
FINAL REPORT: INNOVATIVE GOVERNANCE STRUCTURES TO SUPPORT INDIGENOUS ECONOMIC GROWTH

For: Atlantic Indigenous Economic Development Research Program

JULY 31, 2023

GROUP ATN CONSULTING INC

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FINAL REPORT: INNOVATIVE GOVERNANCE STRUCTURES TO SUPPORT INDIGENOUS ECONOMIC GROWTH

30 June 2023

Jarvis Googoo

Director of Atlantic Indigenous Economic Development Integrated Research Program

RE: Final Report: Innovative Governance Structures to Support Indigenous Economic Growth

Dear Jarvis,

We are pleased to submit our final report for the ***Innovative Governance Structures to Support Economic Growth Study***. We are grateful for the helpful feedback received throughout this project from yourself and the advisory group.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron L'Esperance', with a stylized flourish at the end.

Ron L'Esperance

Principal and Co-Founder

Group ATN Consulting Inc.

Enclosed: An electronic copy of the final report for the ***Indigenous Governance Structures for Economic Development Study***.

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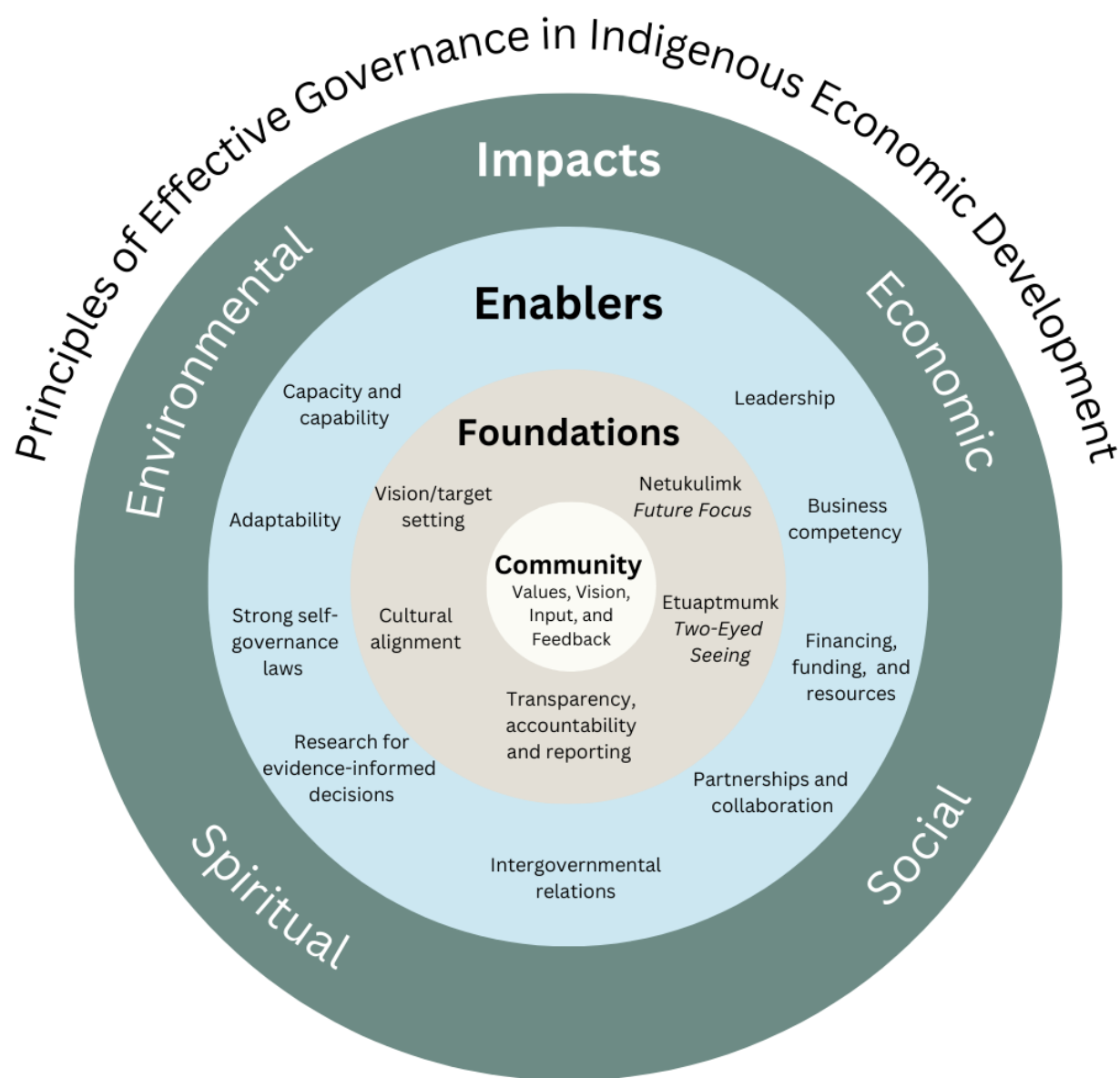
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Executive Summary

The purpose of this study, conducted by Group ATN Consulting Inc. on behalf of Atlantic Indigenous Economic Development Integrated Research Program (AIEDIRP), is to identify innovative governance structures to support Indigenous economic growth and development and how these can be optimized for the benefit of communities, in particular, using Nation-building approaches.

The study included extensive background research, a literature review, a review of leading practices in governance of Indigenous economic development, case studies of success stories in Atlantic Canada, and a thorough engagement process with thought leaders and those leading the way in Indigenous economic development and self-governance in Atlantic Canada.



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The study draws several conclusions about how Indigenous governance structures and Indigenous ways of knowing can be optimized for economic growth and increased autonomy. It also includes recommendations for communities and Indigenous organizations seeking to pursue effective governance over economic development. The findings of this study have been distilled into three key categories that form principles of effective governance in Indigenous governance. These categories include **foundations, enablers and impacts**, which are depicted in the image above and encompass the common findings across the multiple lines of inquiry undertaken during this comprehensive study.

Nation-building involves building institutions of self-government that are culturally appropriate to the nation and that are effective in addressing the nation's challenges. It involves developing the nation's capacity to make timely, strategically informed decisions about its affairs and to implement those decisions. It involves a comprehensive effort to rebuild societies that work.

[What Is Native Nation-Building? | Native Nations Institute \(arizona.edu\)](https://www.native-nations-institute.org/what-is-native-nation-building/)

Taken together, as noted in the adjoining text box, these are the areas of focus that support a Nation-building approach to community economic development, a factor important to AIEDIRP in conducting this study.

There has been much inquiry on what constitutes a Nation-building approach. An amalgam of the research findings suggests that a Nation-building approach is one wherein First Nations are:

- Setting and guiding the agenda, an agenda that goes beyond economic growth as the primary driver and which, rather, focuses on four key pillars – economic growth, social development, environmental sustainability and spiritual well-being;
- Making long-term, strategic and seventh generation focused decisions;
- Focusing on establishing effective governing institutions to strengthen community economic development;
- Understanding that Indigenous culture and values are key assets for the rebuilding process; and
- Leveraging the wisdom of key leaders at all levels who empower and educate citizens.

Foundations of Effective Governance in Economic Development

The Nation-building approach mentioned above includes foundations of effective governance in Indigenous economic development including the following:

- **Community:** Community is nested at the centre of the above image as the core component of governance of Indigenous economic development. Consistently, across the literature, case studies and engagement, the importance of community values, vision, input and feedback was raised as centrally important to the success of a community or organization's governance of economic development;

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- **Netukulimk/Future Focus:** The concept of Netukulimk, or sustainable planning with a focus on securing long-term benefits for future generations, is another key foundational element of effective governance of Indigenous economic development;
- **Etuptmumk/Two-Eyed Seeing:** The Mi'kmaw concept of Etuptmumk/Two-Eyed Seeing is another foundational element of effective governance structures for Indigenous economic development. Embedding this concept into governance means blending the best of Western principles related to business and governance with Indigenous world views and Nation-building approaches;
- **Transparency, Accountability, and Reporting:** Setting up mechanisms that ensure transparency and accountability of a governance structure is another foundation of effective governance. Reporting on organizational activities and managing data and information in accordance with Ownership, Control, Access, and Protection (OCAP)¹ principles with a focus on ensuring community, partners and other stakeholders are kept informed, are core pillars of effective governance. Traditional methods that focus on participation and information sharing, along with Western approaches such as formal business planning, monitoring and evaluation reporting processes are critical for building and keeping trust and legitimacy among community and partners;
- **Cultural Alignment:** Ensuring the governance structure and the economic development related decisions align with the specific culture of the group that will inform and benefit from the organization's pursuits are key foundational elements closely tied to the core foundation of community; and
- **Vision/Target Setting:** Setting a vision and defining targets to be achieved that are community-informed, culturally specific and developed with Netukulimk in mind is a foundational step in ensuring effective governance structures for Indigenous economic development. This vision setting informed by Nation-building approaches is the foundation of all effective decision making.

Enablers of Effective Governance in Indigenous Economic Development

The next set of recommendations for effective governance in Indigenous economic development are *enablers* – core components of governance that activate the impacts for community.

Enablers identified in this study as essential to achieving desired outcomes in the governance of Indigenous economic development include:

- **Leadership:** A person(s) capable of championing community vision, building relationships and partnerships, and excellent at communication is viewed as a key enabler for effective governance of Indigenous economic development. Strong leadership is essential to guiding communities and organizations towards their economic development goals. As the study has evolved and as reflected in the case studies of leading Indigenous economic

¹ [The First Nations Principles of OCAP® - The First Nations Information Governance Centre \(fnigc.ca\)](https://fnigc.ca/)

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development practitioners, that leadership can include political leaders, Economic Development Officers (EDOs), community leaders and or an enjoined combination of interested parties;

- **Business Competency:** Bringing people with business acumen into a governance structure is viewed as a critical enabler for success in economic development. Whether business competency is incorporated into governance through selection of established business professionals as board members, the use of advisors, or through building capacity of the board through education and ongoing professional development opportunities, embedding business expertise into the governance structure is an important enabler for success;
- **Financing, Funding, and Resources:** Having the resources, both human and financial, to undertake economic development projects is foundational to success in economic development. Linked to business competency, the capacity and ability of a governing body to develop or delegate the development of effective business plans, feasibility studies, recruitment/retention strategies, and funding applications to successfully obtain the resources required to achieve economic development goals is vitally important;
- **Partnerships and Collaboration:** Building and maintaining constructive relationships with partners is an important enabler for achieving economic development goals. Partnerships with non-Indigenous businesses and funding agencies allow for opportunities for joint ventures, establishment of Indigenous corporations, investment attraction, training opportunities for community members, and other capacity building opportunities. Further, partners with other Indigenous communities can create opportunities for shared growth and mutual benefits – as seen with commercial collective approaches to economic development involving a number of First Nations communities;
- **Intergovernmental Relations:** The ability to develop effective working relationships with other governments is another enabler for success. Strong nation-to-nation relationships are key for increasing the autonomy of Indigenous communities and economic development organizations. A focus on intergovernmental relations is also important for securing support in pursuing self-governance over economic development;
- **Research for Evidence-Informed Decisions:** Use of research to inform evidence-based decisions and to support due diligence and lead qualification is a critical success factor for governing bodies pursuing economic development goals. Referencing thorough research in decision-making can help avoid costly errors in judgement;
- **Strong Self-Governance Laws:** Effective law making by Indigenous governments is a necessary element in community economic development. Law making establishes Indigenous authority and control while reducing risk of conflict and contributing to a strong and responsive business environment that will foster and support economic growth opening the door to increased Own Source Revenues (OSRs);
- **Adaptability:** A governing body's ability to adapt is another important enabler. Adaptability enables economic development organizations, proponents and boards to respond to changes in the economic development space and pivot when necessary.

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Mechanisms that allow for changes in approach are a key enabler for success in economic development, given the dynamic nature of a globalized economy. During the engagement portion of this project several of the thought leaders consulted emphasized the importance of looking ahead, of exercising strategic foresight to better understand how projects may unfold, to anticipate the things that may impact them and to be prepared for the necessity of pivoting as the project advances. This is very consistent with the Indigenous value and touchstone of thinking seven generations ahead; and

- **Capacity and Capability:** Building and strengthening capacity is a critical enabler for success in Indigenous economic development. Identifying gaps in a community or organization's human or financial capacity and activating a plan to fill those gaps (whether through education, training, hiring, or developing partnerships to access opportunities for building capacity) is key to success in economic development.

Another area of focus in this study was to consider Indigenous governance structures in Atlantic Canada as related to economic development and how these might be improved. During this study, this work was informed through a comprehensive literature review and a case study analysis that examined how leading practice communities are approaching economic development and what makes them successful. Section 3.2 and beyond examines wise practices in Indigenous governance and outlines the five key pillars on which these wise practices are based. The literature suggests Indigenous self-governance must also encompass Indigenous traditions in governing systems, which includes the voices of women, Elders and children, and a participatory approach to community inclusion in decisions. The results of the analysis of leading practice models through the case study process mapped closely to the practices identified in the above heuristic across these three categories of **foundations, enablers and impacts**.

Finally, An element of this study was to revisit the findings from the 2010 study, [*Baseline Data for Aboriginal Economic Development: An Informed Approach for Measuring Progress and Success*](#) (*Baseline Data Report*) to determine whether access to data detailing impacts of economic development on Indigenous communities in Atlantic Canada has improved in the interregnum.

Overall, this study found that the data collected on economic development outcomes and impacts continues to be more qualitative than quantitative. The quantitative data that is collected and reported by some communities focuses on a few key areas of economic impact, while areas such as social, environmental and cultural/spiritual are less visible. While studies since 2010, such as the salutary report [*1.14 billion Strong: Indigenous Economic Performance in Atlantic Canada*](#) Report (and subsequent updates) quantify economic impact, it does not provide precise quantitative data at the community level specifically addressing economic development outcomes and impacts. Therefore, a recommendation arising from this report is for AIEDIRP to **advocate for more focused support for communities to build their capacity to capture and communicate more precise, quantitative data on the economic, environmental, social and cultural/spiritual impacts of their economic development pursuits** in order to better inform policy development, understand outcomes and impacts and to address overall accountability.

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The results of this study have been translated into an accompanying tool kit to support AIEDIRP in offering helpful guidance to communities and Indigenous economic development organizations. This tool kit extrapolates from the findings of this analysis and report. It is designed to assist in developing or adapting governance structures to optimize economic development impacts holistically and beneficially for the community – economic growth, social development, environmental sustainability and spiritual well-being.

The tool kit will also provide insight to communities on optimizing a Nation-building approach to governing Indigenous economic development as proposed in this study - developing the foundations and enablers listed above to achieve holistic and positive impacts for community and the land.

AIEDIRP is a leading organization in participatory action research, often leading extensive engagement with stakeholders and rightsholders and upon completion of its studies, broadly sharing the findings to the benefit of Indigenous communities. This study includes a recommended strategy of continuing this practice of broadly sharing the results of this report through dissemination to community economic development leaders and EDOs hosting of workshops, leading conference sessions, and leveraging other engagement opportunities that arise to translate the recommendations arising from this report into action.

1 Introduction

Group ATN Consulting Inc. was engaged by the AIEDIRP to conduct research into governance models that support Indigenous economic development.

The scope of work for this study included:

1. Completion of a literature review examining the history of Indigenous self-governance generally and related to economic development and wise practices in effective Indigenous governance;
2. Engagement with subject matter experts, community leadership, leaders of Indigenous economic development organizations, and funding partners to identify further insights into wise practices and how governance structures can be optimized for economic growth;
3. Development of a final report that summarizes the findings of the study; and
4. Development of a tool kit for Indigenous communities and economic development organizations to reference when pursuing self-governance over economic development.

This report is related to task number three and provides an overview of findings from the literature review, case studies and engagement along with recommendations, conclusions, and a governance tool kit.

2 Background

This project continues a research theme that Atlantic Policy Congress of First Nations Chiefs Secretariat (APC) and AIEDIRP together have led for some time contributing to a significant body of knowledge on a wide variety of subjects, almost all of which address some aspect of community economic development.

The Baseline Data Report, tabled in 2010 by AIEDIRP, began an examination and dialogue on the differences in the Indigenous worldview with respect to economic development. Important and significant distinctions were highlighted through this work, including:

- Taking a holistic approach incorporating social, as well as economic considerations in the pursuit of economic development opportunities;
- Rooted in opportunities that focus on and are tailored to distinct community needs; and
- Considering the geographical and cultural considerations as part of the decision-making matrix.

In addition to the broader concept of community economic development, the *Baseline Data Report* further identifies three additional frameworks relating to the Indigenous approach to development. These include the concepts of development:

- As freedom;
- As increasing capacities and decreasing vulnerabilities; and

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- As development that builds on community assets.

Since that Report, AIEDIRP has led several additional research forays into Atlantic Indigenous challenges, opportunities and successes in advancing economic development, including a review of Atlantic Indigenous businesses, significant analysis of Indigenous labour market matters as related to training and employment and the salutary [*\\$1.14 Billion Strong Report*](#). This report profiled, for the first time, the cumulative economic impact of Atlantic First Nations on the regional economy.

In addition to APC and AIEDIRP's impressive thought leadership in these important areas of research, there have been some important recent developments, including:

- The Truth and Reconciliation (TRC) Report including 94 *Calls to Action*. Among these, *Call to Action 92 Business and Reconciliation*, called upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This is an important development in framing partnerships between Indigenous and non-Indigenous businesses and corporations;
- Many point to the exponential growth of Indigenous-led companies, partnerships and collective commercial initiatives involving multiple Indigenous communities in recent years as evidence of change. Whether in large resource development projects or renewable energy projects there are many examples of successful Indigenous leadership in these areas, often in partnership with non-Indigenous companies and operators. Within the Atlantic region, we have one of the best examples of this growing phenomenon – the acquisition of Clearwater by a consortium of Mi'kmaw First Nations and a private sector company; and
- Further, institutional developments such as the *First Nations Finance Authority* (FNFA) are providing many First Nation governments investment options, capital planning advice, and perhaps most importantly, access to long-term loans with preferable interest rates. To be eligible, participating First Nations have to prove that they are financially sound and have strong governance. Use of this facility has grown exponentially. Many First Nation governments are availing themselves of this opportunity creating a more level playing field that other governments, for example, municipalities, take for granted.

Considering these broader developments and trends – and there are many more – the timing is right for AIEDIRP to take a more in-depth look at the issues around both Indigenous governance as it relates to the pursuit of community economic development opportunities, as well as how to change internal First Nations government structures to better support Indigenous economic development aligned with Nation-building precepts. These areas of research are the focus of this study.

3 Indigenous Governance: Pre-Contact to Present Day

One of the key components of this study is to better understand how Nation-building approaches to governance can be used to optimize Indigenous economic development. To provide context for the recommendations arising from this study, this section includes findings from a literature review focused on Indigenous self-governance and Nation-building, wise practices in effective Indigenous governance, and examples of leading practices.

There has been much inquiry on what constitutes a Nation-building approach. An amalgam of the research findings suggests that a Nation-building approach is one wherein First Nations are:

- Setting and guiding the agenda, an agenda that goes beyond economic growth as the primary driver and which, rather, focuses on four key pillars – economic growth, social development, environmental sustainability and spiritual well-being;
- Making long-term, strategic and seventh generation-focused decisions;
- Focusing on establishing effective governing institutions to strengthen community economic development;
- Understanding that Indigenous culture and values are key assets for the rebuilding process; and
- Leveraging the wisdom of key leaders at all levels who empower and educate citizens.

Nation-building involves building institutions of self-government that are culturally appropriate to the nation and that are effective in addressing the nation's challenges. It involves developing the nation's capacity to make timely, strategically informed decisions about its affairs and to implement those decisions. It involves a comprehensive effort to rebuild societies that work.
[What Is Native Nation-Building? | Native Nations Institute \(arizona.edu\)](https://www.native-nations-institute.org/what-is-native-nation-building/)

To anchor the study's findings related to governance using Nation-building approaches, section 3.1 will provide an overview of the story of Indigenous self-governance from pre-contact to present time.

3.1 Background: Indigenous Governance Pre-Contact to Present Time

The story of Indigenous self-governance in Canada is one of perseverance. Indigenous leaders in the face of European colonization remained steadfast in their fight to have their inherent right to self-governance respected and recognized. Although the British Crown and Government of Canada attempted to erase Indigenous ways of life and governance authority through various colonial methods since the 1700s, Indigenous people in Canada have protected their right to self-governance and are now in an era of renewed recognition and exercising of those rights.

The focus of this background section is on identifying wise practices in Indigenous governance structures as they pertain to economic development. However, it is important to anchor that discussion in an understanding of the inherent right to self-governance that Indigenous groups

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throughout Canada are entitled to exercise. This section will provide an overview of key moments in the history of Indigenous self-governance in Canada from pre-contact to the present time, followed by a discussion of leading practices throughout Canada. While it is important to note that there are several areas of self-governance that determine economic prosperity, such as health, education and housing to name a few; the focus of this study is on economic development. That being said, the report does reference examples of success in self-governance over these social determinants to highlight progress in Nation-building generally.

Key moments in the History of Indigenous Self-Governance in Canada

Prior to European contact, Indigenous people in what is now called Canada had complex systems of governance spanning thousands of years.² Pre-contact, Indigenous people organized themselves as sovereign nations with jurisdiction over the defined territories they exclusively occupied, including governmental authority over economies and laws.³ The Centre for First Nations Governance states that: "They also owned the land and resources within their territories, and so had property rights, subject to the responsibilities places on them by the Creator to care for the land and share it with the plants and animals who lived there."⁴

Pre-contact governance systems supported egalitarian and democratic politics,⁵ and had the following characteristics:

- Nomadic vs. non-nomadic;
- Hereditary vs. elected;
- Socialist vs. capitalist; and
- Family vs. membership.⁶

Systems of governance were structured around family and/or clans with both structured systems based on rank and less structured systems⁷.

Structured governance systems typically included selection of a Chief who would provide direction and select other leaders to create a governance structure.⁸

In systems with larger groups, tribes were created and governed by a tribal council that operated under joint decision-making principles.⁹

² Centre for First Nations Governance, "A Brief History of Our Right to Self-Governance Pre-Contact to Present."

³ Centre for First Nations Governance.

