
The Five Pillars of Effective Governance

The PEOPLE

The LAND

LAWS & JURISDICTION

GOVERNING SYSTEMS

RESOURCES

The Centre models effective First Nations governance on five important pillars. They are:

**The People | The Land | Laws & Jurisdiction |
Governing Systems | Resources**

These five pillars were developed through extensive consultations with First Nations citizens, leaders, elders, academics and on-the-ground facilitators associated with the Centre for First Nations Governance. The pillars blend the traditional values of our respective nations with the modern realities of self-governance. The Centre uses the principles

behind these five pillars to develop and deliver tools and **services to help transform our nations**. We believe that all First Nations can benefit by enacting some or all of these principles no matter where they are on their path to self-governance.

The People

SHARED VISION

Bring citizens together to create a shared vision of their nation.

The people are the rights holders. Developing effective inherent rights governance starts with creating their shared vision of the future: the shared dream that a nation hopes to achieve and that will guide it for generations to come. This vision can be used to identify priorities and strategies, and to chart the course from where citizens currently are to where they want it to be.

PARTICIPATION IN DECISION MAKING

Engage the community when making important decisions.

It is important that a nation's decision-making processes are legitimate, open, inclusive and appropriate for the community. New practices of participation need to be introduced so that everyone has the opportunity to understand, contribute and make important decisions. From this comes a clear mandate and strategic direction from the people.

MEANINGFUL INFORMATION SHARING

Develop effective ways to share information with citizens.

A nation's vision can only be attained when there is meaningful information sharing between leadership and citizens. Citizens use this information to communicate their collective interests and concerns to leadership, who then act on the direction provided, report progress and share important decisions with citizens. Meaningful information sharing occurs when these exchanges happen in a timely and ongoing manner.

The Land

AUTHORITY OVER THE LAND

Document historic and present-day connections to territory.

To declare title and rights to territory, the people must first define title and rights according to their historic laws, creation stories, oral histories, language, culture, tradition and spirituality. It is essential for a nation to demonstrate its present and historic connections to the land. Land use mapping and stewardship planning enable the nation to reclaim its responsibility for traditional territory. Authority over the land is reinforced when the nation determines and abides by its own land use laws. These are the laws used to exercise and practice jurisdiction.

DEVELOPING AN ECONOMY

Rebuild a sustainable economy on the land.

First Nations possess both an inherent and legal right to fully benefit from their title and treaty lands. Our nations had economies and are taking responsibility. Rebuilding a sustainable economy starts with looking after the land and provide resources for a nation's people. Effective inherent rights governments can create wealth as the nation regulates and participates in resource development and leverages economic opportunities. As First Nations, we must develop our own standards for negotiating consultation and accommodation agreements and we must fully exercise those standards to maximize economic benefits and minimize negative impacts to the land. This necessitates engaging the Crown from our own laws, principles and values.

RESPECT FOR THE SPIRIT OF THE LAND

Assert inherent responsibility to protect and preserve the land.

First Nations people have been using and protecting their lands since time immemorial. This connection to our lands is sacred and it defines our spirituality, laws, history, language and identity. We must protect and preserve the land to sustain who we are as a people. This inherent responsibility is passed to new generations from our ancestors and it is essential that our people's connection to the land be re-established – especially for the next generations. It is through the connection with ~~the~~ that spirit of the land that governance remains effective and appropriate.

Laws & Jurisdiction

EXPANSION OF JURISDICTION

Exercise authority beyond the Indian Act.

Our nations always had sovereignty. The Indian Act redefined our governance and restricted our abilities to exercise our sovereignty. Yet we can expand our own jurisdiction in a variety of ways: by accepting offers of delegated authority, negotiating increased jurisdiction, or by exercising the inherent right of self-governance. It is necessary to expand jurisdiction according to a nation's own laws to fulfil its vision. Whether they are assumed wholly or incrementally, jurisdiction and authority must be achieved according to the vision, priorities and mandate that comes from a nation's citizens. Jurisdiction means nothing if a nation does not exercise it.

RULE OF LAW

Develop enforceable laws over territories.

