

onihcikiskwapowin – Band Meeting
Updates – Treaty Implementation, Membership, Election Code
Development and Other

September 25, 2018

onihcikiskwapowin onikaniwak

Governance Strategy Development

Strategy Sessions
reviewing:

Historical data,
assessing
previous BCRs,
reviewing policy
developments
including FPT
changes, fiscal
relations,
agreements,
establishing
Nation based
priorities and
acting on them



Key initiatives aimed at communicating with members in community gatherings, knowledge transfer initiatives and establishing the community newsletter and web and Facebook page

Governance Strategy

- ❑ Leadership Orientation – summer 2016
- ❑ Realized – big issues required a plan of action on Chief and Council priorities
- ❑ Big G and Little G – underfunding of governance and program delivery undermine seeing better outcomes
- ❑ Big G issues like Treaty Implementation needed to be prioritized

Saddle Lake 2016 – Moving Forward

Since the 1970's, the federal government has been working to devolve responsibilities for the delivery of programs and services to the direct control of First Nations or to Provinces. Through transfer payments and various funding agreements and policy, this is meant to give on-reserve First Nations people 'comparable' services to those of non-First Nations elsewhere.

INAC and Health Canada have had the largest budgets in the delivery of services for all areas of Indian administration. The main drivers for Canada's transfer/devolution process are:

- Land claims, both specific and comprehensive.
- Section 25 and 35 of the *Constitution Act* of Canada (1982)
- 1992 Charlottetown Accord was defeated but marked the last attempt to have First Nations governance or 'self-government' codified.
- Various national commissions and reports (from Hawthorn to RCAP and TRC Calls to Action)
- BC's accelerated treaty and self-government agenda – aimed at 'settle uncertainty about the use, management and regulation of land and resources and the laws that apply to the land and the people.' This is what Canada wants for ALL First Nations and is pushing to meet that end.
- SCC case law – from *Calder* to *Delgamuukw* – and a continuing unfolding of the 'duty to consult,' applies to federal/provincial governments as well as industry.

Priorities – Stem from the Vision/Mission

- ❑ Leadership has met monthly since October 2016
- ❑ Strategy Governance Planning – establishing priorities based on the vision and mission
- ❑ Highest priority has been to ensure protection of Treaty Rights and to provide clear path for action in doing so
- ❑ Have had 7 governance strategy sessions (full day or two) as well as sector area sessions as issues arise (education, health, CFS and social)
- ❑ Programs have each had open/public information sessions this year

onihcikiskwapowin Governance Priorities

- Lands, Constitution, Legislation and Policy
- Fiscal Fairness, Program Delivery Systems and Jurisdiction
- Data/Information – access for decision-making
- Communications and Advocacy
- International mechanisms

ohsapahitamowin – creating a plan for our future

- ❑ Saddle Lake *ohsapatomowin* (In Cree: creating a plan for our future) long-term planning initiative
- ❑ Originally reported in March-June 2017 as part of long term planning funding received via INAC First Nations Infrastructure Fund
- ❑ Created a space to begin working – planning activities (old restaurant)
- ❑ Work and activities will depend on our ability to obtain ongoing supports and resources