⁴ Centre for First Nations Governance.

⁵ Institute on Governance and First Nations Financial Management Board, "First Nations Governance Project: Phase 1."

⁶ Institute on Governance and First Nations Financial Management Board.

⁷ Institute on Governance and First Nations Financial Management Board.

⁸ Institute on Governance and First Nations Financial Management Board.

⁹ Institute on Governance and First Nations Financial Management Board.

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Nomadic groups that travelled for resources often used less structured systems with short-term appointments of decision-makers.¹⁰

The pre-contact approaches to governance, although not conflict-free, worked well for centuries¹¹.

This pre-contact sovereignty is the basis for the inherent right of self-government that Indigenous people have today in Canadian law.¹² This right is referred to as inherent because it existed before European colonization and the implementation of Euro-Canadian laws.¹³

In the early years of European contact, Indigenous groups continued to exercise governance over their political and economic systems while relations with Europeans were mainly commercial and mutually beneficial in nature.¹⁴

However, as the Europeans expressed intentions of remaining in North America, commercial relations evolved into formalized relationships through treaties of alliance, or peace and friendship. Through the signing of treaties, Indigenous parties “retained their complete independence as sovereign nations, and ownership over their lands and resources. They did not transfer or cede jurisdiction or land rights to the British Crown.”¹⁵

Following the British defeating the French in the French and Indian War of 1754-1763, The British Crown issued the *Royal Proclamation of 1763*,¹⁶ which codified the land rights of the Indigenous peoples by prohibiting private persons from settling on, or purchasing Indigenous lands and created a formal process for transfer of Indigenous lands to the Crown.

Given the explicit statement that all land would continue to be Indigenous land unless ceded by treaty or purchased by the Crown, most Indigenous and legal scholars recognize the *Royal Proclamation* as an important first step toward the recognition of Indigenous rights, including the right to self-determination.¹⁷

“In recognizing the existence of Aboriginal title and declaring that the British Crown would first have to obtain land via treaties with Indigenous peoples before British subjects could acquire it, from a governance perspective, the proclamation portrays Indigenous Nations as autonomous political

¹⁰ Institute on Governance and First Nations Financial Management Board.

¹¹ Institute on Governance and First Nations Financial Management Board.

¹² Centre for First Nations Governance, “A Brief History of Our Right to Self-Governance Pre-Contact to Present.”

¹³ Centre for First Nations Governance.

¹⁴ Centre for First Nations Governance.

¹⁵ Centre for First Nations Governance.

¹⁶ Indigenous Foundations, “Royal Proclamation, 1763.”

¹⁷ Indigenous Foundations.

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entities, living under the protection of the Crown but retaining their own internal political authority.”¹⁸

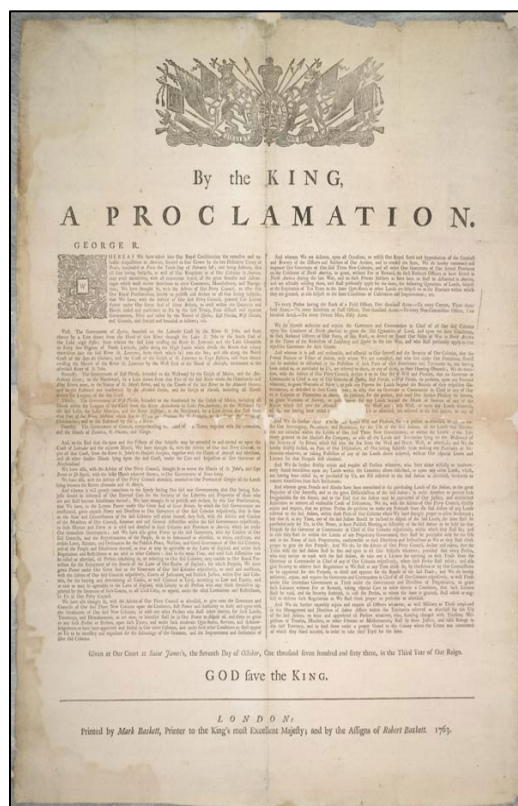
Over the decade that followed the *Royal Proclamation*, the British Crown advanced negotiations for land cession treaties as the number of British settlers increased; meanwhile, Indigenous groups continued to govern themselves following their own political systems and laws¹⁹. However, “Their complete independence as sovereign nations was nonetheless reduced as the Crown extended its jurisdiction over them, usually without their consent and often in violation of peace and friendship treaties.”²⁰

The colonial advancements against the Indigenous population’s right to self-governance were formalized in the *British North America Act, 1867* (now the *Constitution Act, 1867*), which included a statement by the British Crown that the Parliament of Canada has “exclusive jurisdiction over Indians, and Lands reserved for Indians.”²¹

Section 91 and 92 of the *British North American Act* outlined the jurisdictions of the federal and provincial governments, assigning federal government jurisdiction over Indigenous peoples and their lands in section 91(24) – a section that was used to pass laws to replace traditional Indigenous governance systems and assert federal control over Indigenous peoples.²²

This was followed by the Parliament of Canada enacting legislation related to governing Indigenous people under the *Indian Act* in 1876, in which the Canadian government gave itself legal authority to replace traditional Indigenous forms of government.²³ The *Indian Act*

Figure 1: Royal Proclamation of 1763, is viewed as a foundational document that recognizes Indigenous right to self-determination (Indigenous Foundations 2009).



¹⁸ Institute on Governance and First Nations Financial Management Board, “First Nations Governance Project: Phase 1.” P. 18

¹⁹ Centre for First Nations Governance, “A Brief History of Our Right to Self-Governance Pre-Contact to Present.”

²⁰ Centre for First Nations Governance.

²¹ Centre for First Nations Governance.

²² Institute on Governance and First Nations Financial Management Board, “First Nations Governance Project: Phase 1.”

²³ Centre for First Nations Governance, “A Brief History of Our Right to Self-Governance Pre-Contact to Present.”

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“deliberately split up pre-existing Indigenous governance structures, languages and clan structures, severely restricting the capacity for self-government.”²⁴

Despite the *Indian Act*, “traditional governments were not abolished, and continued to exercise inherent right of self-government in many communities, sometimes covertly.”²⁵

During this period, harsh colonial measures were taken against the Indigenous population that were intended to assimilate them into Euro-Canadian society and destroy Indigenous ways of life and governance.

Lands continued to be forcibly taken, and Indigenous people were placed on small reserves without their consent, often in undesirable locations for traditional Indigenous activities of hunting, fishing and gathering. The Indian Residential School system, the Sixties Scoop and other colonial measures that forcibly removed Indigenous children from their families were acts of attempted cultural genocide²⁶. The recent finding of missing children’s remains at the site of Indian Residential Schools,^{27,28} and findings from the TRC’s investigation²⁹ provide evidence of the traumatic and lethal experiences Indigenous people endured as the Canadian government attempted to annihilate their culture and governing authority.

Throughout this dark chapter in Indigenous-Canadian history, Indigenous leaders continued to lobby for constitutional recognition of Indigenous and treaty rights.

An example of these efforts is Indigenous leaders’ response to what has come to be known as “The White Paper” in 1969. This policy statement by the federal government proposed that general responsibility for Indigenous people be transferred to the provinces and statements within it “...explicitly intended to assimilate Aboriginal peoples into Canadian society in the name of ‘equality.’”³⁰ However, Indigenous leaders strongly opposed this document and responded with “The Red Paper,” in which they demanded their treaty rights and inherent rights be respected. Their resistance led to the retraction of “The White Paper,” which became a landmark event in Indigenous nations asserting their rights in the 1970s.³¹

²⁴ Institute on Governance and First Nations Financial Management Board, “First Nations Governance Project: Phase 1.”

²⁵ Centre for First Nations Governance, “A Brief History of Our Right to Self-Governance Pre-Contact to Present.”

²⁶ National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.”

²⁷ Government of Canada, “Missing Children and Burial Information.”

²⁸ Austen, “How Thousands of Indigenous Children Vanished in Canada.”

²⁹ Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada.”

³⁰ Centre for First Nations Governance, “A Brief History of Our Right to Self-Governance Pre-Contact to Present.”

³¹ Centre for First Nations Governance.

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Following “The Red Paper”, Indigenous leaders lobbied for constitutional recognition of Indigenous and treaty rights in the *Constitution Act, 1982* and the *Charter of Rights and Freedoms*. In a landmark acknowledgement of Indigenous self-governance, Indigenous leaders accomplished this goal with the inclusion of section 35(1) in the *Constitution Act, 1982* which reads: “The existing aboriginal and treaty rights of aboriginal peoples of Canada are hereby recognized and affirmed.”³² The literature notes that this acknowledgement has largely determined the political and legal discourse on Indigenous rights.³³

A series of constitutional conferences and Supreme Court of Canada decisions in the 1980s and 1990s further advanced recognition of the Indigenous peoples’ inherent right to self-governance.

The Supreme Court of Canada’s first decision on section 35(1) rights, specifically the Musqueam Nation’s right to fish for food, ceremonial and societal purposes, was a landmark moment for recognition of the right to self-governance. In this decision, the Supreme Court of Canada stated that “any Aboriginal rights that had not been extinguished before section 35(1) came into force on April 17, 1982, were recognized and affirmed”³⁴ and set out strict criteria under which it would be justifiable for these rights to not be upheld. The test for justifiable infringement of Indigenous rights became known as “The Sparrow Test.”³⁵

Several key court cases since 1992 that have largely shaped recognition of the inherent right to self-governance include:

- *R. vs. Badger (1996)*: A case that decided National Resource Transfer Agreements did not replace Indigenous hunting, trapping and fishing rights and that “The Sparrow Test” referenced above also applies to treaty rights;
- *R v. Van der Peet (1996)*: A case in which the court created the test for proof of Indigenous rights – known as the “Van der Peet Test” – a test in which it must be proven that exercising Indigenous right to self-governance in relation to a particular activity (e.g., fishing, hunting, etc.) must be activities that relate to a practice, custom or tradition that were integral to an Indigenous group’s distinctive culture prior to contact with Europeans;
- *R v. Pamajewon (1996)*: A case in which the Supreme Court of Canada dealt directly with the inherent right to self government. In this case, two First Nations in Ontario claimed the right to self-governance in relation to gambling on their reserves. The claims were rejected, due to gambling not meeting the Van der Peet test. This confirmed the Supreme Court of Canada’s view that Indigenous rights to self-government will have to meet the Van der Peet test; and

³² Centre for First Nations Governance.

³³ Centre for First Nations Governance.

³⁴ Centre for First Nations Governance.

³⁵ Centre for First Nations Governance.

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- *Delgamuukw v. British Columbia (1997)*: A case regarding a land title claim brought to the Supreme Court of Canada by Gitksan and Wet'suwet'en First Nations that resulted in the Court establishing fundamental principles regarding Indigenous land titles. This case included a claim to the right of self-government, and although the Court decided to not discuss this claim as part of the case, "by acknowledging the decision-making authority Indigenous nations have over their community-held Indigenous title lands, the Court did recognize the inherent right of self-government by necessary implication."³⁶

The Centre for First Nations Governance cites *Campbell v. British Columbia* as the strongest judicial endorsement of the inherent right to self government to date. In this case, the self-government provisions of the Nisga'a Treaty were deemed constitutionally valid because Indigenous nations have an inherent right to self-government protected by section 35(1) of the *Constitution Act*.

These landmark cases, "The Red Paper" and persistent lobbying by Indigenous leaders to have the treaty rights and the inherent right to self-government respected and affirmed by the federal government have resulted in a renewed era of Indigenous self-government being exercised with recognition from government partners.

UNDRIP - International Recognition of Indigenous Rights:

Affirming and protecting the inherent right to self-government is not isolated to the Indigenous population in Canada. Internationally, these rights have been recognized for Indigenous people across the world.

UNDRIP was adopted by the United Nations General Assembly in September, 2007 by 143 states with Australia, Canada, New Zealand and the United States voting against adoption³⁷. It wasn't until 2016 that Canada removed its objector status to UNDRIP and became a full supporter of the declaration³⁸. In 2021, the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act (Act)*, which advanced the implementation of UNDRIP in Canada.³⁹

UNDRIP defines "self-determination" for Indigenous peoples as the right to:

- Governance autonomy in matters relating to internal and local affairs.
- Fiscal autonomy in relation to the exercise of local jurisdiction and the delivery of programs and services.
- Social and economic autonomy in relation to communities, lands and territories.
- Protection of the environment on which Indigenous communities depend; and
- Benefit from resources on Indigenous lands and traditional territories.

³⁶ Centre for First Nations Governance.

³⁷ United Nations, "United Nations Declaration on the Rights of Indigenous Peoples."

³⁸ Fontaine, "Canada Officially Adopts UN Declaration on Rights of Indigenous People."

³⁹ Government of Canada, "Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act."

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The purpose of the *Act* was to confirm UNDRIP as an international human rights instrument that can help interpret and apply Canadian law. The *Act* also provides a framework to ensure that the laws of Canada are consistent with UNDRIP.⁴⁰

UNDRIP has important implications for self-governance in Canada. Not only does it provide a framework for reconciliation and law making, but it includes the principle of Free, Prior and Informed Consent (FPIC).

FPIC

FPIC is an important principle of UNDRIP. It emphasizes the importance of recognizing and upholding the rights of Indigenous peoples and ensuring that there is effective and meaningful participation of Indigenous peoples in decisions that affect them, their communities, and their territories.⁴¹ More specifically, FPIC describes processes that are free from manipulation or coercion, informed by adequate and timely information, and occur sufficiently prior to a decision, so that Indigenous rights and interests can be incorporated or addressed; all intending to ensure the consent of affected Indigenous peoples⁴².

Recent Events and their Impacts on Indigenous Self-Governance

In addition to the long history of Indigenous leaders asserting their inherent rights to self-governance through lobbying and court cases, recent events have propelled forward a new era of understanding among non-Indigenous decision makers and the general population in Canada about the need for reconciliation and respect for Indigenous self-governance.

Recent developments and ongoing work across Canada over the past several years that have garnered nation-wide support for respecting Indigenous rights include:

- Ongoing work around the TRC Findings;⁴³
- Release of the Findings from the National Inquiry into Missing and Murdered Indigenous Women and Girls;⁴⁴
- Ongoing confirmation of children's remains at Indian Residential School sites;⁴⁵ and
- Several other developments.

⁴⁰ Government of Canada.

⁴¹ Government of Canada.

⁴² Government of Canada.

⁴³ Truth and Reconciliation Commission of Canada, "Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada."

⁴⁴ National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls."

⁴⁵ Government of Canada, "Missing Children and Burial Information."

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A brief summary of the impacts and findings from some of the key recent developments that have gained nation-wide attention and increased support for Indigenous rights are provided in the proceeding subsections.

TRC

The National Centre for Truth and Reconciliation concluded an investigation into the impacts of Indian Residential Schools on Indigenous people in Canada and released a report detailing its findings along with 94 Calls to Action in 2015.⁴⁶

The TRC Report and Calls to Action became the impetus for the federal government's commitment to a "renewed nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, co-operation, and partnership"⁴⁷.

The federal government has since released principles respecting its relationship with Indigenous peoples, referencing the TRC Calls to Action as the guideposts for reconciliatory action⁴⁸.

The principles include recognition that ***"all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government."***⁴⁹ Other notable principles released by the federal government in relation to its nation-to-nation relationship with Indigenous peoples include:

- "Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government." – Principle 4;
- "Treaties, agreements and other constructive arrangements between Indigenous peoples and the Crown has been and are intended to be acts of reconciliation based on mutual recognition and respect." – Principle 5;
- "Meaningful engagement with Indigenous peoples aims to secure their FPIC consent when Canada proposes to take actions which impact them and their rights on their lands, territories, and resource. – Principle 6;

In response to the TRC Calls to Action, the federal government released principles to advance "fundamental change whereby Indigenous peoples increasingly live in strong and healthy communities with thriving cultures" and stated, "To achieve this change it is recognized that Indigenous nations are self-determining, self-governing, increasingly self-sufficient, and rightfully aspire to no longer be marginalized, regulated, and administered under the Indian Act and similar instruments."

Government of Canada, 2021 "Principles respecting the Government of Canada's relationship with Indigenous Peoples."

⁴⁶ Truth and Reconciliation Commission of Canada, "Truth and Reconciliation Commission of Canada: Calls to Action."

⁴⁷ Government of Canada, "The Truth and Reconciliation Commission of Canada."

⁴⁸ Government of Canada, "Principles Respecting the Government of Canada's Relationship with Indigenous Peoples."

⁴⁹ Government of Canada.

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- “Respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown’s fiduciary obligations.” – Principle 7; and
- “Reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.” – Principle 8.⁵⁰

Overall, the impact of the TRC has been profound on the federal government’s approach to its nation-to-nation relationship with Indigenous peoples. It has prompted renewed recognition of Indigenous rights and has become a framework for the government’s relationship with respect to Indigenous self-governance.

Missing and Murdered Indigenous Women and Girls

The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG Final Report), released June 23, 2019, revealed persistent and deliberate human and Indigenous rights violations and abuses are the root causes of Canada’s high rates of violence against Indigenous women, girls and 2SLGBTQQIA+⁵¹ people.⁵² The *MMIWG Final Report* include 231 Calls to Justice directed at governments, institutions, social service providers, industries and all Canadians.

The *MMIWG Final Report* describes how colonial measures taken against the Indigenous population have had detrimental effects on Indigenous people’s social outcomes, underscoring the need for the inherent right to self-governance to be upheld and respected.

The *MMIWG Final Report* prompted United Nations spokesperson Ravina Shamdasani to call on the Canadian government to take action to assess the claims raised in the *MMIWG Final Report*, stating “The

The importance of protecting Indigenous rights – MMIWG

“Protecting cultural rights isn’t optional, or “extra”; as these instruments and the witnesses to the National Inquiry make clear, it is imperative to ensuring that Indigenous women, girls, and 2SLGBTQQIA people can reclaim their power and place in a framework that has for so long sought to erase and eradicate them.”

Final Report of the Missing and Murdered Indigenous Women and Girls

⁵⁰ Government of Canada.

⁵¹ 2SLGBTQQIA+ stands for Two-Spirit, Lesbian, Bisexual, Transgender, Queer, Questioning, Intersex and Asexual, with the plus sign acknowledging the many sexual and gender minority people who do not identify in the umbrella acronym and prefer other identity terms (e.g., pansexual)

⁵² National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.”

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National Inquiry found reasons to believe that Canada's past and present policies, omissions and actions amount to genocide, under international law."⁵³

Since the release of the *MMIWG Final Report*, A National Action Plan (Action Plan) was released in 2021.⁵⁴ The Action Plan is intended to be an overarching framework for partners, provinces, and territories to develop their own strategies and action plans. This is viewed as a first step and is expected to evolve over time. The federal government has since pledged more than \$180 million for new programs that will help address some of the items in the Action Plan⁵⁵.

Overall, the *MMIWG Final Report* and associated Action Plan highlight the need for Indigenous self-governance and decolonization. It prompted federal investments to support implementing the Calls to Justice through the Action Plan and is evidence of increased non-Indigenous support across the country for respecting Indigenous rights.

Finding of the Remains of Missing Indigenous Children at Former Indian Residential School Sites

In 2021, Chief Rosanne Casimir of the Tk'emlups te Secwepemc First Nation announced that ground-penetrating radar had discovered the remains of 215 children at the site of the Kamloops Indian Residential School in British Columbia⁵⁶. The findings confirmed what Indigenous people have always known; and brought undeniable evidence of the horrific treatment of Indigenous peoples to the attention of non-Indigenous people across the country. These findings were the result of those who fought to have Indian Residential School deaths recognized for years.

The finding of the 215 children's remains sparked national and international attention. As Garnet Angeconeb of the National Centre for Truth and Reconciliation stated, "There was a sudden shift in conversations across the Nation. People started measuring our values and action as a country through a lens of Truth and Reconciliation."⁵⁷

Evidence of increased support as a result of these findings include the passing of Bill C-5 that recognized September 30 as a statutory holiday to honour the victims and survivors of Indian Residential Schools. There were visible shows of support throughout the country, with orange shirts, orange ribbons, lawn signs, and buildings lit in orange presenting visible expressions of

⁵³ National Family and Survivors Circle and Core Working Group, "2021 Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ People National Action Plan: Ending Violence Against Indigenous Women, Girls and 2SLGBTQIA+ People."

⁵⁴ National Family and Survivors Circle and Core Working Group.

⁵⁵ CBC News, "Feds Promise over \$180m for Programs to Support National MMIWG Action Plan."

⁵⁶ Austen, "How Thousands of Indigenous Children Vanished in Canada."

⁵⁷ Vanbuekl, "How to Keep Reconciliation Going."

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solidarity with the survivors. These acts of solidarity sent a message to political leaders and church leadership that immediate action is needed.⁵⁸

The ongoing work in finding and identifying remains of Indigenous children at former Indian Residential School sites has built momentum and national support behind calls for reconciliation. This is an important development in the story of renewed respect for Indigenous self-governance.

Compounded, these recent developments have resulted in an era of renewed respect and support for the inherent right to self-governance. Federal funding for Indigenous self-governing entities, collaborative work between nations to further advance Indigenous rights, and shows of support across the country from the general population are evidence that Indigenous people in Canada have made great strides in having their rights recognized and respected.

Where we are Today

Present day, many Indigenous communities, governments, and organizations are exercising their inherent right to self-governance over important areas of economic and social development, such as fisheries, health care, housing, and others.

The First Nations Governance Project highlights that while there has been progress with many First Nations achieving self-government, the vast majority of First Nations continue to have limited autonomy. This underscores the need for more resources for communities as they take strides towards implementing self-governing structures.

As Indigenous communities and organizations take strides towards self-governance, the First Nations Governance Project suggests leading examples will combine both Indigenous and contemporary approaches to governance, given the reality that to be successful in today's global economy, innovative approaches are required:

*"First Nations have for some time been rebuilding their nations, albeit along lines that look different than they did pre-contact. Given this complexity, and the imperative of self-determination, it is both unrealistic and impractical to expect First Nations to re-organize exactly along the lines of pre-contact nations and adopt systems of governance identical to those used over 500 years in the past. New challenges, and new relationships are prompting First Nations to graft new models, institutions and functions onto traditional systems and institutions of governance in order to meet the challenges of the 21st century global economy."*⁵⁹

⁵⁸ Vanbuekl.

