, regardless of what comes of the self-government agreements themselves, these are concrete tools that are products of what we're doing within the communities.

The goal of the capacity development workshop project is to develop capacity within our First Nation communities within the Anishinabek Nation as a whole in advance of the implementation of the education and final agreements. So it's setting our communities up with enhanced skills in the areas that they'll need once they take on those increased responsibilities that are

brought forward through the agreements.

A little bit on the process of how we conduct the capacity development project. We do have a six-person advisory committee. They've been put in place through the chiefs' committee on governance and their nominations that they brought forward. They meet on a regular basis to steer the capacity development initiative and the workshop process.

We did undertake a needs assessment study in 1999 where we did thorough work with each of our First Nations to identify areas of capacity development that they see as key. And we developed a list of 19 key areas from that study and that's really been the main focus for the capacity development workshop process.

Once we get into the workshops themselves we have a circulated call for proposals, which is reviewed by the Capacity Development Advisory Committee. And one of the key principles is that we have Aboriginal workshop facilitators for all of our workshops that we conduct. We really believe that there have been a number of successes throughout both our communities and beyond. And it's important to build capacity from within through our own people because we do have that capacity as it exists right now.

As with our negotiations, our workshops for the capacity development are held within Anishinabek First Nations or urban centres with high First Nation population. And, we really feel it's important there to give the opportunity to staff – we understand there are limitations as well in terms of budget considerations, travel away from family and what not. So, the more we can bring these workshops right into the communities where we can get a high turnout and it's a benefit for us as the organizers and for the communities as well to bring those skill enhancement workshops to the people.

Another important item we have is that through each of the workshops, we have developed an ongoing resource library. It houses workshop materials, the workshop structure and the plan for them. So that if any community wants to implement or run their own workshop we have a package. They can contact us and we'll send it to them.

That's really a big key, not to just have the workshop end on Thursday at noon and never talk about it again, but to have it live on beyond then and keep on benefiting from those

workshops that we conduct.

The workshop participant levels, have been very successful in our view. We've had over 600 participants in the first four years of our workshop, so for cost effectiveness it's been very successful. There's been a very wide range of participants for the workshops. We've had First Nations leadership through chiefs and council, band administrators, financial officers, education directors and other First Nation directors and administrative staff, so certainly appealing to a lot of different groups.

In terms of our next steps, we have the continued development of our education and governance final agreements and, as I mentioned, a possible expansion into comprehensive negotiations, and of course, the continued capacity development in all of the areas that I have touched on earlier to support the development of our First Nations.

For my formal presentation that's about it. But the last comment I'd like to make is that we really do have the capacity within each of our communities. I know within our catchments of First Nations there are some communities who are strong in financial development, some are strong in education, and some are strong in health or social. And I think if we look inwards towards ourselves in our own communities and help each other that capacity development is there; it's just a matter of networking it and building everything within our individual communities.

So that's what I'll leave you with. I did have a list of workshops but due to the time constraints I'll pass on those.

And the last thing, I do have a number of reports from our last year of capacity development workshops, they are available at the front here. They are fairly limited because of Air Canada's weight restrictions on baggage, so first come first serve. Thank you very much for your time.