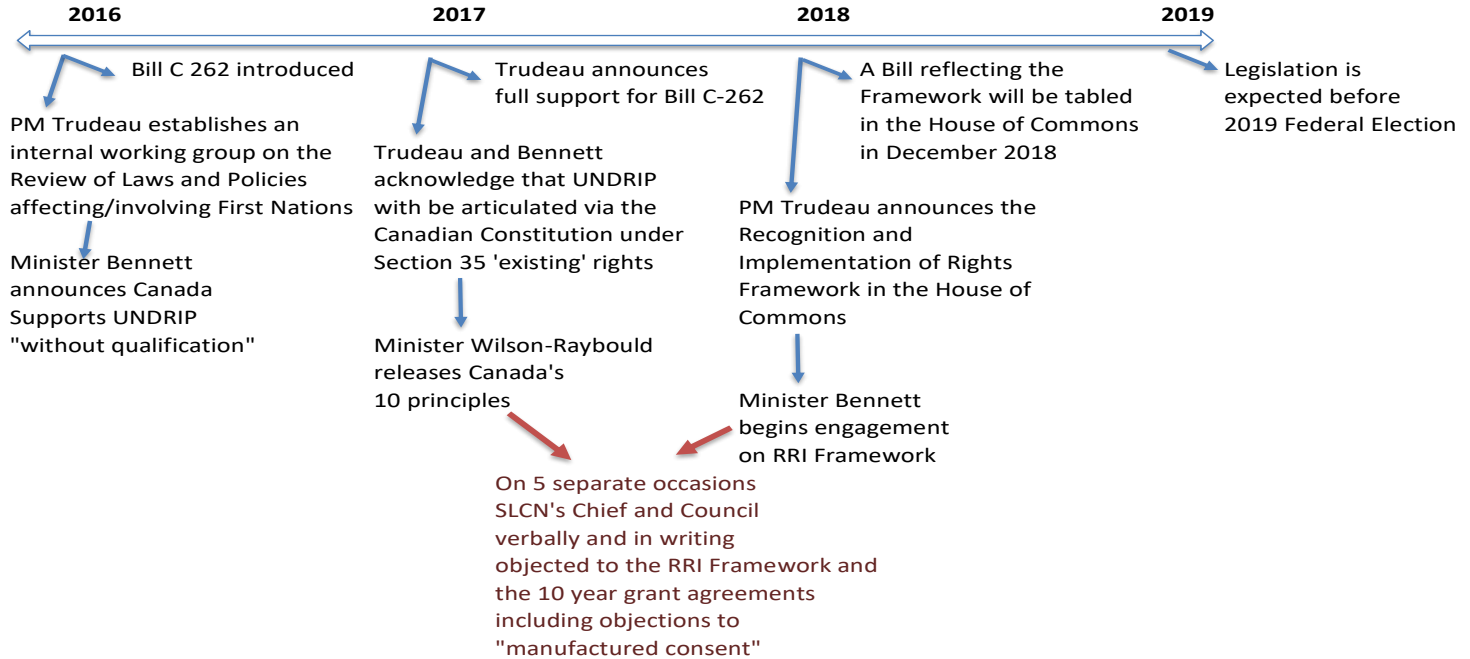
Canada's Strategy for Getting Rid of the Indian Act and creating New Legislation

- ❑ “Recognition and Implementation of Indigenous Rights Framework” – will be the basis for all negotiations and recognition of rights for all First Nations
- ❑ Long standing agenda that has its origin in the 1969 White Paper – legislation is expected to be passed before next federal election in 2019
- ❑ Government of Canada has undertaken incremental yet forceful steps in the last year toward establishing the groundwork for moving Treaty Nations toward Self-Government

Strategy Timeline

- June and August 2017 – INAC is split into two “ministries” on paper (however one only exists in law today) – separating rights from programs
- Establishing a ‘co-development’ process with the Assembly of First Nations to support the creation of policy spaces for continued devolution/transfer of authority and self-government
- Memorandum of Understanding on Joint Priorities with AFN signed in July 2017
- Memorandum of Understanding on Fiscal Relations with AFN signed in August 2017
- February 2018 – PM Trudeau announced the Framework with an engagement process that continues to this day
- July 2018 – RRIF – engagement process is accompanied by discussion document that outlines the processes for moving ahead with new legislative regime aimed at placing our rights under Section 35 of the Canadian Constitution

A Timeline of the Government of Canada's - Recognition and Implementation of Indigenous Rights Framework



Federal Approach – 2 Prongs

- 1. Post Indian Act – Changes to **Governance** and what it is we will govern
- 2. Post Indian Act – Changing the **Fiscal Relationship** so that we are corralled into approaches that may not support our vision under Treaty

What does it all mean?

- ❑ Self-Government which would see new legislation (s) as the only means for Treaty Nations to embark on achieving implementation – under the Canadian Constitution – thereby domesticating our Treaty and the International stature of the treaty would be watered down
- ❑ Neither full jurisdiction nor recognition of sovereignty

Challenges and Uncertainties

- ❑ No clear answer on what happens to reserve lands
- ❑ No clear answer about 'Indian status' – never mind Treaty Indian
- ❑ Who represents us in this changed environment?
- ❑ What will the changed fiscal relationship mean?
- ❑ How will we be able to protect the Treaty and endeavor to live without interference
- ❑ What are our options?