⁵⁹ Institute on Governance and First Nations Financial Management Board, "First Nations Governance Project: Phase 1."

Ultimately, Indigenous communities have the right to organize their governing structure along the lines of what best fits their unique situations and the present context.⁶⁰

How communities have innovated Indigenous approaches to governance to reflect modern day realities is the focus of the next section, which will examine wise practices in Indigenous governance according to multiple research centres and think tanks, followed by leading examples of these governance structures in practice.

3.2 Wise Practices in Effective Indigenous Governance

The Centre for First Nations Governance's research has identified five key pillars for effective Indigenous Governance⁶¹:

1. The People;
2. The Land;
3. Laws and Jurisdiction;
4. Governing Systems; and
5. Resources.⁶²

These five pillars were developed through extensive engagement with First Nations citizens, leaders, Elders, academics, and on-the-ground facilitators associated with the Centre for First Nations Governance. The pillars include both traditional values of Indigenous nations with modern realities of self-governance. Each of the pillars are described below:

Pillar 1: People

The first pillar is focused on the best practice of bringing rights holders together to create a shared vision of a nation or organization. Community member participation in decision making is a critical component of effective Indigenous governance along with developing effective ways to share information with community and providing pathways for ongoing and timely information exchanges.

Pillar 2: The Land

"It is important that a nation's decision-making processes are legitimate, open, inclusive and appropriate for community...A nation's vision can only be attained when there is meaningful information sharing between leadership and citizens."

Centre for First Nations Governance.

⁶⁰ Institute on Governance and First Nations Financial Management Board.

⁶¹ Centre for First Nations Governance, "Five Pillars of Effective Governance."

⁶² Centre for First Nations Governance.

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The second pillar is focused on the need to demonstrate a nation's connection to the land. Land use mapping and stewardship planning allow authority over the land to be reinforced. Further, the Centre for First Nations Governance suggests Indigenous people should define titles and rights according to their historic laws, creation stories, oral histories, language, culture, tradition and spirituality.

Under this pillar, the importance of rebuilding a sustainable economy on the land is also emphasized by the Centre. The Centre notes that this begins by looking after the land while providing resources for a nation's people, creating wealth by regulating and participating in resource development, and leveraging economic development opportunities the land presents: "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."⁶³

Protection and ensuring preservation of the land is also highlighted under this pillar as essential for keeping Indigenous governance effective and appropriate.

Pillar 3: Laws and Jurisdictions

Exercising authority beyond the *Indian Act* through expanding jurisdiction and developing enforceable laws is a key element of Indigenous self-governance.

The Centre of First Nations Governance notes jurisdictions are typically expanded in three ways:

1. By accepting offers of delegated authority;
2. By negotiating increased jurisdiction; or
3. Exercising the inherent right of self-governance.

The Centre notes that laws developed by First Nations should reflect the vision, priorities and mandate that comes from its citizens: "It is critical to have a strong First nation rule of law to create and maintain a successful business environment...When individuals respect and follow the laws of their land and their nation, they validate the existence of their own government."⁶⁴

Pillar 4: Governing Systems

The Centre highlights the importance of designing governance systems and services that are transparent and fair. Traditional Indigenous systems of governance were participatory and emphasized information sharing. Rebuilding Indigenous governance systems allows for the opportunity to bring those elements back.

Under the *Indian Act*, most First Nations function within a system driven by the interests of the federal government. As First Nations create their own governance systems, The Centre suggests

⁶³ Centre for First Nations Governance.

⁶⁴ Centre for First Nations Governance.

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results-based processes should be implemented to fulfil and realize the vision and priorities of its people. This involves tracking and reporting on results to ensure citizens have access to the knowledge they need to see change.

Ensuring the design of a governance system aligns with a nation's unique culture and traditional systems is another important element highlighted by the Centre. "Traditional systems are what people know: they are proven in time, stable, legitimate, unique to each nation."⁶⁵

The design of a governance system should also consider the development of productive working relationships with other governments, as effective intergovernmental relations can increase opportunities and reduce conflict. It opens the opportunity for mutual benefits for both sides.

Pillar 5: Resources

The Centre highlights five key resources needed for effective Indigenous governance structures:

- Human Resources: Investing in the development of current and emerging leaders;
- Effective financial management: Planning for long-term success;
- Performance Evaluation: Evaluating successes and challenges while reporting results to community to encourage continued participation in decision-making;
- Accountability and transparency: Developing accountability mechanisms; and
- Establishing multiple revenue streams to fund self-government.

These five pillars provide a framework for ensuring governance systems are designed in a way that is both effective and reflective of Indigenous values.

Characteristics of Contemporary Indigenous Governance Systems

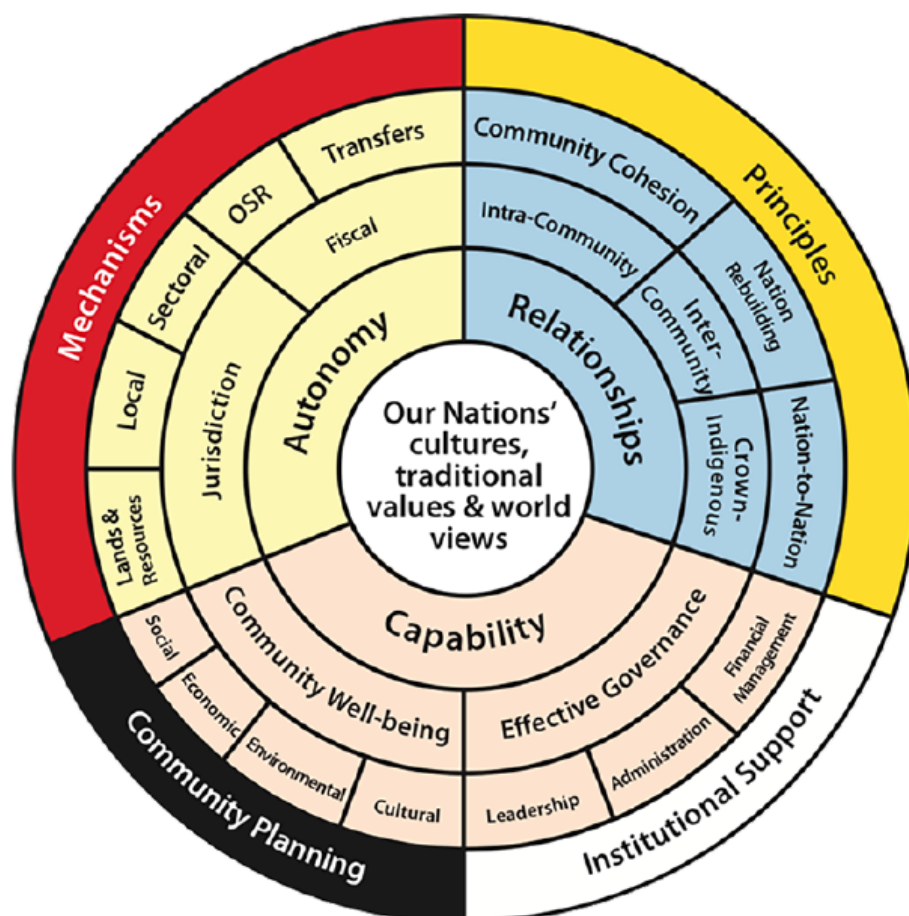
In an effort to define how, from a governance perspective, Indigenous peoples in Canada envision a renewed nation-to-nation relationship with Canada in a post-*Indian Act*, UNDRIP defined environment, the First Nations Management Board launched the First Nations Governance Project.⁶⁶ This resulted in a comprehensive and holistic "**Self-Determination and Governance Framework**" that can be used to determine a community's present level of self-determination and what can be done to increase it in transition from the *Indian Act* towards self-governance. The framework underscores the imperative of agreeing on principles that will underpin a renewed nation-to-nation relationship.⁶⁷

⁶⁵ Centre for First Nations Governance.

⁶⁶ Institute on Governance and First Nations Financial Management Board, "First Nations Governance Project: Phase 1."

⁶⁷ Institute on Governance and First Nations Financial Management Board.

Figure 2: The Indigenous Self-Determination and Governance Framework of the First Nations Governance Project (2018)



The literature suggests Indigenous self-governance should include Indigenous traditions in governing systems, which included the voices of women, Elders and children:⁶⁸

*"An ideal self-governance system includes more power for women to select leaders, more transparency and accountability in choosing leaders, sacred teachings (such as the seven grandfather teachings) and traditional values of maintaining kindship and languages."*⁶⁹

Despite the centuries of colonial impact on Indigenous self-governance, "...there is hope for a brighter future if Indigenous Peoples can lead the creation of self-governments that reflect their values and enhance their vision of successful Nation-building."⁷⁰

⁶⁸ Ayisi, "Rights and Traditions Will Define Indigenous Governance of the Future."

⁶⁹ Ayisi.

⁷⁰ Ayisi.

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Another key factor noted in the literature for the success of Indigenous governance systems includes partnering with other governments and universities to educate people on the important principles of pre-colonial Indigenous governance.

The literature notes that given the diversity of Indigenous peoples in Canada with their own distinct languages, histories and cultures, there is an understandable lack of consensus on what the characteristics of good governance should be for Indigenous peoples. However, there is consensus on the need for Indigenous groups to develop their own definitions through a blending of both traditional and contemporary norms.⁷¹

The First Nations Governance Project has identified two important foundations for contemporary governance in an Indigenous context:

1. There are many varieties of how specific approaches to legal systems are formed, but they all speak to the essence of what governance is: the establishment of dependable rules to coordinate actions and achieve goals. Rules that govern a society should be known and understood by the citizens and viewed by those citizens as fair and fairly enforced; and effective at dealing with the issues the community faces; and
2. Indigenous legal traditions are much more than simply “evidence” for title and rights cases or speaking to the way Indigenous peoples might have historically organized and controlled land. Rather, they continue to inform how Indigenous societies are organized today in the wake of other legal traditions that may have been imposed.⁷²

With these two foundations in mind, themes of reasserting authority and leadership, emphasizing culture, identity and traditional values, and re-building capable institutions underpin much of the literature on Indigenous governance leading to successful outcomes.⁷³

These themes were identified within the work of the Harvard Project on American Indian Economic Development, which researched the necessary conditions for successful economic development among Indigenous Nations in the United States. The Harvard Project’s findings showed that many of the keys to success were political in nature, with the following three factors highlighted as critically important to success:

- **Practical sovereignty**, meaning real decision-making power in the hands of Indigenous nations;
- **Capable governing institutions**, meaning an institutional environment that encourages tribal citizens and others to invest time, ideas, energy and money into the Nation’s future; and

⁷¹ Institute on Governance and First Nations Financial Management Board, “First Nations Governance Project: Phase 1.”

⁷² Institute on Governance and First Nations Financial Management Board.

⁷³ Institute on Governance and First Nations Financial Management Board.

- **Cultural match**, meaning alignment between governing institutions and Indigenous political culture (e.g., matching ideas about how authority should be organized and exercised with the views of the people to gain legitimacy).⁷⁴

Overall, the literature suggests contemporary approaches to Indigenous governance that have found success revive traditional aspects of Indigenous governance while incorporating Western society's best practices in governance. This reflects the tenets of Etuaptmumk/Two-Eyed Seeing⁷⁵ - the concept of viewing the world through Indigenous ways of knowing with one eye, while viewing the world through Western ways of knowing with the other. Two-Eyed Seeing has become a guiding principle for intercultural collaboration and according to Mi'kmaw Elder Albert Marshall, *"It encourages the realization that beneficial outcomes are much more likely in any given situation when we are willing to bring two or more perspectives into play."*⁷⁶

3.3 Leading Practices in Indigenous Governance – Examples from outside Atlantic Canada

This section will examine some leading examples of Indigenous governance systems that follow the best practices detailed above.

Tsuut'ina Nation – Incorporating Technology into Governance Systems

In efforts to blend both traditional and Western approaches to governance, some Indigenous communities have become innovative in designing their governance systems.

An example of innovative approaches to Indigenous governance is a growing trend towards including digital government in governance design.⁷⁷

At all levels of Canadian government, digital government is a growing trend and some Indigenous communities have adopted this concept to overcome governance challenges related to strengthening political participation, particularly for those living off-reserve.⁷⁸

Tsuut'ina Nation, located near Calgary, Alberta, has been at the forefront of a growing movement of First Nations using online voting technology⁷⁹. More than 120 First Nations across Canada have incorporated digital voting ranging from community polls to elections for Chief and Council.⁸⁰

⁷⁴ Institute on Governance and First Nations Financial Management Board.

⁷⁵ Bartlett, Marshall, and Marshall, "Two-Eyed Seeing and Other Lessons Learned within a Co-Learning Journey of Bringing Together Indigenous and Mainstream Knowledge and Ways of Knowing."

⁷⁶ Leighton, "Two-Eyed Seeing: The Gift of Multiple Perspectives."

⁷⁷ Budd, Gabel, and Goodman, "Empowering Indigenous Communities through Technology: A Community-Engaged Approach to Digital Innovation by First Nations in Canada."

⁷⁸ Budd, Gabel, and Goodman.

⁷⁹ Budd, Gabel, and Goodman.

⁸⁰ Budd, Gabel, and Goodman.

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Tsuut'ina Nation was motivated to strengthen participation of community members living both on and off-reserve lands, modernize their governance systems and amplify community members' voices in decision-making processes.

Adopting online voting allowed the Nation to implement Indigenous customs of community-based decision-making using modern technology. "For example, in 2016 Tsuut'ina Nation used online voting to ratify a custom electoral code which replaced sections of the *Indian Act* setting out the rules for Chief and Council elections. This process removed the nation from 25% of the *Indian Act*."⁸¹

This case is an example of the best practice of combining Indigenous values with modern day governance tools to the benefit of the community. It is important to note however that use of digital tools could exclude those without internet access and more senior members of a community. Strategies to circumvent barriers to access are an important consideration for communities considering a digital approach to community participation.

Osoyoos Indian Band's Approach to Governing Economic Development

Osoyoos Indian Band is lauded as one of the most economically successful bands in Canada.⁸² Unemployment on the reserve is less than 3% and 20% of band members are employed in senior positions. The First Nation is located in the Sonoran Desert and is surrounded by mountains and lakes. The community has leveraged its natural assets into several successful eco-cultural and agricultural businesses that contribute to the community's economic, environmental and social success.

Osoyoos Indian Band established the Osoyoos Indian Band Development Corporation (OIBDC) in 1998, which oversees the management of community-owned golf courses, vineyards, a campground and RV park, a gravel/concrete business, and a resort. Over the last six years, OIBDC group revenues have increased 70 percent, and now sit at \$28.2M spanning 13 different lines of business, with tourism comprising 20% of its bottom line.⁸³

⁸¹ Budd, Gabel, and Goodman.

⁸² MacDonald, "How a B.C. Native Band Went from Poverty to Prosperity."

⁸³ Osoyoos Indian Band, "Osoyoos Indian Band Businesses."

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"We are very focused on the future, and we realize that we create this future by our actions. The single most important key to First Nation self-reliance is economic development."

- Osoyoos Chief Clarence Louie

The National Centre for First Nations Governance credits the success of Osoyoos Indian Band to the presence of "strong and determined business leadership backed by band members. Effective leadership with strong vision and good knowledge of business has allowed Osoyoos Indian Band to agree on an objective of economic success."⁸⁴

Osoyoos Indian Band's innovative approach to building economic success for its community includes the forementioned Harvard Project's factors for economic

success: sovereignty, cultural match and administrative ability/leadership.

Osoyoos Indian Band has exercised self-governance over its economic development journey and has not allowed others to interfere: *"Osoyoos Indian Band leadership and citizens have asserted their independence in their decision-making surrounding their economic development."*⁸⁵ Effective administration systems are another critical success factor for Osoyoos Indian Band.⁸⁶

Other success factors for Osoyoos Indian Band's governance of economic development include their "rigorous application of business principles,"⁸⁷ including investing in knowledge about business and dedicating band resources to business development, including sourcing outside subject matter experts to help lay the foundation for financial success and build internal capacity.

An example of the outcome of this approach is the Nk'Mip Resort and its Desert Cultural Centre, which can be viewed as a successful case of integrating Indigenous culture and economic growth through a project that ties in stewardship of the land, sharing of Indigenous knowledge, and generating eco-tourism revenue to the benefit of community members.

The resort is a year-round, \$100 million complex that is co-owned by OIBDC and an outside firm (Calgary-based Bellstar Hotels and Resorts). The resort features outdoor pools and a spa, a gourmet dining room, and a golf course with a sweeping view of the valley. The resort promotes the culture of the Okanagan people, with the Resort's Desert Cultural Centre as the main output of Indigenous knowledge transfer and cultural awareness building within the resort's operations.

Although discussion in the literature about Nk'Mip is light on programs that directly benefit community members in a social/well-being sense, the culture centre and resort are undoubtedly successful in improving the well-being of First Nation community members through the

⁸⁴ National Centre for First Nations Governance, "Governance Tool Kit Best Practices: Economic Realization, Osoyoos Indian Band."

⁸⁵ National Centre for First Nations Governance.

⁸⁶ National Centre for First Nations Governance.

⁸⁷ National Centre for First Nations Governance.

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generation income for the band, job opportunities for community members and increased Indigenous cultural awareness among visitors and community members alike through extensive cultural programming and exhibits.

Osoyoos Indian Band has successfully implemented self-governance over their economic development and in doing so, have provided other nations with a leading example of how to successfully merge Indigenous traditions and knowledge with modern business principles to bring success to their people.

Nipissing First Nation's Success in Law Making

Nipissing First Nation located in what is now known as North Bay, Ontario, has been a fishing community since the time immemorial.⁸⁸ Colonization interrupted Nipissing First Nation's governance over its fishing and consequently, the health and sustainability of the fish population in Lake Nipissing. In the 1970s, the movement towards regaining governance over Lake Nipissing gained momentum. Nipissing First Nation's leadership pushed for reassertion of rights and through recognition by the courts and implementation of self-governance, the nation was able to rebuild their Giigoon Naaknigewin (Fisheries Law) in 2004.⁸⁹

*"In line with their own values and governance models, the law supports the ongoing sustainability of Lake Nipissing and its associated wildlife."*⁹⁰

Lawmaking to support Nipissing First Nation's governance over the fishery was viewed as essential to fill in the legal and jurisdictional space that otherwise would be filled by the Ontario Ministry of Natural Resources and Forestry. Nipissing First Nation implemented their own laws to ensure sustainability of the fishery, to protect their rights, and to begin to benefit economically from fishing activities.

Nipissing First Nation approached lawmaking with the view that community should inform the development of laws pertaining to them. Nipissing First Nation engaged community members and Elders, who identified that the law needed to address sustainable harvesting limits, mandatory reporting, clear fishing seasons, protection of spawning fish, and should include a process for fishing gear identification and ownership.⁹¹

Before being implemented, the law was reviewed and amended based on public input before a final vote via referendum passed the Nipissing First Nation Giigoon Naaknigewin.

⁸⁸ Williams, "Lawmaking for Nation Rebuilding: Giigoon Naaknigewin: Learning from Nipissing First Nation's Fishery Law."

⁸⁹ Williams.

⁹⁰ Williams.

⁹¹ Williams.

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In 2014, despite Nipissing First Nation's law focused on sustainability, those fishing under Ontario Law and recreationally threatened the health of the fish population. To address this, Nipissing First Nation signed a Memorandum of Understanding with the provincial government to codify the relationship between the two governments and mutual goals of supporting population recovery and sustainability of the fisheries.

Nipissing First Nation's law-making process follows the best practices outlined above. The law-making process was community informed and the resulting law reflective community values of sustainability. Nipissing First Nation also provides an example of effective nation-to-nation relations through collaborative addressing mutual concerns through establishing Memorandum of Understandings through negotiations with other government entities.

Lessons from Leading Examples

The examples of First Nations groups throughout Canada successfully exercising their inherent right to self-governance in innovative ways illustrates wise practices in action.

These leading cases of Indigenous nations reclaiming their governance structures and exercising the inherent right to self-governance show that the combination of Indigenous values with contemporary approaches to good governance and economic development are powerful in bringing about positive change for their communities.

4 Key Conclusions from Literature Review and Case Studies

Section 3 highlighted findings from a separately reported literature review, and has provided an overview of the key moments in the long history of Indigenous self-governance in Canada; a discussion on the importance of UNDRIP and FPIC on the movement from being governed by the *Indian Act* and towards the implementation of self-governing laws; a review of the literature on wise practices in Indigenous governance, as well as an examination of leading examples of Indigenous self-governance throughout the country that are anchored in best practices. In addition to the separately reported literature review, Group ATN Consulting Inc. conducted a case study analysis of Atlantic Canadian examples of self-governance in the economic development space, which is provided in Appendix C. This section will summarize key conclusions from the literature review and case study analysis.

The literature review identified that Indigenous governance structures are rooted in the inherent right of self-governance, supported by the advancement of UNDRIP and FPIC, and are unique to each community's requirements and values. While there are wise practices identified through Indigenous governance research institutes that can be followed, it's important to note that it is up to each individual community to determine what practices make the most sense for their unique circumstances.

The literature celebrates Indigenous peoples' persistence in having these rights recognized and their innovative approaches to combining Indigenous governance values of sustainability,

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cooperation and inclusion of community input with contemporary wise practices in good governance and business.

The case studies of Atlantic Canadian examples of governance structures for Indigenous economic development support the findings arising from the literature review. The case studies included Listuguj Mi'gmaq Government, Miawpukek First Nation, Membertou First Nation, Mi'kmaw Economic Benefits Office (MEBO), and the Joint Economic Development Initiative (JEDI).