Throughout our long history on our lands and among our people, we had laws that determined our use of the land and defined our relationships with neighbouring nations. Our laws were founded on our principles and values. People knew and respected their own laws and conducted themselves according to the law. The rule of law exists to reduce conflict and increase understanding between individuals, governments and businesses. The rule of law provides clear instruction on acceptable behaviour that benefits the community and has remedies or consequences for unacceptable behaviour. The rule of law is established when a First Nations government assumes control by developing its own enforceable laws over its territories. When individuals respect and follow the laws of their land and their nation, they validate the existence of their own government. It is also critical to have a strong First Nation rule of law to create and maintain a successful business environment within the territory.

Governing Systems

TRANSPARENCY AND FAIRNESS

Design governing systems and services that are transparent and fair.

The Indian Act replaced traditional systems of governance, like the potlatch, with a band council. We must rebuild governance that allows for participation and information sharing that is based on our own laws, values, cultures and traditions. Transparency through direct participation reduces the chance for preferential treatment and the dominance of private or personal interests over the interests of citizens. Governing bodies, administration and services must be designed to be transparent, fair and clearly understood by those who they serve and support.

RESULTS-BASED GOVERNANCE

Demonstrate that governance is moving toward the vision set out by the people.

Currently, most First Nations function within a system driven by the interests of the federal government and regulated by the *Indian Act*. Our people's vision and priorities are not addressed by this legislation and we have no authentic connection to *Indian Act* governance. As we create our own governance to fulfil and realize the vision and priorities of our people, we need to put in place results-based processes to ensure success. We must know what we want to do and how to achieve it. When our governance tracks its results and reports on its findings, citizens have access to the knowledge they need to measure effectiveness and create change. People will then be able to see their nation moving towards their vision for the future.

CULTURAL ALIGNMENT OF GOVERNING SYSTEMS

Develop governing systems based on people's traditions, principles, vision and values.

Cultural alignment anchors a nation's governance to its own unique traditional systems founded on the people's history, culture, traditions, values and vision. Traditional systems are what people know: they are proven in time, stable, legitimate and unique to each nation.

EFFECTIVE INTER-GOVERNMENTAL RELATIONS

Develop productive working relationships with other governments.

We must create a new relationship with the Crown built on the foundation of our own sovereignty, jurisdiction and laws. This includes creating our own legal and constitutional tools to negotiate this new relationship. Effective intergovernmental relations can increase opportunities for communication and decision-making while reducing the potential for

conflict. The results can be a constructive and satisfying working relationship where the goals are mutually beneficial for both sides.

Resources

HUMAN RESOURCE CAPACITY

Invest in the development of current and emerging leaders and managers.

Human resource capacity refers to the skills and abilities of the people that govern communities and implement essential services and programs. With the right to govern comes the responsibility to govern well. Expanding the capacity of human resources, including the development of the next generation of leaders and managers, provides nations with the knowledge and skills needed to govern effectively.

FINANCIAL MANAGEMENT ABILITY

Plan finances with future generations in mind.

Financial management ability allows for multi-year planning and proactive decision-making. Effective financial management permits a nation to plan beyond the end of a fiscal year or a federal funding cycle and instead to plan for generations to come.

PERFORMANCE EVALUATION

Evaluate performance. Recognize successes. Report results to the community.

Performance evaluation allows the leadership and people to recognize and chart success while also highlighting the changes needed when expectations are not being met. Evaluating performance helps with reporting successes and challenges to the community. Ongoing evaluation encourages people's continued participation in decision-making.

ACCOUNTABILITY AND REPORTING

Develop thorough, transparent systems of accountability and reporting.

A rigorous, transparent system of accountability and reporting is necessary to build trust and legitimacy among people. Trust is essential to keep

citizens engaged in self-governance and motivated to support inherent title and treaty rights.

EXPANDING THE DIVERSITY OF REVENUE SOURCES

Establish several sources of revenue to fund self-government.

Expanding the diversity of revenue sources is critical to operating any government and providing essential services. First Nations have depended on Canada to provide inadequate core funding for programs and services within the narrow limits of the *Indian Act* and other Crown legislation. This is no longer necessary. We can realize considerably greater sources of revenue for our nations from the economic opportunities of our territories and creating a new fiscal relationship with Canada by exercising our inherent rights and territorial jurisdiction to resource development, access through territory, fees, taxation, levies, permits, and consultation and accommodation agreements. Inherent rights governments are authorized by citizens to define and exercise these opportunities.

The Centre for First Nations Governance is a non-profit organization that supports First Nations as they transition from the Indian Act to inherent right governance.

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