Pros and Cons: Treaty Based vs. Grants and Contributions

Grants and Contributions

- ❑ Funding is linked to delivery of programs/services
- ❑ Funding formula don't reflect up-to-date population growth and needs (2% cap)
- ❑ 10 year grants – require eligibility that moves to Taxation and privatization of lands while offering more flexibility
- ❑ Subject to provincial and federal policy changes
- ❑ No guarantee of monies after 10 years

Treaty Based Arrangements

- ❑ Direct Crown – Treaty oversight with Governor General
- ❑ No middle man – ie. INAC/GoC reducing the cost of bureaucracy (40% of current funding goes to INAC rather than directly to Nations)
- ❑ Arrangement based on needs – actual assessment of population and shortfalls/gaps
- ❑ No time constraints on funding = as long as the sun shines...
- ❑ Arrangement will be based on nehiyaw traditions/culture
- ❑ No space for provincial involvement and is portable – ie. coverage no matter where you reside

Next Steps

- ❑ Treaty Alliance – continue to create networks of support and influence both political and technical.
- ❑ Establish oversight through Knowledge Holders and Elders in a way that is supportive of the work ahead.
- ❑ Prioritize the objectives of building internal mechanisms that support Treaty Governance (law, policy and capacity)
- ❑ Advocacy that moves beyond fear based ‘rejection’ tactics – action-oriented.
- ❑ Communication processes prioritized and nation oriented planning supported.

Election Code - Update

- Stems from the Federal Court action in 2016 – decision states that SLCN must undertake a redetermination process as well as update or amend the Saddle Lake Tribal Customs Election Regulations (1955-1960)
- There had never been a complaint that has gone forward up to now – main issue was the appeals process and lack of ‘procedural fairness,’ which was why the Federal Court took up the case in the first place.
- SLCN was ordered to have a redetermination process and to ensure a new tribal code, supported with broad consensus, was ready before any next election could/can occur.
- SLCN has fully complied with all the Federal Court direction to date.
- Latest court hearing was based on complainant that SLCN was in contempt for not following the Federal Court direction. This claim was unsuccessful.
- SLCN continues to work diligently to have survey’s gathered and complete as indicated for an amended Election Code.
- If you have not completed a survey and would like to – please contact Jennifer Jackson, Membership/Election Code Project Coordinator at: jenn10_ca@yahoo.com or 780-726-3829

Activities to Date per ME Coordinator

- June 18th, 2018 – First meeting with both working groups – Saddle Lake and Whitefish Lake at Peyasew Boardroom @ 10am.
- July 3rd, 2018 – Second meeting with both working groups – Finalized the surveys for distribution
- July 6th, 2018 – Lorna Jackson Littlewolf and Jennifer Jackson sat at Whitefish Lake Band Office and handed out over 250 surveys.
- July 10th, 2018 – Information Session in Whitefish Lake 6pm – 8pm – Locked out of band hall
- July 11th, 2018 – Handed out surveys in Saddle Lake - Lorna Jackson Littlewolf and Jennifer Jackson – Youth Centre, Education Office, Human Resources Department.
- -Posted on Facebook that surveys can be done via email and emailed out surveys to those who requested, this will be ongoing.

Activities continued...

- July 18th, 2018 – Third meeting with the working groups at Peyasew @ 10am.
- August 8th, 2018 – Attended Senior's meeting at the Seniors Lodge @ 10 a.m and will be planning a date for another senior's meeting for survey distribution and collection.
- August 17th, 2018 – Collected more surveys from members of Saddle Lake Cree Nation band members
- September 4, 2018 – Collected surveys from Whitefish Lake First Nation band members
- September 14th, 2018 – Edmonton meeting with the urban band members of Saddle Lake Cree Nation and Whitefish Lake First Nation.
- Survey distribution has been ongoing and data collection continues.