The following are key takeaways and lessons learned from the case studies:

- All the successful models put the community at the centre. Engagement throughout, reporting on results and keeping a strong focus on the future (seven generations) and optimizing community benefits are the key elements of successful initiatives;
- Generally, communities demonstrate their ability to govern well before seeking recognition. This is done by putting in place laws and systems within which self-governance could be activated. This was the approach taken by the Nunatsiavut Government and Listuguj Mi'gmaq Government;
- In most of the communities examined, there is dedication and perseverance in working towards self-governance. Through extensive engagement with band members, bands are able to present a united front in negotiations;
- To boost the economic development of Indigenous communities, the Indigenous organizations examined developed programs and initiatives targeted at Indigenous entrepreneurs and job seekers. These programs provide support and training to members, to build capacity and to boost the economic situation of individuals in the community, which has a range of social benefits as well;
- Case studies of Indigenous economic development organizations revealed an emphasis on creating strong partnerships with each other and non-Indigenous organizations. Through these partnerships, the examined organized were able to advance the interests of Indigenous communities and broker agreements that have been critical to the economic development of these communities;
- Another notable approach to governance arising from the case studies is advancing policies and laws through grassroots, community-based mobilization process. This approach has proven successful through the overwhelming support laws have receive in these communities; and
- In bands that are self-governing or have control over a considerable amount of their activities, control is preceded by the development of a land code. Where successfully applied, it has paved the way for other programs and initiatives since it replaced the restrictive provisions for land use under the *Indian Act*.

The findings of the literature review and case study analysis are buttressed by the engagement findings summarized in the next section.

5 Engagement Findings

The purpose of the outreach and engagement undertaken for this study was to extract further insights into the governance structures of organizations and governments examined through the case study analysis, as well as how their governance structures have impacted economic development. In addition, the engagement process provided further insights to Indigenous perspectives on governance of economic development, and steps that could be taken to improve the autonomy of Indigenous communities in respect to their economic development.

5.1 Engagement Approach

Group ATN Consulting Inc. identified three categories of key informants:

- Subject matter experts;
- Funding partners; and
- Community leaders and leaders from Indigenous economic development organizations.

A list of organizations and communities represented by key informants approved by the project's advisory group are provided in Appendix B. To protect anonymity of key informants, organizations rather than individuals are listed.

Key informants were engaged through **virtual bilateral interviews** using Microsoft Teams. A discussion guide was approved by the project advisory group and was used in the interview process. At each interview at least three Group ATN Consulting Inc. representatives were present to facilitate the interview and record findings.

All approved key informants received invitations to participate in the interview. For those who did not respond, follow-up attempts were made to schedule an interview. While not all engagement targets participated in an interview, Group ATN Consulting Inc. was able to engage with all categories – subject matter experts, funding partners and leaders from community/Indigenous economic development organizations.

5.2 Key Findings from Engagement

Engagement revealed a rich array of insights related to wise practices surrounding governance as it relates to Indigenous economic development.

Key themes arising from engagement include:

- Community needs to be at the centre of economic development;
- The importance of Etuaptmumk/Two-Eyed Seeing: blending Indigenous and Western approaches to governance and economic development;
- Partnership development as an enabler for success;
- Recognition that Indigenous economic development goals often differ from individualistic and economic-driven Western approaches by emphasizing social, environmental, spiritual and economic benefits for community;

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- A focus on building long-term prosperity – following the *seventh generation principle*;
- The importance of identifying and building on the unique strengths of a community;
- The separation of politics from economic development debate; and
- The challenges and opportunities related to self-governance.

Each theme is explored further in the subsections below.

Theme 1: Community at the Centre of Economic Development

Community as the driving force behind economic development decisions was a key theme that emerged in discussions with subject matter experts, leaders and funding agencies. Unanimously, informants were consistent in the view that **community values, vision and goals should underpin all economic development decisions** – whether those decisions are made by Chief and Council, or by an economic development organization or corporation that is responsible to community – the ability for community voice to be considered was highlighted as essential to effective governance of Indigenous economic development.

“Being transparent with community, being open about what the finances look like and what the challenges are – it increases trust. Transparency builds trust and keeping things behind closed doors until there is a potential solution – that doesn’t seem to work” – Subject matter expert

Governance structures that include mechanisms for community input were viewed as wise practices for others to follow. One key informant highlighted that as a foundational step in setting the vision for a community’s economic development path, consensus is needed on the *“core issues everyone agrees are important.”* For example, Membertou First Nation’s leadership hosting consistent meetings to hear from community and providing updates to community was highlighted as a critical success factor for what is now one of the most prosperous First Nations in the country. Membertou First Nation’s focus on both education of its community members along with **transparency and accountability to community**, as well as external partners through achieving the International Organization for Standardization (ISO) certification, were also seen as critical. Overall, community input and accountability to community as it applies to economic development was unanimously cited by key informants as centrally important to Indigenous economic development governance structures:

“From a governance perspective, listening to community’s concerns, problems and presenting a plan and being transparent about that plan – those are the things (that will lead to success)” – Subject matter expert

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Once economic development initiatives have been implemented, key informants emphasized the importance of establishing mechanisms for community feedback within governance structures. Engagement should not be for input into vision and goal setting only, but also in ensuring the implementation of an economic development pursuit continues to align with Community expectations:

"If Chief and Council set the goal posts, they should go back to community every couple of years to see if the goal posts need to be narrowed or stay the same. The feedback loop should always go back to community." – Subject matter expert

Theme 2: Etuaptmumk/Two-Eyed Seeing Approach to Governing Indigenous Economic Development

The importance of Etuaptmumk/Two-Eyed Seeing as a foundational element of effective governance of Indigenous economic development was another central theme arising from engagement. Key informants pointed to the **blending of Indigenous values and approaches with Western principles of good governance and business** as critical success factors for Indigenous communities and organizations leading the way in building economic prosperity. The use of Indigenous approaches to economic development (such as ensuring community input and that there are social, environmental, spiritual and economic benefits for community arising from economic development projects) ensures Indigenous economic development is community focused and that its goals and results reflect community values. Meanwhile, incorporating Western principles related to good governance and business allows Indigenous economic development to succeed in a modern context, a context in which aligning governance structures and business plans with the expectations of funders and non-Indigenous partners is important for accessing resources, financing and funding.

"Comprehensive community plans are perhaps a colonial model, but...it's helpful when you go to ISC (Indigenous Services Canada) because if you can say, this is part of our strategy – we're applying for funding for this, this is how it ties into our long-term goal, that's important to the federal government." – Subject matter expert.

Theme 3: Partnerships as an Enabler for Success

The importance of partnership development as an enabler to success in Indigenous economic development was a key theme that arose in engagement.

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A growing awareness of the need for reconciliation among the general Canadian business community was raised by several key informants as an opportunity for Indigenous communities and organizations to develop partnerships in economic development.

"We are really seeing a big change happening now in reconciliation and that awareness. The corporate world is creating more capacity within their companies and they're starting to understand the Calls to Action and which ones really pertain to their companies. They are focusing on it."- Indigenous economic development leader

One key informant noted that partnering with corporate Canada allows Indigenous communities to *"work at the pace of business"* as opposed to working at the pace of federal funding.

The new federal target to have five percent of federal contracts awarded to Indigenous businesses was cited as another opportunity for Indigenous entrepreneurs in a time of reconciliation: *"That's huge. Indigenous owned businesses and entrepreneurs, that's going to be a huge factor driving economic development for our communities moving forward."* – Indigenous economic development leader.

"You don't have to do everything on your own. Making connections with other communities, people with other areas of expertise, other people in the region, beyond the region – that is really key as well." – Subject matter expert

While work related to reconciliation offers opportunities for partnerships with the general Canadian business community, some key informants noted that there needs to be more effort from the non-Indigenous side of those partnerships to prepare for working with Indigenous communities and organizations. It was noted that teaching about reconciliation should not be the burden of Canada's Indigenous people. Subject matter experts stated that non-Indigenous business community needs to take initiative in preparing themselves for partnering with Indigenous businesses, communities and organizations before reaching out. However, key informants noted that when non-Indigenous partners are ready to engage, there are mutually beneficial opportunities. Benefits for community include increased capacity to pursue economic development initiatives, and benefits for the general Canadian business community include access to Canada's fastest growing population of young workers in a time rife with labour and skill shortages.

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Building the capacity of Indigenous communities and organizations through partnerships related to education, mentoring was also raised in engagement. Key informants noted that strong recruitment and retention strategies are also needed to ensure capacity, once built, is maintained.

Partnerships are always key because it always comes down to communities having capacity...the corporate world has that capacity and when they have a relationship with community or Indigenous owned businesses, rising tides raise all boats. If you can create that relationship and float together at the same time, it's win-win." – Indigenous economic development leader

Theme 4: A Holistic Approach to Economic Development

The recognition that economic development goals of Indigenous communities are typically holistic was another theme that emerged. Key informants pointed to Indigenous values being reflected in Indigenous economic development – such as ensuring economic development projects **support social development, environmental sustainability and spiritual well-being in addition to economic prosperity.**

Key informants pointed to communities advancing self-governance as **an opportunity for a resurgence of Indigenous values in economic development.**

"I think one of the things we've forgotten, because we've been assimilated for 400 years, is our traditions, our traditional governance values of building the sacred teachings into the work of the institutions. This is critical – connecting it back to the community and they have to see it as a mechanism for change." – Subject matter expert

Key informants viewed Indigenous economic development as pursuing something different from Western colonial concepts of wealth creation, as **"...it's not just all about money. Money is important, and strategic planning is important, and how you govern is important, but it's got to have some fundamental connection to who you are and how you connect it back to community."** – Subject matter expert.

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One key informant described it as not becoming “lost” in pursuing economic growth:

“Most of the communities, they are just trying to improve socio-economic conditions. They’re looking to build wealth, address poverty, sustain levels of employment – those very basic things. But we can’t lose ourselves in doing that. We can’t become one of the other guys that basically do everything on the wealth criteria. We have to consider other social responsibilities or values that we have in terms of improving our human condition in the communities” – Subject matter expert.

Theme 5: Netukulimk – A Focus on the Future

Another common theme arising from engagement was the importance of considering how economic development decisions will bring **long-term benefits for future generations**.

Key informants linked this to the *seventh generation principle* – the Indigenous concept of thinking about what impact today’s actions will have seven generations ahead. Mi’kmaw Elder Albert Marshall describes this through the word **Netukulimk** – a word that contains the Mi’kmaq understanding of sustainability and preserving and caring for the earth for the next seven generations. Key informants noted that Netukulimk is a key component of effective Indigenous economic development, as it ensures sustainable approaches with long-term benefits for community and the land in alignment with Indigenous values and world views.

“It’s not about short-term profit or loss, it’s about considering the next generation of wealth that you’re going to have 20 years into the future. You really got to look at the things that you’re doing and figure out – how do you build in alignment with our Mi’kmaw values? But you also need strong governance, strong management, and a strong vision for what 20 years into the future looks like” – Subject matter expert.

Theme 5: Building on Unique Strengths

The importance of communities building on their unique strengths when considering economic development projects was another common theme that arose. Key informants noted that a “cookie cutter” approach to economic development doesn’t work for Indigenous communities. Each community is unique and has its own specific strengths that can be leveraged into economic opportunities. Building consensus within community on what those strengths are and how to leverage them was identified as a critical success factor in Indigenous economic development.

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This point links back to theme number one, that community input is a core component of successful Indigenous economic development.

“Every community has to identify what assets they have. Identify the strengths you have and translate that into business...Millbrook, they are a connector point, so would developing the business park that they did be successful anywhere else? It was successful because of where they are. Recognize the cultural and economic assets and find ways to be creative to make those work” – Subject matter expert.

Theme 6: The Separation of Politics from Economic Development Debate

Engagement included discussions on the debate of **whether politics should be separated from economic development** arms of communities.

Key informants pointed to the Harvard Indian Project’s finding, that it is best practice to remove politics from economic development, as a concept that is evolving in light of First Nation success in economic development that has been heavily guided by Chiefs and Councils.

Key informants pointed to the **value in having a strong community leader setting a clear vision for economic development and implementing accountability and transparency mechanisms into the governing structure to keep politicians accountable** – such as Membertou’s International Organization for Standardization (ISO) accreditation and regular meetings with community. Some subject matter experts pushed back against the Harvard Indian Project’s recommendation of removing politics from economic development as Atlantic Canadian examples suggest if community feels their collective vision for economic development is being reflected by politicians, and those politicians are held accountable, mixing politics with economic development has been demonstrated to lead to success.

“Some communities have not established an arm’s length relationship with economic development, but are still successful, and I would argue it is part of the reason they have been successful - because the politicians are accountable to community, and it works for them. Meanwhile, in say, Saskatchewan, that might not work.” – Subject matter expert

As noted in the textbox above, this may not work in all cases. For some communities, the Harvard Indian Project’s findings hold true – with separation of politics from economic development decisions being the best path towards success due to its effect in lowering risk of corruption and making compromises for votes that plague both non-Indigenous governments and Indigenous governments alike.

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One key informant stated that while vision setting by politicians is helpful for identifying where a community should be long-term, it must be buttressed by sound business planning and an accountable governance structure.

Another key informant noted that there are pros and cons to having elected Chief and Council determining the economic development decisions of a community, pointing to a tendency of economic development directors hired for their expertise feeling undermined in their positions: *"The way it's set up, it's unclear if Chief and Council are in charge of them (directors) – how do we get out of that mindset?" – Subject matter expert.*

One idea brought forward to overcome the challenges of elected officials involved in economic development decisions was the concept of ensuring that oversight of economic development activities has the benefit of a **board of directors that functions as a policy board and provides leadership in setting the broad vision** – the **ends** - for economic development while empowering the economic development lead/Director with the **means** (operational authority) to implement within specified **executive limitations**, including monetary directions and limits to decision making. Glooscap Ventures⁹² was cited as an example of an innovative Board of Directors that includes both elected officials and non-elected, experienced business professionals with expertise in various areas of economic development.

Overall, **engagement did not settle the debate on whether politicians should be involved in economic development. However, it did highlight the various pros and cons associated with each side of the matter.**

Theme 7: Resurgence of Self-Governance – Looking at the Bigger Picture

In addition to discussions directly related to effective governance structures for economic development, engagement also explored the concept of **economic development as a tool in communities moving towards self-governance generally**. The discussions included observations about challenges in moving away from the *Indian Act* and towards self-governance, as well as **opportunities for increased autonomy**, including consideration of law-making.

Key informants noted that there is fear around moving towards self-governance related to unknown, potential fiduciary repercussions. One subject matter expert noted that in discussions with community leaders about moving towards political independence, *"(the conversation) usually stops around the fiduciary responsibility piece."*

Capacity to undertake the responsibilities associated with self-governance also was noted as a key challenge for communities in moving away from the *Indian Act*. Subject matter experts pointed to chronic underfunding for economic development and lack of resources to manage

⁹² <https://www.glooscapventures.com/our-board>

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emergencies as they arise as the top challenges facing communities seeking more autonomy over economic development and other areas of jurisdiction.

"Every community and organization is competing over a small envelope of funding. We often don't get what we ask for, we often get approved for a portion, and it doesn't address the problem. It doesn't serve long-term, multi-generational problems." – Subject matter expert.

Key informants pointed to the need for **more long-term, stable and flexible funding** in order to facilitate movement towards self-governance. It was noted that if funding became more stable and adequate, communities could reinvest OSRs generated by economic development initiatives to the benefit of the whole community, as opposed to relying on OSRs to fill funding gaps.

The current model of federal funding for Indigenous community economic development is widely viewed as "chronically underfunded" and "inadequate." Key informants noted that this is due, in part, to the current model's reliance on a per capita assessment of need as the basis for funding. It was highlighted that this leads to particularly pronounced funding gaps for communities with small populations.

"A lot of the own source revenues go to administration and day-to-day operations, so there is no opportunity for reinvestment in new enterprises. It's to maintain the status quo. More flexible, long-term, reliable funding would be great instead of – 'this is what you spent last year. We'll keep spending the same amount under that model.'" – Subject matter expert.

Engagement on the topic of self-governance also highlighted a need for a collective impact approach in Atlantic Canada. Key informants noted that there are multiple organizations having big "G" conversations at the national level, however there is an opportunity for more clarity on how this can be advanced most effectively: *"We're all willing to cooperate but it's unclear who is the lead and it's unclear how it's funded."* – Subject matter expert.

5.3 Key Takeaways from Engagement

Overall, engagement highlighted a number of important insights from leading experts and those currently working in Indigenous economic development. Key informants generously shared their perspectives and knowledge on the subject of effective governance of Indigenous economic development, as well as their views on the larger topic of Nation-building and the movement towards self-governance.

Key takeaways from the engagement process include:

- **Community participation** in decisions related to economic development as well as mechanisms to ensure community remains engaged long-term are important for success.

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An emphasis was also placed on **meaningful engagement**, and ensuring community engagement is broad and ongoing. This point links to ensuring governance is **transparent and accountable** to community;

- Indigenous economic development differs from Western conceptions of economic development as it is focused on more **holistic and long-term impacts**. Effective governance of Indigenous economic development includes considerations beyond the more typical Western focus on economic growth and includes targets focused on **environmental sustainability, social development and spiritual well-being along with economic impact**. Further, embedding the concept of **Netukulimk – thinking seven generations ahead** – into governance structures was raised as a central, culturally relevant component of effective Indigenous economic development, as economic decisions made today can have positive outcomes for community members 20 years in the future if made with Netukulimk in mind;
- The Mi'kmaw concept of **Etuaptmumk/Two-Eyed Seeing** allows for economic development for Indigenous communities to be reflective of **Indigenous values and world views**, while also incorporating Western **principles of good governance and business**. This approach is important for aligning with the requirements of non-Indigenous financial partners, and for success in today's modern and global economy, while also ensuring Indigenous world views are incorporated in economic development; and
- **Partnership development** is critical to the success of economic development projects. The Canadian business community and governments are, perhaps, more ready to partner with Indigenous communities, organizations, and businesses in the spirit of reconciliation, than at any other point in history, a factor which offers immense opportunities. Governance structures should be cognizant of partnership development as a key component of successful Indigenous economic development. Building on the theme of partnership development was the importance place on **strengthening capacity** of Indigenous organizations and communities to successfully undertake economic development projects through investment in education and attention to recruitment and retention of employees and board members with strong business competencies.

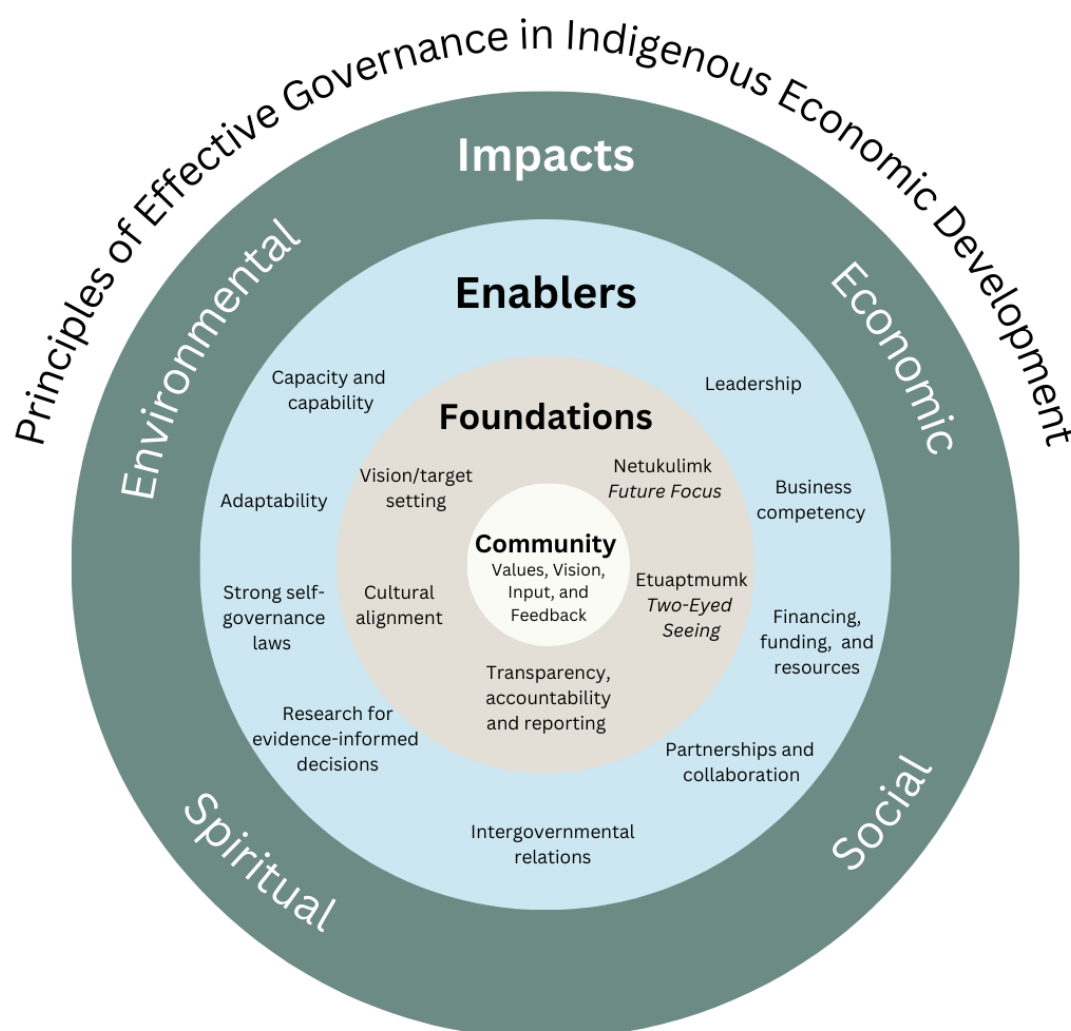
In addition to the points above, engagement highlighted challenges and opportunities related to the movement of Indigenous communities away from the *Indian Act* and towards self-governance generally. Discussions highlighted that the conversations related to Nation-building are evolving, and as work in this area continues, it will be important for Indigenous economic development organizations and communities to have support in building their internal governance capacity.

6 Recommendations

Compiling the results of the literature review, case studies and the engagement undertaken for this study, there are several conclusions drawn about how Indigenous governance structures can be optimized for economic growth and increased autonomy, as well as recommendations for communities and Indigenous organizations seeking to pursue effective governance over economic development. Group ATN Consulting Inc. has distilled the findings of this study into three key categories that form principles of effective governance in Indigenous governance using a Nation-building approach. These categories include:

- Foundations;
- Enablers; and
- Impacts.

The key foundations, enablers and impacts of effective Indigenous governance of economic development are depicted in the image below and encompass the common findings across the multiple lines of inquiry undertaken for this study.



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Taken together, these are the areas of focus that support a Nation-building approach to community economic development.

6.1 Recommendations for Optimizing Economic Development Impacts Using a Nation-building Approach to Governance

A key recommendation arising from the results of this study is for organizations and communities developing or adapting governance structures to **ensure the following foundations are in place**, in alignment with a Nation-building approach:

- **Community:** Community is nested at the centre of the above image as the core component of governance of Indigenous economic development. Consistently, across the literature, case studies and engagement, the importance of community values, vision, input, and ongoing feedback was raised as centrally important to the success of a community or organization's governance of economic development;
- **Netukulimk/Future Focus:** The concept of Netukulimk, or sustainable planning with a focus on securing long-term benefits for future generations, is another key foundational element of effective governance of Indigenous economic development;
- **Etuaptmumk/Two-Eyed Seeing:** The Mi'kmaw concept of Etuaptmumk/Two-Eyed Seeing is another foundational element of effective governance structures for Indigenous economic development. Embedding this concept into governance means blending the best of Western principles related to business and governance with Indigenous world views and Nation-building approaches;
- **Transparency, accountability, and reporting:** Setting up mechanisms that ensure transparency and accountability of a governance structure is another foundation of effective governance. Reporting on organizational activities and managing data and information in accordance with OCAP⁹³ principles with a focus on ensuring community, partners and other stakeholders are kept informed, are core pillars of effective governance. Traditional methods that focus on participation and information sharing, along with Western approaches such as formal business planning, monitoring and evaluation reporting processes are critical for building and keeping trust and legitimacy among community and partners;
- **Cultural Alignment:** Ensuring the governance structure and the economic development related decisions align with the specific culture of the group that will inform and benefit from the organization's pursuits are key foundational elements closely tied to the core foundation of community; and
- **Vision/Target Setting:** Setting a vision and defining targets to be achieved that are community-informed, culturally specific and developed with Netukulimk in mind is a foundational step is ensuring effective governance structures for Indigenous economic

⁹³ [The First Nations Principles of OCAP® - The First Nations Information Governance Centre \(fnigc.ca\)](https://www.fnigc.ca/)

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development. This vision setting informed by Nation-building approaches is the foundation of all effective decision making.

Building on the recommendation related to ensuring the above foundations are incorporated into economic development governance, **the second key recommendation arising from this study is related to enablers for effective governance** under a Nation-building approach.

The following enablers identified in this study are core components of governance that, if incorporated into governance, activate holistic and positive impacts for community and the environment:

- **Leadership:** A person(s) capable of championing community vision, building relationships and partnerships, and excellent at communication is viewed as a key enabler for effective governance of Indigenous economic development. Strong leadership is essential to guiding communities and organizations towards their economic development goals. As the study has evolved and as reflected in the case studies of leading Indigenous economic development practitioners, that leadership can include political leaders, EDOs, community leaders and or an enjoined combination of interested parties;
- **Business Competency:** Bringing people with business acumen into a governance structure is viewed as a critical enabler for success in economic development. Whether business competency is incorporated into governance through selection of established business professionals as board members, the use of advisors, or through building capacity of the board through education and ongoing professional development opportunities, embedding business expertise into the governance structure is an important enabler for success;
- **Financing, Funding and Resources:** Having the resources, both human and financial, to undertake economic development projects is foundational to success in economic development. Linked to business competency, the capacity and ability of a governing body to develop or delegate the development of effective business plans, feasibility studies, recruitment/retention strategies, and funding applications to successfully obtain the resources required to achieve economic development goals is vitally important;
- **Partnerships and Collaboration:** Building and maintaining constructive relationships with partners is an important enabler for achieving economic development goals. Partnerships with non-Indigenous businesses and funding agencies allow for opportunities for joint ventures, establishment of Indigenous corporations, investment attraction, training opportunities for community members, and other capacity building opportunities. Further, partners with other Indigenous communities can create opportunities for shared growth and mutual benefits – as seen with commercial collective approaches to economic development involving a number of First Nations communities;
- **Intergovernmental Relations:** The ability to develop effective working relationships with other governments is another enabler for success. Strong nation-to-nation relationships are key for increasing the autonomy of Indigenous communities and economic

development organizations. A focus on intergovernmental relations is also important for securing support in pursuing self-governance over economic development;

- **Research for Evidence-Informed Decisions:** Use of research to inform evidence-based decisions and to support due diligence and lead qualification is a critical success factor for governing bodies pursuing economic development goals. Referencing thorough research in decision-making can help avoid costly errors in judgement;
- **Strong Self-Governance Laws:** Effective law making by Indigenous governments is a necessary element in community economic development. Law making establishes Indigenous authority and control while reducing risk of conflict and contributing to a strong and responsive business environment that will foster and support economic growth opening the door to increased OSRs;
- **Adaptability:** A governing body's ability to adapt is another important enabler. Adaptability enables economic development organizations, proponents, and boards to respond to changes in the economic development space and pivot when necessary. Mechanisms that allow for changes in approach are a key enabler for success in economic development, given the dynamic nature of a globalized economy. During the engagement portion of this project several of the thought leaders consulted emphasized the importance of looking ahead, of exercising strategic foresight to better understand how projects may unfold, to anticipate the things that may impact them and to be prepared for the necessity of pivoting as the project advances. This is very consistent with the Indigenous value and touchstone of thinking seven generations ahead; and
- **Capacity and Capability:** Building and strengthening capacity is a critical enabler for success in Indigenous economic development. Identifying gaps in a community or organization's human or financial capacity and activating a plan to fill those gaps (whether through education, training, hiring, or developing partnerships to access opportunities for building capacity) is key to success in economic development.

Based on the findings of this study, it is recommended that Indigenous organizations and communities seeking to optimize economic development outcomes for community incorporate the above enablers into their governance structures to activate positive economic, social, environmental, and spiritual impacts while advancing Nation-building.

6.2 Recommendations for Future Research and Data Collection

An element of this study was to revisit the findings from the 2010 study, [*Baseline Data for Aboriginal Economic Development: An Informed Approach for Measuring Progress and Success*](#) to determine whether access to data detailing impacts of economic development on Indigenous communities in Atlantic Canada has improved in the interregnum.

Overall, this study found that the data collected on economic development outcomes and impacts continues to be more qualitative than quantitative. The quantitative data that is collected and reported by some communities focuses on a few key areas of economic impact, while areas such

as social, environmental and cultural/spiritual are less visible. While studies since 2010, such as the salutary report [*1.14 billion Strong: Indigenous Economic Performance in Atlantic Canada*](#) (and subsequent updates) quantify overall impact of First Nations spending, it does not provide precise quantitative data at the community level specifically addressing economic development outcomes and impacts. Therefore, a recommendation arising from this report is for AIEDIRP **to advocate for more focused support for communities to strengthen their capacity to capture and communicate more precise, quantitative data on the economic, environmental, social, and cultural/spiritual impacts of their economic development pursuits in order to better inform policy development, understand outcomes and impacts and to address overall accountability.**

7 Conclusion

This study has reviewed existing literature on the topic of effective Indigenous economic development. It includes case studies of leading examples of excellence in community-focused economic development initiatives and in the application of wise practices. It also includes insights from some of Atlantic Canada's top thought leaders on the topic through a thorough engagement process.

The resulting recommendations arising from this study, as detailed in Section 6, are intended to help guide Indigenous communities and organizations seeking to develop or adapt governance structures to optimize economic growth while achieving positive impacts in social outcomes, environmental sustainability and spiritual well-being.

As a final step in this project and building on the findings of this study, Group ATN Consulting Inc. has researched best practices in governance tool kits for communities and Indigenous organizations. The purpose of researching tool kits was to inform the development of a tool kit for AIEDIRP specific to implementing the findings of this study. The intention of the tool kit (provided in Appendix D) is to support AIEDIRP's efforts in providing communities and Indigenous organizations seeking to optimize governance of economic development with guidance, advice and support.

The results of this study have been translated into an accompanying tool kit to support AIEDIRP in offering helpful guidance to communities and Indigenous economic development organizations. This tool kit extrapolates from the findings of this analysis and report. It is designed to assist in developing or adapting governance structures to optimize economic development impacts holistically and beneficially for the community – economic growth, social development, environmental sustainability and spiritual well-being.

The tool kit will also provide insight to communities on optimizing a Nation-building approach to governing Indigenous economic development as proposed in this study - developing the foundations and enablers listed above to achieve holistic and positive impacts for community and the land.

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AIEDIRP is a leading organization in participatory action research, often leading extensive engagement with stakeholders and rightsholders and upon completion of its studies, broadly sharing the findings to the benefit of Indigenous communities. This study includes a recommended strategy of continuing this practice of broadly sharing the results of this report through dissemination to community economic development leaders and EDOs, hosting of workshops, leading conference sessions, and leveraging other engagement opportunities that arise to translate the recommendations arising from this report into action.

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Appendix B: Engagement Targets and Interview Guide

Key Informants

The list of key informants includes organizations and communities represented only to protect the anonymity of those interviewed. Not all targets responded to requests for interviews, however all target categories were engaged.

Table 1: List of target key informants

Organization	Category
Atlantic Policy Congress	Subject Matter Expert
Centre for First Nations Governance	Subject Matter Expert
Confederacy of Mainland Mi'kmaq	Subject Matter Expert
Cape Breton University	Subject Matter Expert
Mi'kmaw Native Friendship Centre	Community Leadership
Membertou First Nation	Community Leadership
Miawpukek First Nation	Community Leadership
Listuguj First Nation	Community Leadership
Nunatsiavut Government Economic Development Dept	Subject Matter Expert
Mi'kmaq Benefits Office	Leadership from Indigenous Economic Development Organization
Osoyoos Band, BC	Community Leadership
Joint Economic Development Initiative	Leadership from Indigenous Economic Development Organization
Indigenous Services Canada	Funding partner
Atlantic Canada Opportunities Agency	Funding partner
Ulnooweg Development Group	Leadership from Indigenous Economic Development Organization

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Interview Guide

The interview guide is not intended to be prescriptive, but to support an organic and dynamic conversation, providing multiple lines of inquiry mapped to the objectives of the project. The guide is designed to address the key themes related to the linkage between governance and economic development that need to be explored without constraining the discussion. These are envisioned as comfortable and thoughtful conversational exchanges that allow the participants to fully explore their perspectives and ideas as they relate to this project. All suggested scripts were adapted to suit a particular interview context and setting and are designed as a guide only.

Introduction

Welcome, *and thank you for taking the time to speak with us today.*

Context Setting: *Group ATN Consulting has been engaged by the Atlantic Indigenous Economic Development Integrated Research Program (AIEDIRP) to conduct research into governance models that support Indigenous economic development. As part of this project, we are seeking insights into governance models used by Indigenous organizations and communities to improve their economic conditions and that of their communities, as well as perspectives related to how more autonomy could be achieved by Indigenous communities and organizations related to pursuing their economic development goals.*

Assure Confidentiality and Consent: *We would like to assure you that whatever information you provide will be treated with the utmost confidentiality. No information would be attributed to you in our reporting. Findings from our conversations with key informants will be aggregated and anonymized – no one will be quoted. We also want to inform you of your right to withdraw your consent at any point in time during this discussion.*

Questions: *Do you have any questions before we start?*

Questions and Discussion Points

The following questions and discussion points would guide the discussions with key informants. The questions have been carefully crafted to ensure that the relevant information and observations on the governance approaches and practices that aid economic development are secured. Group ATN Consulting Inc. has presented three categories of questions mapped to each category of key informants, starting with subject matter experts.

Questions for Subject Matter Experts

The discussion guide in this section will support conversations with subject matter experts on the relationship between Indigenous governance and economic development.

Governance Approach:

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1. What is your perspective on the linkage between governance and economic development in First Nations communities?
2. In your observation, is there a deliberate focus on considering governance factors in designing or pursuing economic development opportunities within First Nations communities? Is it focused on creating greater support for OSRs and self-government? How is it working from your perspective?
3. Can you think of an economic development initiative you've had experience with or are aware of, where governance design was clearly and deliberately considered during the establishment process? What approach was taken in establishing the governance model?
 - a. How has this approach evolved over time?
 - b. What challenges have you encountered in implementing the governance approach, and what steps were taken to resolve these challenges?
 - c. From your perspective, how has this approach aided the economic development of the Community (or the communities supported by an organization)?
4. What lessons have you learned about the importance of governance as a key driver for effective economic development leading to self-government that could be useful to other Indigenous organizations and communities?
5. What has worked well?
6. What, if anything, was changed related to governance to improve economic development outcomes over time?
7. Have non-Indigenous organizations/governments' governance models influenced Indigenous governance style? If so, in what way?

Indigenous Self-Government

8. From your perspective, how can self-governance structures and decision-making be best designed to support Indigenous economic growth?
9. From an Indigenous perspective, how can partnerships with non-Indigenous organizations and governments be improved to make progress toward self-governance and Nation-building?

Questions for Community Leaders and Representatives of Indigenous Economic Development Organizations

The following questions would guide discussions with representatives from communities and other Indigenous organizations that support Indigenous economic development.

1. What is the current structure of your economic development board?
2. Does it include any advisory personnel/committee/representation from outside the community?
 - a. If it does, how do you work with/onboard those less familiar with the community so that they can better understand Indigenous perspectives on economic development?

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3. How does your economic development team interact with funders/government project managers? For example, are they invited to community presentations? Are new government staff provided orientation to the community that might help them better understand community-based decision-making and the participation that it takes to arrive at a holistic approach to development within the community?
4. Are you familiar with any First Nation governance models that you think are best practices in terms of including Indigenous perspectives on economic development?
 - a. What is appealing about them?
5. Are there government departments/agencies/organizations that you feel have a better understanding of community-based decision-making and participation and the holistic approach to First Nations economic development?
6. If you were given the opportunity to offer key recommendations on how to change government structures to better support Indigenous economic development, what would you offer? What would be your top 3 recommendations?

Indigenous Perspectives on Economic Development:

7. Is economic development in your community/organization linked to a clear mandate and vision for change from the community?
8. Is economic development in your community/organization or in your observation designed to support the transitional steps necessary to move to self-government? Does it have a Nation-building focus?
9. Can you speak to any innovative approaches to economic development in your community/organization you've observed or experienced that illustrate the holistic approach to considering social, economic and cultural considerations in decision-making around which economic development opportunity to pursue?
10. How has this Indigenous way and holistic decision-making model impacted your community (or the communities your organization supports) in terms of:
 - i. Environmental stewardship
 - ii. Social development
 - iii. OSRs
 - iv. Entrepreneurship / Jobs for Community Members?
- b. How are these impacts measured by your community or organization?
 1. What factors or indicators are considered in measuring economic development or empowerment by your organization?
 2. How does the outcome from measurements inform the plans and initiatives of your organization?

Funding:

11. From your perspective, have funding arrangements with federal, provincial and territorial agencies limited the economic development of Indigenous communities and organizations?

- a. If so, how has it limited economic development?
 - b. If not, how has it aided Indigenous economic development?
12. What steps could be taken by funding partners to improve economic development outcomes?
13. How could funding partnerships be improved to increase the autonomy of your community/organization?

Questions for Funding Partners

This section presents the questions that would guide discussions with Indigenous economic development funding partners.

1. In what capacity does your organization support economic development in Indigenous communities?
2. What is your perspective on the impact of funding from your organization on the economic outcomes of Indigenous organizations/Governments?
3. From your perspective, are there changes that your organization could make to better support economic development in Indigenous communities?
4. The current funding arrangements with Indigenous communities are largely short-term, which may not support long-term economic development planning. What changes, in your perspective, can your organization make to improve this?
 - a. Would changes such as having an intermediary fund administrator to support continuous funding to Indigenous communities be supported by your organization?
 - b. How could this be done?
 - c. What are the perceived risks and challenges with this approach?
 - d. How can these risks be mitigated?
5. What other ways could funding be made more flexible to accommodate the needs of Indigenous organizations/communities?

Appendix C: Case Studies of Economic Development Governance Structures in Atlantic Canada

Economic development is an area in which many Indigenous organizations and communities in Atlantic Canada are now asserting their inherent right to self-governance in ways that generate OSRs and financial success for their people using structures and processes that reflect Indigenous values.

This case study analysis will include detailed analysis of several cases in which Indigenous organizations and communities have asserted their right to self-governance through economic development initiatives.

Indigenous approaches to economic development are more holistic than solely financial initiatives. Community Economic Development (CED) is defined by AIEDIRP as:

Action by people locally to create economic opportunities and better social conditions, particularly for those who are most disadvantaged. CED is an approach that recognizes that economic, environmental and social challenges are interdependent, complex and ever-changing. To be effective, solutions must be rooted in local knowledge and led by community members. CED promotes holistic approaches, addressing individual, community and regional levels, recognizing that these levels are interconnected⁹⁴.

Indigenous approaches to economic development maintain traditions of holistic approaches to bettering Indigenous communities, while implementing innovative and modern economic development initiatives to bring about impactful change for their people.

Indigenous communities and organizations have made great strides in implementing self-governance over economic development, despite great barriers place before them, including lack of access to capital, inadequate infrastructure, and limited capacity – all of which are rooted in the history of colonialism and failure of colonizing governments to recognize Indigenous jurisdictions.⁹⁵

Case Study Selection

This case study analysis provides an overview of the governance models of various Indigenous organizations selected in consultation with the AIEDIRP project team. The following organizations were considered and represent a broad range of governance structures throughout the Atlantic region:

⁹⁴ The Atlantic Aboriginal Economic Development Integrated Research Program, “Baseline Data for Aboriginal Economic Development: An Informed Approach for Measuring Progress and Success.”

⁹⁵ Garneau, “Barriers to Economic Development in Indigenous Communities: Report of the Standing Committee on Indigenous and Northern Affairs.”

- JEDI
- MEBO
- Membertou First Nation;
- Nunatsiavut Government;
- Listuguj Mi'gmaq Government; and
- Miawupkek First Nation.

These case studies highlight the governance frameworks utilized by these organizations and bands with a focus on how their policies aid economic development within Indigenous communities. Each case study concludes with an overview of key lessons and takeaways that could potentially contribute to the overall operation of Indigenous communities.

Listuguj Mi'gmaq Government

Overview

Listuguj Mi'gmaq Government is a Mi'gmaq community of 4,058 members, of which 2,108 live on reserve and 1,950 off-reserve. According to their website, "Listuguj is not an individual community in isolation, but rather an integral part of Gespe'gewa'gi and Mi'gma'gi...[and] reinforces Listuguj's assertion of Mi'gmaq nationhood on traditional lands by providing a community Vision and a course of action that supports self-reliance, cooperation, and self-governance locally in Listuguj, regionally in Gespe'gewa'gi, and nationally in Mi'gma'gi."⁹⁶ The Listuguj Mi'gmaq Government offers services in 8 areas grouped as directorates, including:

- Administration;
- Finance;
- Community health services;
- Education services, through its education directorate;
- Public Security through its police and fire departments, along with the Listuguj rangers;
- Capital and Infrastructure;
- Community social services; and
- Natural resource management.

These directorates are developed to promote economic development by ensuring the right services are delivered to community members. Further, each directorate runs several programs targeted at achieving the overall aim of the Band.

Approach to Governance

The Listuguj Mi'gmaq Government, just like other Indigenous governments, has, over the years, negotiated for their inherent right to self-government to be recognized by the federal government. These negotiations have led to some autonomy in the administration of some

⁹⁶ "About Listuguj."

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services, as listed above. The government has an administration directorate, headed by the Band administrator, responsible for the management of all programs and services delivered by all Listuguj Mi'gmaq Government directorates. The Band administrator is responsible for ensuring all directorates follow the budgets and policies approved by the Chief and Council and reports to them on the management and operations of all the directorates.

All programs and activities of Listuguj Mi'gmaq Government are under the management and direction of the elected Chief and 12 Council members. Each of the eight directorates listed above has a CEO who reports to the Chief and Council. The Chief and Council are elected officials of the Band as stipulated under Section 74 of the Indian Act.⁹⁷ To recognize the important role of Elders, the Listuguj Mi'gmaq Government Council, through consensus, nominates an Elder to participate in Council meetings as an ex-officio member. The Elder offers guidance to issues and community concerns.

There are several laws and by-laws that guide the activities of the Listuguj Mi'gmaq Government and its citizens, including:

- [Listuguj Mi'gmaq Fisheries Law](#);
- [Ranger Law](#);
- [Cannabis Law No. 2018-1](#);
- [Listuguj Lobster Law](#);
- [Drinking Water Protection Law](#);
- [Financial Administration By-law](#);
- [Dog By-law](#); and
- [Nuisance By-law](#).

These laws and by-laws ensure that critical resources of the community are protected from misuse and abuse.

The Listuguj Mi'gmaq Government has also developed programs targeted at economic development. Through its economic development unit (EDU), the Listuguj Mi'gmaq Government provides small grants and loans to community members as part of the Listuguj Enterprise Assistance Fund (LEAF). The purpose of the LEAF program is to support Listuguj Mi'gmaq Government entrepreneurs in developing viable businesses, creating employment and facilitating the greater economic well-being of participants.

Further, the EDU holds sessions to offer advice on business topics such as marketing and e-commerce. The unit also delivers programs targeted at the youth, such as the Youth Entrepreneurship Program. In this program, the Indigenous youth are taken through a three-week program focused on developing business plans, marketing and financing.

⁹⁷ "Chief and Council."

Another notable achievement of the Listuguj Mi'gmaq Government is the agreement with the federal government through Fisheries and Oceans Canada, which recognizes Listuguj Mi'gmaq Government fishery rights and law and gives the governance of fisheries to Listuguj Mi'gmaq Government, with support from the federal government.⁹⁸ The agreement signed in 2021 is envisioned to set the base for a collaborative management approach between Listuguj Mi'gmaq Government and Fisheries and Oceans Canada. The agreement is also expected to address areas of mutual interest to the parties and help foster an improved relationship between them.⁹⁹

The journey to having their fishing rights recognized began when in June 1981, 500 police officers, fisheries officers and game wardens invaded the community and arrested residents and seized fishing boats and nets under direct orders from the Quebec government.¹⁰⁰ After the raid, the Listuguj Mi'gmaq Government began a nation-rebuilding journey that lasted for decades. This journey culminated in 1993 when a law for the effective exercise of their rights to fish and manage the fishery resources available to them. With this law, the Listuguj Mi'gmaq Government started governing its fishery resources and developed a conservation and management plan aimed at conserving fish stock. At the time this law was ratified, the Quebec provincial government did not agree to the Listuguj Mi'gmaq Government governing and managing fisheries in its jurisdiction. They responded by pulling funding needed to enforce and manage fisheries. Despite this, the Listuguj Mi'gmaq Government pushed forward to enforce the law on Indigenous and non-Indigenous fishers.¹⁰¹ Through political pressure, the Quebec government restored the necessary funding and support for the Listuguj Mi'gmaq Government fish conservation and management strategy. The Listuguj Fisheries Law is regarded as a deliberate exercise, showing self-determination and self-government by an Indigenous band.

Key Findings

- The Listuguj Mi'gmaq Government was proactive in having its self-governance rights recognized by enacting laws to guide the delivery and management of resources in advance of reaching an agreement with the provincial and federal governments;
- The governance of the programs and activities of the Listuguj Mi'gmaq Government is done through a decentralized government system with dedicated officials. This would potentially ensure that all programs receive the needed attention to perform optimally;
- The community has been resilient and capitalized on negative experiences to bring everyone on board to demand self-governance; and

⁹⁸ Listuguj Mi'gmaq Government and Her Majesty the Queen in Right of Canada, "Rights Recognition Agreement on Fisheries."

⁹⁹ Canada, "Fisheries and Oceans Canada and Listuguj Mi'gmaq Government Reach Agreement on a Fall Commercial Lobster Season."

¹⁰⁰ "Making First Nation Law: The Listuguj Mi'gmaq Fishery – Mi'kmaq-Maliseet Nations News."

¹⁰¹ National Centre for First Nations Governance et al., "Making First Nation Law: The Listuguj Mi'gmaq Fishery."

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- In addition to developing laws and by-laws to guide the management of resources, the Listuguj Mi'gmaq Government also has put in place the appropriate structures to enforce these laws fairly and justly.

Miawpukek First Nation

Overview

Miawpukek First Nation is an Indigenous band established by the Indian Act in 1987. Located at the mouth of the Conne River on the south coast of Newfoundland, it has approximately 850 members living on-reserve and about 2000 living off-reserve.¹⁰² Miawpukek First Nation administers its own programs in various areas, including:

- Education;
- Health and social services;
- Capital, lands, and housing;
- Training and economic development;
- Tourism and Culture;
- Natural resources; and
- Justice.

Miawpukek First Nation is the second most successful Indigenous band in Atlantic Canada after Membertou First Nations, having been identified as the poorest band in 1987 when it was established. At the time, it had an almost 90% unemployment rate but now has nearly 100% full-time/part-time employment.¹⁰³

A lot could be learned from how Miawpukek First Nation transitioned from one of the poorest bands to a successful band over a period of about four decades by examining its approach to governance and economic development.

Approach to Governance

According to Merrell (2020),¹⁰⁴ Miawpukek First Nation follows a governance model similar to what has been described in the literature as a “mini-municipalities” approach. Under this approach, band councils function and have a scope of power similar to that of small municipalities. Typically, authorities at this level could include basic municipal responsibilities, including public works and revenue generation through property taxation. However, under the *Indian Act*, bands typically do not have the power to raise taxes unless they create a land code.¹⁰⁵ However,

¹⁰² “Miawpukek First Nation.”

¹⁰³ “About.”

¹⁰⁴ Merrell, “Evolving Governance: A Comparative Case Study Explaining Positive Self-Government Outcomes for Nunatsiavut Government and the Miawpukek First Nation.”

¹⁰⁵ Merrell.

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Miawpukek First Nation has a more elaborate policy agenda and greater control over health and education than small municipalities would have.

The journey to recognition and semi-autonomy in governance for Miawpukek First Nation is one of resilience, dedication and persistence. Prior to Miawpukek First Nation getting recognition under the *Indian Act*, residents of Miawpukek First Nation were without status. Through consistent advocacy and lobbying by the Federation of Newfoundland Indians between 1975 and 1986, Miawpukek First Nation gained recognition under the *Indian Act* in 1987. Since then, Miawpukek First Nation has begun introducing and implementing key policies. The most economically significant being the housing and employment policies that have evolved over the years and are still in use today.¹⁰⁶ Today, Miawpukek First Nation reports full employment, which is measured based on the number of residents employed for at least part of the year. To achieve full employment, Miawpukek First Nation runs a job-creation program, Miawpukek First Nation Employment Assurance Program, which gives employment to residents for a minimum of 17 weeks each year, funded through an annual grant agreement with the federal government. Through this program, residents could work for 17 weeks and then apply for employment insurance for the rest of the year. This ensures that residents have earnings throughout the year and helps in reducing the poverty rate in the community. "In a community where employment opportunities have been scarce since the closing of the sawmill in 1999, but where an active workforce still remained, the band council pursued a model that redirected the efforts of that workforce to community projects, such as maintaining roads, while ensuring they continued to have an income."¹⁰⁷

In terms of housing, Miawpukek First Nation takes an approach different from what is seen in other Indigenous communities. Through the *Miawpukek Market-Based Housing Policy*, prospective homeowners would pay what they could and apply for a subsidy. This subsidy is disbursed based on need through a points system, and the band would allocate funds to residents to purchase homes. As such, Miawpukek First Nation has a low demand for housing and a waitlist of only 30 residents.

In 2004, Miawpukek First Nation began negotiations for self-governance in order to solidify its independence as a community and drive its own ambitions. In 2013, Miawpukek First Nation reached an Agreement In Principle (AIP) which ultimately failed primarily due to an unfavorable fiscal financing agreement within the AIP.¹⁰⁸

Through interviews with community members as part of his study, Merrell (2020) noted that residents consider Miawpukek First Nation to be self-governing even though it does not have a self-governing agreement. The community has created its own policies that work for them. They

¹⁰⁶ Merrell.

¹⁰⁷ Merrell.

¹⁰⁸ Merrell.

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noted that even though the *Indian Act* is restrictive, communities occasionally manage their affairs in a way that is not in line with its provisions. When these activities result in positive effects on the community, authorities generally make a discretionary choice to overlook them without penalty.

In addition, Miawpukek First Nation has developed its own land code under the *First Nations Land Management Act* (FNLMA), which was ratified by the community and signed by the minister of Crown-Indigenous Relations and Northern Affairs (CIRNA) in 2017. This transferred control of key powers related to land and resources to the community. Merrell (2020) noted the steps involved in being under the FNLMA as follows:

1. Draft land code and submit it to CIRNA for approval;
2. Once approved, Ratify the code with the community; and
3. Sign a framework agreement with CIRNA.

Once under the FNLMA, communities would become free from the restrictive land management regime imposed by the *Indian Act*.

In terms of accountability and transparency, Miawpukek First Nation has been reported to perform well. Miawpukek First Nation has been held accountable to its members through elections and public inquiries. In addition, Merrell reports that Miawpukek First Nation has been accountable through its delivery on policies. Despite this, he notes that some community members felt operating under the *Indian Act* has been a good way to hold leaders accountable through requirements to report on revenues and expenditures. They expressed doubt about the level of accountability in the absence of the *Indian Act*.

Miawpukek First Nation, through its governance, policies and programs, has been transformed successfully from a community regarded as one of the poorest into a very successful one. There are very notable lessons that could be learned from how this was achieved. These are highlighted in the next section.

Key Findings

- A strong focus on policy delivery, ensuring that desired outcomes are attained from policy implementation;
- The development of the land code was critical in ensuring that the band has control over its resources and that paved the way for other programs and initiatives that contributed to economic development;
- As noted by some residents, remaining under the *Indian Act* has been beneficial to the band in terms of its accountability requirements. Thus, others could learn from operating effectively within the *Indian Act* or adopting useful accountability provisions of the *Indian Act*; and
- Miawpukek First Nation also utilized its resources first to provide revenue for its residents through employment at the sawmill. When that closed, the government employed

innovative strategies and agreements to ensure residents received some employment and revenue throughout the year.

Membertou First Nation

Overview

Membertou First Nation is one of five Mi'kmaq communities in Cape Breton, NS. It is described as an urban and progressive Mi'kmaq community, with a total of 1,593 members living on and off-reserve.¹⁰⁹ The Mi'kmaq people have lived in this area for thousands of years, and Membertou First Nation has a long history of resilience and resistance in the face of colonialism and oppression.

In recent years, Membertou First Nation has experienced significant economic growth and development. The community has developed a number of successful businesses, including a convention centre, a gas bar, and a grocery store. Membertou First Nation has also established partnerships with a number of private sector companies, including a major telecommunications company. The success of Membertou First Nation's economic development efforts has been attributed to its focus on community engagement and collaboration. The community has invested heavily in education and training and has worked closely with partners to develop innovative and sustainable business models.

Approach to Governance

Membertou First Nation has a sophisticated governance model, with departments and band organizations providing various services to band members. Membertou First Nation also has a governance committee with the following objectives:¹¹⁰

- Consider the context of First Nation codes and laws in Canada;
- Review various First Nation codes and laws;
- Consider specific options and related provisions for the community of Membertou;
- Engage Membertou First Nation community members on key decisions points related to the development of Membertou First Nation codes and laws;
- Discuss and summarize key points of agreement that can form drafting instructions; and
- Discuss and summarize key points of disagreement so that a strategy for code development and ratification can be formulated.

The committee is responsible for developing laws in relation to land management and citizenship, two high-priority initiatives for the Chief and council of Membertou First Nation.¹¹¹ The committee members gather information, draft laws and provide an opportunity for the community to provide

¹⁰⁹ "Community."

¹¹⁰ Membertou First Nations, "Terms of Reference: Membertou Governance Committee."

¹¹¹ Knockwood, "Membertou Land Code: Update 2021."

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feedback and concerns related to the law. Through the committee, several laws have been passed, most notably, the *Membertou Family Homes Law*, 2016 and the *Membertou Land Code*, 2019.

The development of the *Membertou Land Code* started in 2012 when Membertou First Nation became a developmental community under the First Nations Land Management Regime and Framework. Following this, the Governance Committee worked with the Lands Advisory Board Resource Centre to create a draft of the *Membertou Land Code*. In addition, the committee

A Landmark Moment in Indigenous Governance of Economic Development: A Commercial Collective Approach to the Clearwater Purchase



A notable example of Indigenous economic success through self-governance and autonomy is attested in the acquisition of Clearwater Seafoods.

In 2020, a coalition of seven Mi'kmaq First Nations led by Membertou First Nation and Miawpukek First Nation partnered with Premium Brands of British Columbia to acquire Clearwater Seafoods in a deal that has been described as the single largest investment in the seafood industry by an Indigenous group in Canada. In the deal, the coalition acquired the Canadian fishing licenses of Clearwater in a fully Mi'kmaq-owned partnership. The Clearwater deal has been seen as an assertion of the treaty rights and shows how Indigenous self-governance and self-determination could improve the economic outcomes of Indigenous groups. Following the acquisition, in 2023, Clearwater announced a record annual sale of \$734 million in 2022, \$130 million higher than the previous year.

The impressive revenues and the general performance of Clearwater is an indication of how Indigenous groups could collaborate to improve the economic fate of their communities. At the same time, it demonstrates the effectiveness of the commercial collective approach in an Indigenous context.

partnered with the National Aboriginal Lands Managers Association and received land management training along with the community between 2012-2014. Also, the committee partnered with higher education organizations to conduct research on best practices and success stories in developing land codes, with a [final report](#) as a key deliverable. Following seven years of engagement and training, the development of the land code culminated in a vote where 94%

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of voters voted “Yes” to approve the law.¹¹² As reported, the code was developed at a grassroots level through collaboration with community members on and off-reserve with over 20 revisions.

Since the passing of the land code, the band has also developed the Membertou Environmental Plan and passed the first law under the land code, the *Membertou Certificate of Possession Law*.

The *Membertou Family Homes Law*, 2016 was drafted through engagement with the community and would “determine how the interests in an individually owned family home in Membertou would be divided in the event of a separation, divorce, or death - if the spouses cannot come to an agreement.”¹¹³ While generally, there is very limited information on how *Membertou Family Homes Law* was developed, it has been reported that the process took three years, with extensive engagement with community members.¹¹⁴ In addition, it has been reported that the *Membertou Family Homes Law* was developed to take into consideration the best interest of children. Thus, custodial parents have the right to live in the family home until the youngest child turns 18. At a vote, the law saw 98% of participants voting “Yes” to pass it.

In addition to these feats in governance, Membertou First Nation has several initiatives aimed at improving economic development in the community. Through the Membertou Development Corporation, the band has ventured into various economic activities, including fisheries. As noted on their website, the Membertou Development Corporation “forms the foundation for economic development efforts in Membertou.” It has formed strategic alliances with various organizations, both Indigenous and non-Indigenous, and owns various businesses that provide revenue to the band and job opportunities for its members.

Key Findings

- Membertou First Nation has a dedicated organization focused on promoting the economic interest of the band by establishing and managing businesses and other economic activities;
- Membertou First Nation has a governance approach that is based on grass root mobilization. This is achieved through extensive engagement with members ensuring that their views are integral in the development of policies and laws; and
- Membertou First Nation has a dedicated Governance Committee focused on developing relevant laws for the band. This potentially ensures that laws are not perceived as reflecting the opinion of leaders alone.

¹¹² Membertou, “Membertou VOTES YES! On Membertou Land Code.”

¹¹³ “Membertou Family Homes Law: Brief Summary.”

¹¹⁴ Higgins, “Membertou First Nation Passes Its First Self-Generated Law.”

Nunatsiavut Government

Overview

The Nunatsiavut Government was established in 2005 as part of the Labrador Inuit Land Claims Agreement, which was signed between the Government of Canada and the Inuit people of Labrador. The agreement recognized the Inuit people's right to self-determination and granted them ownership of approximately 72,500 square kilometers of land in northern Labrador.

Nunatsiavut Government has three branches: the Executive Council, the Legislative Assembly, and the Inuit Community Governments. The Executive Council is responsible for implementing the decisions of the Nunatsiavut Assembly, which is the legislative branch of the government. The Nunatsiavut Assembly is composed of 16 members, who are elected by the Inuit people of Nunatsiavut.

The Inuit Community Governments are responsible for providing local services and programs to the residents of the five communities: Nain, Hopedale, Makkovik, Rigolet, and Postville. These governments are democratically elected and have the authority to make decisions on behalf of their respective communities.

The Nunatsiavut Government has a wide range of responsibilities, including:

- Education;
- Health care;
- Housing;
- Land management; and
- Economic development.

Nunatsiavut Government also works to preserve and promote Inuit culture and language.

Approach to Governance

Prior to signing a self-government agreement, members of Nunatsiavut Government, then called the Labrador Inuit, did not receive recognition from either the provincial or federal governments. Thus, they joined the Federation of Newfoundland Indians when it was formed in 1973. They, however, withdrew from the federation in 1975 and formed the Labrador Inuit Association. and began negotiating a Comprehensive Land Claim Agreement.

The Labrador Inuit Association also began providing services to the Labrador Inuit, thereby preparing the groundwork that would later result in Nunatsiavut Government. As reported by Merrell,¹¹⁵ the Labrador Inuit Association expanded over the years to include the Labrador Inuit

¹¹⁵ Merrell, "Evolving Governance: A Comparative Case Study Explaining Positive Self-Government Outcomes for Nunatsiavut Government and the Miawpukek First Nation."

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Development Corporation,¹¹⁶ which created jobs and focused on economic development for the Inuit and other notable organizations. These organizations began the process of addressing poverty and health inequality, and housing insecurity for the Labrador Inuit.

Following 15 years of negotiations, the *Labrador Inuit Land Claims Agreement* was signed by the federal and provincial governments and the Labrador Inuit Association. Following this, the Labrador Inuit Association was dissolved, and the Nunatsiavut Government was created in its place.

The Nunatsiavut Government is a regional government with various departments and an assembly known as the Nunatsiavut Assembly. The Nunatsiavut Assembly consists of 18 elected members, the president, ten ordinary members, one Inuit leader each from Nain, Hopedale, Makkovik, Postville, and Rigolet, along with the chairs for each of the two community corporations in the Upper Lake Melville area.

Nunatsiavut Government operates in a fashion similar to territorial governments, with limited provincial powers and dependence on federal transfers. Merrell argues that Nunatsiavut Government falls within this category as it is a regional government within a province and with 'quasi-provincial powers. He argues that a government such as Nunatsiavut Government could exist between a municipality and territory depending on how much power it could exert.

Just as other Indigenous groups in Newfoundland, Nunatsiavut Government struggled to define who could become a member. "Some of these difficulties revolve around a widespread frustration and lack of clarity around how membership is determined, and whether or not the practice is fair." In addition, there were challenges regarding children that were forcibly taken from their homes and placed in foster care away from the community and how such children could regain their membership. The issue around membership is a complex one that remains a problem for Nunatsiavut Government.

Housing remains a challenge and a pressing issue for Nunatsiavut Government. Generally, Indigenous organizations situated in one of the three territories receive special funding for communities north of the sixtieth parallel. However, because Nunatsiavut Government is within a province, it does not receive this. Thus, it faces challenges in housing, mostly related to availability and affordability. This has led to overcrowding and, as homes age, health hazards and homes in need of repair. The current housing policy framework consists mostly of subsidized housing provided to low-income families.

One of the critical contributors to economic sustainability and success in Nunatsiavut Government regards boosting employment and income levels for Labrador Inuit. Even though

¹¹⁶ This later evolved into the Nunatsiavut Group of companies (NGC), which operates under the Labrador Inuit Capital Strategy Trust. The NGC is designed to build capital to be held in trust for the benefit of Labrador Inuit in the form of profitable companies.

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employment levels in Nunatsiavut Government are lower than non-Indigenous communities, Nunatsiavut Government is taking steps to address this concern. First, Nunatsiavut Government has a policy offering preferential hiring of qualified beneficiaries inside the settlement area as part of the Impact Benefit Agreement with Voisey's Bay mine. This agreement requires that at least 51 percent of employees of the mine are beneficiaries. The second is the support provided for training and skills development through the Post-Secondary Inuit Support Program (PSISP). The PSISP has a suite of grants and other funding that is provided to beneficiaries to assist with the cost of post-secondary education or apprenticeship.

Together, these initiatives are aimed at improving the economic future of members of Nunatsiavut Government, thereby ensuring economic development and growth in the community.

Key Findings

- Nunatsiavut Government has a corporation dedicated to creating multiple revenue streams for the government. This ensures that the government is not overly dependent on funds received from the federal government;
- Also, agreements with employers operating in the settlement area governed by Nunatsiavut Government ensure that citizens receive priority in employment activities, thereby enhancing their economic conditions;
- In addition, Nunatsiavut Government has broad authority that is similar to that of territories, even though this authority is hampered by being located within a province; and
- Nunatsiavut Government, similar to other Indigenous bands examined in this case study, struggles with determining membership, which could be a major source of discontent among its citizens.

MEBO

Overview

MEBO was created in 2007 to advocate for "meaningful participation in the \$400 million Sydney Tar Ponds Cleanup project."¹¹⁷ Since then, it has applied the lessons learned from that project to other initiatives for businesses in various sectors. In addition, MEBO operates various programs that provide support and training to Indigenous community members, including:

- Pathways in Technology, Early College High School (P-TECH) Pilot Project;
- Resume and Interview Preparation;
- Career Planning and Development;
- Business programs for community youth; and
- Business support for entrepreneurs, among others.

¹¹⁷ "Mi'kmaw Economic Benefits Office | About."

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MEBO acts as an intermediary between Indigenous communities and non-Indigenous organizations. It has also developed a strategic, result-driven approach to engagement that is focused on the importance of diversity and inclusiveness in the workplace.

Approach to Governance

MEBO has a board comprised of the Chiefs of the five Unama'ki communities that meet four times a year. The daily operations of the organization are overseen by an executive director. In addition, MEBO has entered into strategic partnerships with various organizations, including:

- Atlantic Canada Opportunities Agency;
- Business Development Bank of Canada;
- Cape Breton University;
- Eskasoni Corporate Division; and
- Mi'kmaq Employment Training Secretariat (METS), among others.

These partnerships are generally targeted at maximizing employment and contract opportunities for Indigenous communities. The major approach adopted by MEBO to achieve this is largely through the provision of capacity building for Indigenous community members and organizations seeking to or working closely with these people.

As noted in the previous section, MEBO has over the years completed several major projects that have contributed to the overall strategy and approach it adopts. The first of these projects is the Sydney Tar Pond and Coke Ovens clean-up. In this project, MEBO played labour market development and business integration function. In a study¹¹⁸ completed by the Conference Board of Canada, it was noted that MEBO was a strategic intermediary between the Sydney Tar Pond Agency, contractors, and the Unama'ki community, engaging all parties involved to understand their needs, developing labor market programs and capacity building initiatives for First Nations and encourage dialogue and open communication between parties. However, MEBO's role in projects has evolved over the years into one of facilitating labour market access and employment training opportunities for Indigenous clients. Even though MEBO's activities, in the beginning, were restricted to Unama'ki First Nations, it has expanded to include mainland First Nations, largely precipitated by funding agreements with Economic and Social Development Canada and the Province of Nova Scotia.

MEBO employs various strategies to improve the economic outcomes of Indigenous communities. As noted in the literature, MEBO is a dynamic organization that, depending on the circumstances, connects and emulates different aspects of developmental organizations, such as employment agencies and economic development corporations. The sole purpose of this is to ensure

¹¹⁸ Fiser et al., "How the Unama'ki First Nations Lever Government and Corporate Sector Partnerships: Lessons Learned and Critical Success Factors from the Mi'kmaq Economic Benefits Office."

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Indigenous business and labour market developments happen in the context of interest-based partnerships.¹¹⁹ This would potentially ensure that in an agreement, each partner's needs are met.

Further, contingency is considered a critical factor in how MEBO sets its goals and objectives. This is necessary since "most of the business and employment opportunities it helps to secure are not simply the result of having a detailed plan or vision."¹²⁰ To be effective, management has been opportunistic, agile and flexible, with a focus on bringing on board strategic partners, candidates and service providers. At the same time, MEBO has been rigorous in identifying project and partnership outcomes, largely at the community level. This would ensure that these partnerships are delivering the right benefits to communities.

Finally, the organization's focus on ensuring the right impact is achieved in Indigenous communities has been a major contributing factor to its success. Through cumulative small wins, MEBO has supported its clients with targeted employment and training, and this has, in the long term, potentially contributed to big successes among Indigenous communities.

Key Findings

- Extensive partnerships with other Indigenous organizations;
- Partnerships with non-Indigenous organizations;
- Strategic specialization in specific industries; and
- A focus on building mutually beneficial partnerships with other Indigenous and non-Indigenous organizations.

JEDI

Overview

JEDI is an independent, non-profit Indigenous organization dedicated to supporting indigenous participation in the New Brunswick economy. They do this through capacity building, support for economic development projects and providing opportunities for learning and networking. JEDI works "closely with its partners from Indigenous communities, organizations, government, and the private sector to foster Indigenous economic development in New Brunswick"¹²¹ with a focus on the following:

- Entrepreneurs and small businesses;
- Community economic development;
- Workforce development; and
- Partnerships with the public and private sectors.

¹¹⁹ Fiser et al.

¹²⁰ Fiser et al.

¹²¹ "https://Jedinb.ca/about-Us."

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The organization's mission is to *"work with partners to foster economic and workforce development for Indigenous peoples and communities,"* while its vision is *"[h]onouring traditional values, we strive for full Indigenous participation in the New Brunswick economy."*¹²²

Approach to Governance

JEDI's approach to governance is one of collaboration and guidance. As an organization formed through a tripartite agreement between various parties, JEDI focuses on collaborating with Indigenous and non-Indigenous organizations to boost economic development for Indigenous people. Also, it encourages collaboration between Indigenous communities by supporting these communities to find common ground in working together.

In terms of the governance of the organization, JEDI has a board consisting of representatives from various Indigenous communities as well as the provincial and federal governments. It is unclear how each of these members contributes to decision-making, including voting on issues of importance to the organization. Its day-to-day operational activities are overseen by a Chief Executive Officer and a team of staff responsible for various departments.

As was reported in a study¹²³ by JEDI in 2019, critical priorities for economic development among Indigenous communities involve the creation of employment opportunities, the development of skills among the workforce and the development of land and infrastructure to aid economic development. These have been the areas for JEDI over the past years, with key projects seeking to enhance the Indigenous workforce and ensure that resources are used to achieve the best possible outcomes for communities. In addition, JEDI completes studies in these areas with a particular interest in how Indigenous communities are affected by these considerations. Through these studies, recommendations are made to Indigenous and non-Indigenous organizations on the best approaches that could be taken to potentially derive the most optimal outcome.

Further, JEDI provides a variety of programs aimed at supporting Indigenous communities and businesses. These programs are geared toward improving the economic outcomes of its beneficiaries and the community as a whole. Programs include:

- The JEDI Aboriginal Development Fund;
- JEDI Indigenous Business Incubator Program;
- JEDI Indigenous Business Accelerator Program;
- Business Advisory Services; and
- JEDI Business Directory.

¹²² "https://jedinb.ca/about-us."

¹²³ "Building Better Together: Exploring Indigenous Economic Development in New Brunswick."

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The programs provide funding to businesses and entrepreneurs, training and early business strategizing, other resources on business marketing and financial management, and mentorships to Indigenous Individuals and businesses.

To assess the impact of various JEDI programs in the community as well as stay on top of emerging community issues, JEDI has community monitors in 12 of 16 First Nation communities in New Brunswick. The community monitors promote JEDI as well as community programs, services and events.

Finally, offers Indigenous reconciliation awareness training to non-Indigenous businesses in an attempt to make these workplaces safer for Indigenous employees while teaching non-Indigenous ones about their roles in the reconciliation process.

SELF-GOVERNANCE PROFILE:

Exercising self-governance over social determinants of economic prosperity: **Tajikeimik** and **Mi'kmaw Kina'matnewey**

While the focus of this report is on self-governance over economic development, there are two stories related to social determinants of economic prosperity in Nova Scotia that are particularly relevant to this report.

Tajikeimik is a new health and wellness organization that is leading health transformation for Mi'kmaw Communities in Nova Scotia. The health transformation process includes the Mi'kmaq of Nova Scotia taking control over the design and delivery of their health and wellness services with a focus on high-quality, culturally safe and holistic approaches.

Mi'kmaw Kina'matnewey is a Mi'kmaw education authority in Nova Scotia that protects the educational and Mi'kmaw Language rights of the Mi'kmaq people. The organization serves 12 of 13 Mi'kmaq First Nations within the Nova Scotian Mi'kma'ki territory and has received national accolades for the success achieved by its students.

The recent establishment of Tajikeimik and the success of Mi'kmaw Kina'matnewey offer exciting examples of the power of self-governance in action and offer examples of the great strides made by Indigenous leadership in the Atlantic region towards self-governance in important areas that determine the well-being of community members and, consequently, the economic prosperity of communities.

Key Findings

- A focus on Indigenous research with the aim of suggesting efficient ways policies and programs can be delivered;
- A strong emphasis on economic development through programs and initiatives targeted at providing funding and training for Indigenous entrepreneurs; and
- Another notable finding is JEDI's focus on truth and reconciliation shown through its Indigenous reconciliation awareness program.

Key Takeaways from the Case Studies

FINAL REPORT: INNOVATIVE GOVERNANCE STRUCTURES TO SUPPORT INDIGENOUS ECONOMIC GROWTH

The case study analysis highlights the governance approaches and various policies and initiatives that have led to economic success in the analogues considered. The following are key takeaways and lessons that other Indigenous communities could potentially adopt to in their efforts towards self-government and economic development.

- Many of the Indigenous bands considered for this case study analysis struggle to clearly define who could be a member. This creates problems since some Indigenous persons living off-reserves are not able receive membership for the band. Thus, bands seeking autonomy and self-governance would need to have clear processes for determining membership prior to a formal agreement;
- Generally, bands show through their activities their ability to govern aspects of their affairs before seeking recognition. This is done by putting in place laws and systems within which such governance could be pursued. This was the approach taken by Nunatsiavut Government and Listuguj Mi'gmaq Government;
- In most of the bands examined as part of this case study, there is a show of dedication and perseverance in working towards self-governance. Through extensive engagement with band members, bands are able to present a united front in negotiations;
- To boost the economic development of Indigenous communities, the Indigenous organizations examined in these case studies developed programs and initiatives targeted at Indigenous entrepreneurs and job seekers. These programs provide support and training to members, thereby putting them in a position that could potentially boost their economic situation;
- In addition, Indigenous organizations create strong partnerships with each other and non-Indigenous organizations. Through these partnerships, they are able to advance the interests of Indigenous communities and broker agreements that are critical to the economic development of these communities;
- Another notable approach to governance is advancing policies and laws through a grassroots mobilization process. This approach is taken by Membertou First Nation and has proven successful through the overwhelming support laws receive in the community; and
- In bands that are self-governing or have control over a considerable amount of their activities, control is preceded by the development of a land code. It paved the way for other programs and initiatives since it replaces the restrictive provisions for land use under the *Indian Act*. Thus, contributing to economic development.

Appendix D: Tool Kit



GOVERNANCE OF INDIGENOUS ECONOMIC DEVELOPMENT



TOOL KIT

JUNE 2023 || PREPARED FOR: ATLANTIC INDIGENOUS ECONOMIC DEVELOPMENT
INTEGRATED RESEARCH PROGRAM (AIEDIRP)

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Introduction

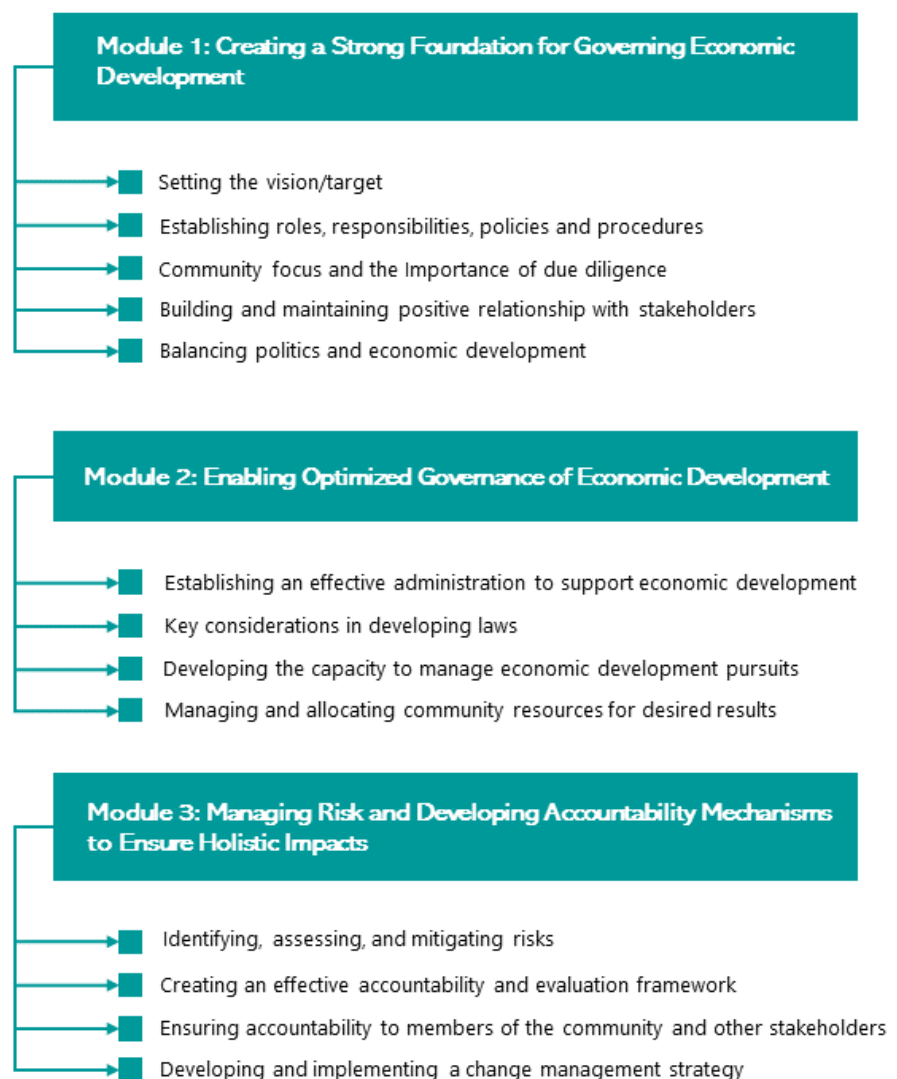
The purpose of this tool kit is to assist Indigenous communities and economic development organizations seeking to develop or improve their governance structures to optimize economic, social, environmental and spiritual impacts for community.

The tool kit focuses on providing guidance through three modules:

- **Module 1:** Creating a strong foundation for governing economic development;
- **Module 2:** Enabling optimized governance of economic development; and
- **Module 3:** Managing risk and developing accountability mechanisms to ensure holistic impacts.

The approach outlined in this tool kit is focused on taking a Nation-building approach to governing economic development and imbuing wise practices arising from the 2023 AIEDIRP study *Innovative Governance Structures to Support Indigenous Economic Growth*, which highlighted three key facets of effective governance of Indigenous economic development: **foundations**, **enablers** and **impacts** as detailed in the graphic on the proceeding page.

The content of the tool kit is summarized in the adjacent infographic.



About Indigenous Community Economic Development

Community economic development is defined as a “sustained community effort to improve both the local economy and the quality of life by building the area’s capacity to adapt to economic change.”¹ As noted in the *Baseline Data for Aboriginal Economic Development Report*,² economic development has a different meaning for Indigenous people than non-Indigenous groups that are more laser focused on economic growth. For Indigenous people, the goal of economic development is typically more holistic, with a focus on environmental, social, and cultural/spiritual impacts for community in addition to economic prosperity.

Additionally, Indigenous economic development differs based on its focus on creating impact for future generations. Many Indigenous communities and economic development organizations adopt the *Seventh Generation Principle*, a Haudenosaunee philosophy that the decisions made today should result in a sustainable world seven generations into the future.³ This principle is aligned with the Mi’kmaw concept of Netukulimk – focusing on meeting community needs without jeopardizing the integrity, diversity or productivity of the environment.⁴ Etuaptmumk/Two-Eyed Seeing is another important Mi’kmaw concept that underpins effective Indigenous economic development. Elder Albert Marshall describes Etuaptmumk/Two-Eyed Seeing as the blending of the best of Western and Indigenous worldviews to create new approaches.⁵ In Indigenous economic development, this often takes form as Indigenous communities and economic development organizations blend Western business principles with Indigenous approaches (such as approaching economic development with holistic impacts for community as the goal) to ensure their economic pursuits are successful and meet the requirements of partners and community.

The Seventh Generation Principle

This principle states “that the decisions we make today should result in a sustainable world seven generations into the future. It is generally referred to in regard to decisions being made about our energy, water, and natural resources, and ensuring those decisions are sustainable for seven generations in the future” but could also be applied in community economic development.

- Indigenous Corporate Training Inc. <https://shorturl.at/lruIR>

Another important component of Indigenous economic development is the emphasis placed on community participation. The importance of opportunities for community input into economic development decisions, as well as ongoing opportunities to provide feedback is critical in

¹ Nelson, “Beyond Dependency.”

² Atlantic Indigenous Economic Development Integrated Research Program “Baseline Data for Aboriginal Economic Development.”

³ Indigenous Corporate Training Inc. “What is the Seventh Generation Principle?”

⁴ UNIR, “Netukulimk”

⁵ Greggain “Etuaptmumk: Two-Eyed Seeing”



Indigenous economic development to ensure all economic activities align with community vision and values.

With the above considerations in mind, this tool kit provides tools and resources that communities and Indigenous organizations may wish to consider in ensuring their governance structures are able to optimize current and future economic development opportunities with a Nation-building approach that brings holistic and beneficial impacts for community and the environment.

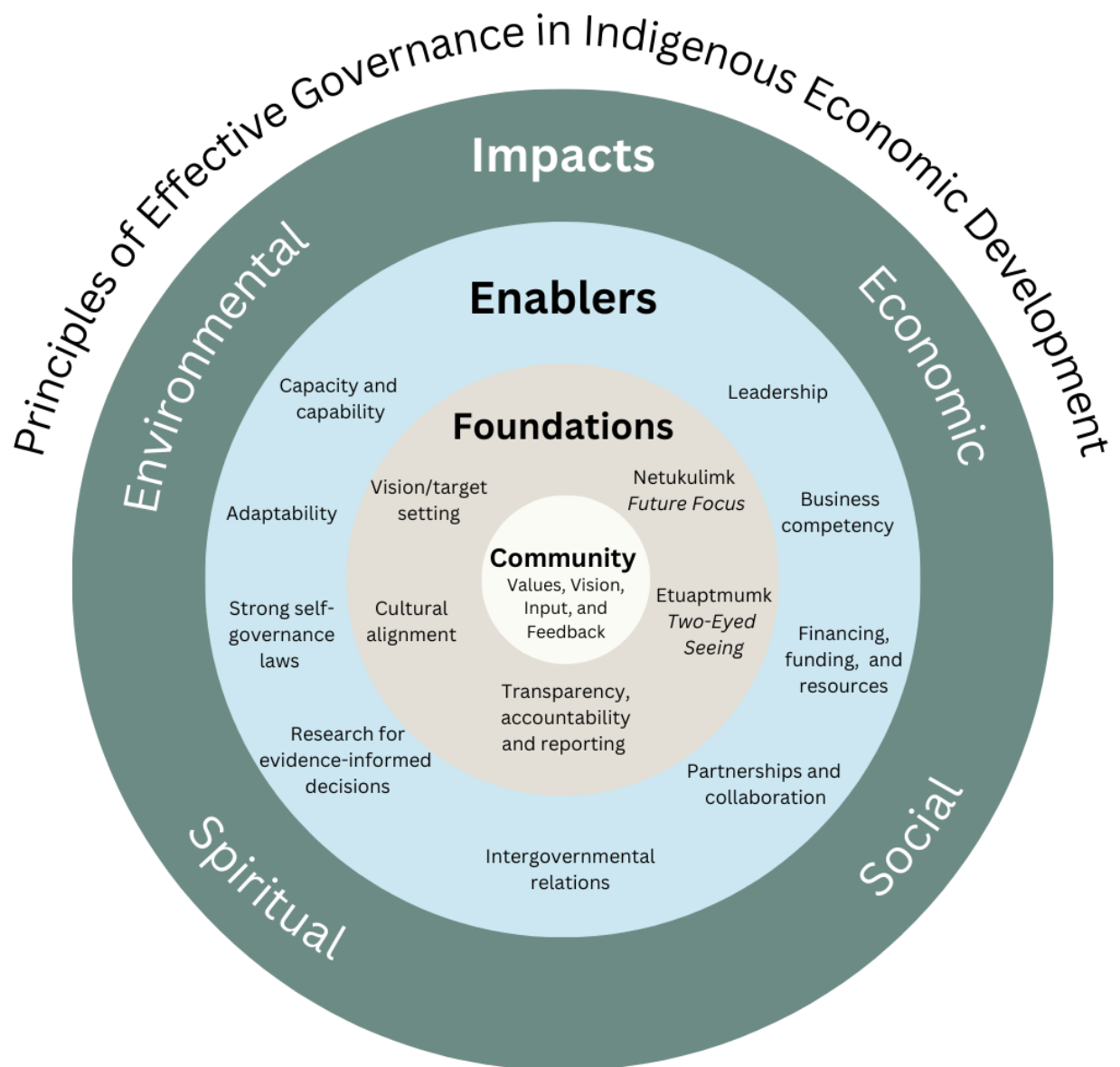


Figure 1: Principles of Effective Governance in Indigenous Economic Development (AIEDIRP "Innovative Governance Structures to Support Indigenous Economic Growth")



About the Tool kit

The purpose of a tool kit is to provide users (Indigenous communities or Indigenous economic development organizations) with easily accessible information and resources that can assist them in completing specific tasks, solving problems, and achieving desired outcomes related to governance of economic development.

Tool kits typically include step-by-step guidance on how to complete tasks, resources to support the community or organization's activities and wise practices that can inform the operations of an organization or community.

There are existing tool kits developed to guide Indigenous communities in Nation-building activities by providing information and resources on topics such as healthcare, land management and governance. Following extensive secondary research, a noticeable gap among existing tool kits available to communities is one that focuses exclusively on how Indigenous communities can set up their governance structures to improve economic development using a Nation-building approach.

This tool kit will draw on promising practices and lessons from existing tool kits, such as the British Columbia Assembly of First Nations' *Governance Tool kit*⁶ and the Australian Indigenous Governance Institutes' *Indigenous Governance Tool kit*,⁷ among others. Further, the tool kit will reflect wise practices from governance models proposed in various academic publications that could be useful to Indigenous communities and economic development organizations, along with the findings from AIEDIRP's 2023 *Innovative Governance Structures to Support Indigenous Economic Growth Study*.

The tool kit is anticipated to be a dynamic document that continues to evolve in addressing leading practices in respect to governance issues surrounding effective, responsive, and well-managed Indigenous economic development.

The tool kit consists of three "**modules**." These modules build on each other and can be considered as a continuum of activities in developing effective governance structures to optimize Indigenous economic development. Each module concludes with a listing of tools and resources that will assist in completing tasks associated with the goals of each module. The modules provide

"'Wise practices,' an adaptation of the 'best practices' model applied to the unique circumstances of Indigenous nations. Calliou argues that the success or failure of given initiatives must be assessed in light of the specific values of given Indigenous peoples. What constitutes a "best" practice therefore must be considered in light of the circumstances in which decisions are being made, circumstances informed by the values and beliefs of the specific peoples in question. This orientation grounds approaches to development, governance, and law not in abstract ideals but in the specific practices of Indigenous peoples operating in a variety of distinct contexts."

- Hamilton et al. *Wise Practices: Exploring Indigenous Economic Justice and Self Determination* (2021). University of Toronto Press, Toronto

⁶ "Governance Tool kit | British Columbia Assembly of First Nations."

⁷ Australian Indigenous Governance Institute, "Tool kits."



examples of “wise practices” from which communities and organizations can draw lessons. The modules covered in this tool kit include:

- **Module 1: Creating a strong foundation for governing economic development:** The intention of this module is to assist communities and organizations in developing strong foundations for governing economic development activities. This includes developing the vision that will drive economic development, agreeing on community values, developing effective decision-making processes and creating an economic development plan;
- **Module 2: Enabling optimized governance of economic development:** This module focuses on the governing process and incorporating mechanisms into governing structures that enable successful outcomes in economic development. It discusses considerations in setting up and supervising the administration of community economic development activities, and methods and approaches in supporting the Indigenous law-making process and effective allocation of resources; and
- **Module 3: Creating holistic and long-term impacts through ongoing risk management and accountability:** There are inherent risks associated with economic development activities relating to the administration of activities or the operation of economic development strategies, including business ventures. It is crucial for communities and organizations to be able to easily identify these risks and develop mitigation measures in order to achieve desired economic, environmental, social and spiritual impacts of economic development. Efficient performance measurement and accountability frameworks are explored to ensure economic development activities align with the established vision and goals. Further, strong change management is needed to ensure continuous buy-in from all community members. This module will provide guidance for communities and organizations seeking to establish risk management and accountability mechanisms.

The modules are organized to ensure usability and effectiveness. In addition, they are designed to reflect the principles of effective governance in Indigenous economic development captured throughout AIEDIRP's 2023 *Innovative Governance Structures to Support Indigenous Economic Develop Study* and summarized in **Figure 1**.

Overall, the tool kit is anticipated to serve as a valuable resource that empowers Indigenous communities or economic development organizations by equipping them with the necessary tools and knowledge to address challenges, implement strategies, and achieve holistic impacts for community and the environment.



1 Module 1: Creating a Strong Foundation for Governing Economic Development

Developing strong foundations for governing economic development for Indigenous communities and organizations is critical to achieving economic, environmental, social and spiritual goals.

The following foundations, (as detailed in AIEDIRP's 2023 *Innovative Governance Structures to Support Indigenous Economic Development Study* and highlighted in **Figure 1**) are important in developing or adapting a governance structure to optimize impacts for community from a Nation-building perspective:

- Identifying and building in mechanisms to include community values, vision, input and feedback in governance structures;
- Vision/target setting by the board/leadership;
- Building Netukulimk/future focus into the governance approach;
- Building in Etuaptmumk/Two-Eyed Seeing into the governance approach;
- Setting up mechanisms to ensure transparency, accountability and ongoing reporting to build trust and legitimacy among community and partners; and
- Ensuring the governance structure is aligned with the unique culture of the community represented by the governance structure.

This module will provide guidance for community and Indigenous economic development organization leaders seeking to incorporate these foundational elements into a new or adapted governance structure.

Module 1 will cover the following:



1.1 *Setting the Economic Development Agenda – Vision/Target Setting*

A key foundation for establishing effective governance of Indigenous economic development is setting a vision that is community-informed and culturally aligned. This section explores steps that governing bodies may wish to consider in setting their economic development programs in motion.

Goal 1: Establish a community-informed set of values that will drive the economic development agenda.

Values are strongly held beliefs and principles that guide our attitudes, behaviors and decision-making. They represent what is considered as important, meaningful and desirable in life. For thousands of years, Indigenous communities have passed on their values from older to younger generations, typically through spoken traditions. These values are rooted in the culture of communities and are intrinsic to the way of life of community members. Community input and participation is a key component of Indigenous approaches to governance. As such, it is important for community members to have an opportunity to be involved in establishing or confirming the values that will guide economic development activities. Consensus on guiding values may be achieved through community engagement sessions, digital voting, and other commonly used engagement methods captured [here](#).

Goal 2: Develop a long-term vision, rooted in the values of the community that will guide the economic development activities of the community.

Imbuing Netukulimk, the vision for economic development should be long-term in nature and focused on providing sustainable benefits for future generations. Returning to the concept of community at the centre of governance of Indigenous economic development, community would ideally have input into this vision – whether directly through engagement, or indirectly through their elected leaders. It is recommended that the vision be codified in a “vision statement” for the community’s economic development pursuits. The vision statement should be a clear, inspiring, and aspirational statement that describes the desired future state or direction of the community. The vision statement is a guiding concept that outlines what an entity or a group of people aspires to achieve or become in the long term. Developing a long-term vision for the community’s economic pursuits will provide a sense of purpose for all community members and their leadership, while communicating a shared understanding of what success looks like.

How a vision statement is developed, agreed upon and recorded may vary from community to community. Some communities may already have vision statements specific to economic



development, while others may not. Engaging in the following activities^{8,9} can help the community develop their vision statement.

1. Clarify the purpose of developing a vision statement and define the scope of this process;
2. Gather input from community members on the strengths, weaknesses, values and aspirations of the community;
3. Collect and analyze the data to identify emerging themes, priorities and patterns;
4. As an optional step, leadership can organize a workshop for community members and key stakeholders to develop a vision statement;
5. Based on the input received, draft a vision statement that encapsulates the community's desired future;
6. Seek community feedback on the draft vision statement and finalize the vision statement;
7. Communicate the final vision statement to community members; and
8. Periodically review and assess progress made towards the vision of the community.

As noted earlier, the details of how each step outlined above will be operationalized may depend on the culture and values of each community. As such, these steps are only intended to guide the process of developing a vision.

Goal 3: Develop an economic development strategy to guide actions and investments

For communities and organizations to attain their vision, it is recommended that an economic development strategy is developed to guide actions and investments. An economic development strategy (sometimes referred to as a strategic plan) can be considered a roadmap that outlines how community or an organization's leadership will achieve the vision set out for economic development with specific goals and activities identified.

Through strategic planning, communities and organizations can identify and capitalize on their unique assets, strengths and opportunities. As noted in the British Columbia Assembly of First Nations (BCAFN) governance tool kit, *"Many Nations find themselves in a continual state of crisis management, responding to situations and events. [The] development of a strong strategic plan can help a Nation organize its operations to be less reactive and more strategically focused when making decisions and responding to situations when they do arise."*¹⁰

⁸ Center for Community Health and Development, University of Kansas, "Proclaiming Your Dream: Developing Vision and Mission Statements."

⁹ Nature United, "Create a Vision, Plan and Prioritize."

¹⁰ British Columbia Assembly of First Nations, "Governance Tool kit Part 2: The Governance Self-Assessment."



A strategic plan should:¹¹

- Describe the actions, strategies and approaches that a community or organization will take to achieve the agreed upon goals and objectives;
- Identify parties responsible for carrying out these actions or tasks;
- Identify targets or time frames for completing assigned tasks;
- Identify resources required to achieve the established goals and objectives and carry out assigned tasks;
- Manage risks and plan responses to unforeseen problems and opportunities; and
- Identify performance measures for evaluating progress toward achieving the established goals and objectives.

The process for developing strategic plans may differ between communities and will depend on the size of the community, the scope of the plan and whether it will be tied to a larger community plan. In strategic planning, leadership should consider input from community members. Community input can be collected either through a top-down approach, where leadership presents potential ideas to citizens for refinement, or a bottom-up approach, where strategic planning begins with collecting input from community members prior to the drafting of the plan. Further, strategic plans should consider the existing laws of communities. Information on developing a strategic plan is available in the resources listed below.

Further Resources:

- Graham, John, & Bassett, Michael. Building Sustainable Communities: Good Practices and Tools for Community Economic Development. (2005). Institute on Governance;
- Center for Community Health and Development, University of Kansas. Developing Strategic Action Plans.

1.2 Working Together Effectively: Establishing Roles, Responsibilities, Policies and Procedures

This section will provide guidance on topics related to establishing roles and responsibilities for the effective governance of economic development, as well as policies and procedures in order to outline a clear operating plan for the organization or community's economic development branch.

Outlining roles, responsibilities, policies, and procedures is a wise practice in setting up any governing structure. However, following the findings in the *Innovative Governance Structures to Support Indigenous Economic Development Study*, establishing or adapting governance structures should be rooted in a community's unique culture. For some, this means establishing an arm's length organization dedicated to economic development that has mechanisms for community

¹¹ British Columbia Assembly of First Nations.



input while remaining separate from politics. For others, this means embedding the elected leaders of the community into the governance of economic development. While there is a view that to the greatest extent possible, politics should be separated from economic development, there are many examples of positive outcomes arising from blending the vision and reach of political leaders in community with effective governance practices in community economic development for Indigenous communities in Atlantic Canada and elsewhere. The case study analysis embedded in the 2023 *Innovative Governance Structures for Indigenous Economic Development Study* provides examples of these. This issue is explored further in section 1.5.

Overall, deciding on roles, responsibilities, policies, and procedures related to governing economic development will depend on the unique circumstances of each community. This section will provide guidance in establishing these facets of governance using wise practices.

Goal 1: Assess current governance structures (if any) to determine strengths and weaknesses.

A strong governance structure with clear roles and responsibilities has been linked to positive economic outcomes in many Indigenous communities. For instance, the Harvard Indian Project on Economic Development concluded that *"...those Nations that had taken control of their own affairs and had backed up that control with capable, culturally appropriate and effective governing institutions did significantly better than those that had not."*

If there is an existing governance structure, an initial assessment of its strengths and weaknesses provides an opportunity to identify gaps and plan to address issues within the structure. To ensure existing governance structures are culturally appropriate and effective, they should be assessed to determine areas that need strengthening and those that do not. This assessment can be completed following the steps below:¹²

1. Identify and recruit key stakeholders;
2. Convene a focus group or other engagement strategy to gather stakeholder inputs;
3. Identify and categorize Strengths, Weaknesses, Opportunities, and Threats (SWOT) regarding the governance structure;
4. Synthesize SWOTs by identifying patterns and relationships among various parts; and
5. Interpret findings and deliberate on actions that could be taken based on gathered information.

Goal 2: Outline procedures to guide the leadership selection, including the criteria for elected officials, their terms of office and compensation.

¹² Leigh, "SWOT Analysis."



Having established procedures with transparent checks and balances helps to ensure a fair selection process for leadership of a governing body – whether a corporate organization or economic development branch of a community. Clear and transparent selection criteria and policies establishing term limits help prevent nepotism and arbitrary decision-making, increases credibility and adds an element of legitimacy to leadership.

Some Indigenous communities have developed their own custom election codes and processes as an alternative to the *Indian Act* provisions. Custom election codes are developed by individual First Nations in accordance with their own governance traditions and cultural practices. These custom codes allow communities to have more control over their own electoral processes and reflect their unique governance systems. It has been reported that “...*traditional laws and customs do not always afford citizens the opportunity to participate in the selection of their leaders.*”¹³ As such, there must be clear communication to community members on these traditional laws and customs. The term of office for elected officials is typically contained in election codes or constitutions. Communities without election codes or constitutions would follow the rules under the *Indian Act*, which currently prescribes two-year terms. Communities with constitutions or election codes can set longer terms as well as term limits.

It is recommended that communities that choose to establish corporations to drive their economic development activities prescribe clear processes for the composition of the board of such a corporation. The roles and responsibilities of board members should be clearly articulated, including term limits, compensation and decision-making authorities. This guideline could also set minimum skill and experience requirements for specific roles on the board, in alignment with the wise practice of ensuring business competency is embedded into a governance structure for economic development. Also, communities could consider opening up the board to business experts from outside of community if this capacity does not exist internally – either in a member capacity or as advisors. If non-Indigenous members are welcomed to an Indigenous economic development board, it is recommended that there should be an intensive orientation process for these members to ensure they understand the Indigenous perspective on economic development, decision-making and values.

Goal 3: Outline procedures regarding conflict of interest, including what constitutes a conflict of interest, how to identify and declare a conflict of interest, measures to address it and consequences in the absence of a valid declaration.

Establishing guidelines around potential conflicts of interest ensures ethical standards, transparency and accountability in economic development management. Having specific guidelines around conflict of interest promotes fair and impartial decision-making and fosters confidence in leadership among community members and other community partners. It is vital for communities and economic development organizations to create guidelines for identifying

¹³ British Columbia Assembly of First Nations, “Governance Tool kit Part 2: The Governance Self-Assessment.”



conflicts of interest, including determining their nature along with examples of what would constitute a conflict of interest.

Goal 4: Succession planning: Identify strategies to scout and nurture promising young community members that could assume leadership roles in their communities or organizations.

Many Indigenous communities in the Atlantic region and Canada are pursuing self-governance and sovereignty in managing their own resources. There is high demand for visionary and inspirational leadership across communities to lead this transformation.

Empowering younger generations with opportunities to develop leadership skills is essential for building self-governing communities. It allows for the continuation of Indigenous governance systems, traditions, and decision-making processes. Further, by nurturing young leaders, communities will build capacity to address current and future community challenges, promote economic development, and advocate for community interests.

While community strategies may vary based on their needs for emerging talent and how mentorship is provided, the following list provides a general step-by-step process that could be followed to develop a strong mentorship program. Each step can be adapted to the needs of communities and economic development organizations.

1. Identify leadership needs and gaps;
2. Create a talent identification process;
3. Develop mentorship and guidance initiatives;
4. Offer leadership development programs tailored to the needs of Indigenous youth;
5. Encourage participation and engagement;
6. Foster a supportive environment; and
7. Periodically evaluate and assess program progress.

By investing in the development of young leaders, communities and economic development organizations can ensure a sustainable leadership pipeline that will contribute to their long-term economic success and growth.

Further Resources:

- Frankie Young, *Indigenous Economic Development and Sustainability: Maintaining the Integrity of Indigenous Culture in Corporate Governance*, 2021 CanLIIDocs 365; and
- Calliou, Brian, and Cynthia Wesley-Esquimaux. "A wise practices approach to Indigenous community development in Canada." In *Restorying Indigenous leadership: Wise practices in community development*, Voyageur, Cora Jane, Laura Brearley, and Brian Calliou, 31-59, Banff Centre Press, 2015.



1.3 Making Informed Decisions (Community Focus and Importance of Due Diligence)

Creating guidelines related to decision making processes is another critical step is setting the foundation for good governance. Guided by Netukulimk, economic development decisions in an Indigenous context should consider how future generations will be impacted. Decision making should also be guided by Etuaptmumk and aligned with vision identified and endorsed by community. Importantly, an emphasis on due diligence and conducting research to make evidence-informed decisions is widely viewed as critical to effective governance.

Goal 1: Decision makers have accurate and timely information to aid their understanding of the needs of community.

Accurate data and timely information is vital for decision makers to understand the needs of community and make informed decisions. It enables prioritization and effective resource allocation. It also reduces the risks associated with uninformed economic decisions and increases chances of success.

Important information required for evidence-based decision-making related to community economic development includes information concerning:

- Community trends (demographics, labour market, etc...);
- Identification of potential partners;
- A market analysis and jurisdictional scan to understand potential opportunities and challenges;
- An understanding of funding and financing opportunities;
- Emerging external trends that may impact the economic development project (e.g., climate change); and
- The regional, national and global economic environment.

This information could be sourced from a variety of avenues, including:

- Research papers;
- Economic outlook reports;
- Surveys and feedback from community members;
- Financial reports;
- Legal opinions; and
- Management reports, among others.

Research can be conducted by the organization or community's staff, or by external resources such as consultants or partners. To ensure decisions are well-informed and based in evidence, research and data should be gathered, analyzed and presented to decision-makers with enough time to review ahead of decision deadlines.



Goal 2: Community members understand the importance of economic development decisions and how it will impact the present and future generations.

To align with the Indigenous value of community participation in decision-making and to ensure buy-in, it is important to incorporate mechanisms for community input when making economic development decisions as a governing body.

Community participation in decision-making could be facilitated through community meetings and other avenues for engagement such as online voting.

Community bulletins, social media groups and other information sharing avenues could be leveraged for encouraging community participation in decision-making. Further information on community engagement strategies is available in part three of the [BCAFN Governance Tool kit](#).

Goal 3: Sufficient due diligence is completed prior to engaging in economic activities.

Completing thorough due diligence and background research prior to embarking on an economic activity is vital in reducing risks and enhancing the possibility of success. Also, extensive due diligence will provide decision makers with an opportunity to evaluate the financial feasibility and sustainability of their decisions. Through this, they can ensure that economic decisions are viable, financially sound and aligned with the values and strategic plan of the community. Feasibility studies and business plans are avenues in which governing bodies may pursue due diligence and codify the results of completed research.

Economic decisions are subject to various laws, regulations, and policies. Conducting due diligence will also help communities ensure compliance with legal requirements at the community, provincial, and federal levels. This would involve researching and understanding relevant legislation, permits, licenses, and regulatory frameworks. Communities operating under the *Indian Act* must ensure their activities follow the legislation's regulations, while self-governing bodies ensure their own laws and customs are being followed. By adhering to legal and regulatory requirements, communities can avoid legal disputes, penalties, and reputational risks.

1.4 Building and Maintaining Positive Relations with Community Members, Stakeholders/Rights Holders and Other Partners

Building and maintaining good relations with community members, stakeholders/rights holders and other partners is essential for leadership to establish trust, foster collaboration, facilitate effective communication, promote social cohesion, achieve successful implementation of initiatives, and build long-term economic sustainability.

By maintaining strong relationships with community members, leaders ensure economic development is community informed and culturally aligned by successfully encouraging participation in decision-making and monitoring of economic development initiatives.



Similarly, building strong relationships with partners, governance structures can establish mutually beneficial partnerships that leverage the strengths and resources of both parties to expand impact. Consideration towards intergovernmental relations within the governing structure is recommended, as ability to navigate relations with other Indigenous communities, as well as federal, provincial, municipal governments is important for negotiating favourable partnerships for economic development.

Collaboration promotes the sharing of knowledge, expertise, and resources, leading to more effective and sustainable economic outcomes for community. This section explores various activities that communities can consider in building strong and beneficial relationships.

Goal 1: Leadership collaborates with community members in economic development efforts

As previously mentioned throughout this tool kit, it is important for community members and organizational leadership to establish a consensus to ensure strong participation and buy-in from community members. Collaboration between leadership and community members in economic development efforts fosters community ownership, strengthened relationships, shared goals, leveraging of community strengths, and enhanced community resilience. It enables leaders to harness the collective wisdom and resources of the community, leading to more successful, sustainable, and community-driven economic development outcomes. Further, the emphasis on community participation in Indigenous economic development ensures cultural alignment – a critical success factor in reaching economic, environmental, social and spiritual goals of community. Strong collaboration could be achieved through a variety of approaches, including:^{14,}

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- Communicating openly and transparently with community members to encourage dialogue and understanding;
- Engaging community members in economic development efforts through information sessions, voting opportunities and other engagement avenues;
- Setting up feedback opportunities for community to share their feedback on economic development pursuits on an ongoing basis to build and maintain trust and legitimacy;
- Offering training and other capacity-building opportunities to community members to enhance their knowledge and skills regarding economic development; and
- Acknowledging and celebrating community successes together.

¹⁴ Relationship Building with First Nations and Public Health Research Team, *Relationship Building with First Nations and Public Health: Exploring Principles and Practices for Engagement to Improve Community Health – Literature Review*.

¹⁵ Wilson-Raybould and Raybould, *BCAFN Governance Tool kit: A Guide to Nation Building - Part 1, The Governance Report*.



Goal 2: Communities have strong relationships with other Indigenous communities, including collaborating on economic development opportunities.

In addition to building strong relationships with its members, Indigenous communities could benefit immensely from collaborating with other Indigenous communities and organizations in their economic development efforts. Through such collaborations, communities can pool resources and capitalize on the competitive advantages each has in driving economic development and success. Each partnership will be unique. However, the following general steps^{16,17} may be followed to establish partnerships with other Indigenous communities.

1. Network and complete environmental scans to identify potential partner communities with similar visions;
2. Complete background research and due diligence on the resources of the potential partner community from which you could benefit;
3. Determine your own community resources that a potential partner could benefit from;
4. Develop and share a formal proposal with potential partners; and
5. Negotiate and implement a final partnership agreement.

While the process above would be most applicable to business and other economic activities, communities could also partner with each other to provide expert advice and other resources.

Goal 3: Communities establish and maintain strong relationships with non-Indigenous partners, including governments, business leaders and economic development agencies.

Implementing community strategic plans and working toward economic development typically benefits from the support and cooperation of external partners, including non-Indigenous governments and organizations. Many of these partners provide opportunities for funding or investments. Partnerships with non-Indigenous entities also provide opportunities for working “at the pace of business” as opposed to the pace of federal funding – meaning holistic impacts can be manifested for community at a quicker speed. These partnerships also often provide opportunities for knowledge sharing and increased human resources to undertake economic development initiatives.

Given that the business community in Canada generally is awakening to their responsibilities related to reconciliation, there is immense opportunity for partnering with non-Indigenous businesses, organizations and governments to advance economic development goals. This includes partnerships in the form of:

- Joint ventures;

¹⁶ OECD LEED Forum, “Successful Partnerships - A Guide.”

¹⁷ Government of Ontario, “First Nations Community Economic Development Guide for Ontario.”



- Funding arrangements;
- Investment arrangements; and
- Capacity building/training/mentoring arrangements (among others).

1.5 Balancing Politics and Economic Development

Indigenous communities face the challenge of balancing economic development and politics while preserving their cultural values and promoting self-determination. To enhance economic success, many studies recommend minimizing the influence of politics in economic decision-making. However, there are many examples of political leadership's involvement in economic development working well in Indigenous communities that combine strong leadership with accountability to community, as noted in the *Innovative Governance Structures for Indigenous Economic Development Study*.

At its foundation, meaningful engagement and involvement of community members in decision-making processes are important to ensure that decisions reflect the collective interests and values of the community. Some considerations in reducing political influence in economic decision-making (e.g., establishing economic development corporations) are captured previously in this tool kit.

1.6 Tools and Wise Practices

This section provides tools and resources that communities could leverage to create a strong foundations of governance structures that support economic development. This section also details wise practices from other Indigenous communities for shaping economic development governance.

Tools and Resources:

- Frankie Young, *Indigenous Economic Development and Sustainability: Maintaining the Integrity of Indigenous Culture in Corporate Governance*, 2021 CanLIIDocs 365;
- Calliou, Brian, and Cynthia Wesley-Esquimaux. "A wise practices approach to Indigenous community development in Canada." In *Restoring Indigenous leadership: Wise practices in community development*, Voyageur, Cora Jane, Laura Brearley, and Brian Calliou, 31-59, Banff Centre Press, 2015;
- OECD, *Overview of Indigenous governance in Canada: Evolving relations and key issues and debates*. In *Linking Indigenous Communities with Regional Development in Canada*, OECD Publications Centre, 2020; and
- OECD, *Enabling Rural Indigenous Entrepreneurship*. In *Linking Indigenous Communities with Regional Development in Canada*, OECD Publications Centre, 2020.



Wise Practices:

Atlantic Indigenous Collaboration Success in Clearwater Acquisition

Membertou First Nation is one of five Mi'kmaq communities in Cape Breton, NS. It is described as an urban and progressive Mi'kmaq community, with a total of 1,593 members living on and off-reserve.¹⁸ Membertou is a relatively small First Nation, but it has a rich cultural heritage and a strong sense of community.

In recent years, Membertou has experienced significant economic growth and development. The community has developed several successful businesses, including a convention centre, a gas bar, and a grocery store. Membertou has also established partnerships with private sector companies, including a major telecommunications company. The success of Membertou's economic development efforts has been attributed to its focus on community engagement and collaboration. The community has invested heavily in education and training and has worked closely with partners to develop innovative and sustainable business models.

A notable example of their economic success is the acquisition of Clearwater Seafoods. In 2020, a coalition of seven Mi'kmaq First Nations led by Membertou and Miawpukek Bands partnered with Premium Brands of British Columbia to acquire Clearwater Seafoods in a deal that has been described as the **single largest investment in the seafood industry by an Indigenous group in Canada**. In the deal, the coalition acquired the Canadian fishing licenses of Clearwater in a fully Mi'kmaq-owned partnership. The Clearwater deal is viewed as an assertion of the treaty rights and shows how Indigenous self-governance and self-determination can improve the economic outcomes of Indigenous groups. Following the acquisition, Clearwater announced a record annual sale of \$734 million for 2022, \$130 million higher than the previous year.

The impressive revenues and the general performance of Clearwater is an indication of how Indigenous groups can collaborate to improve the economic future of their communities. At the same time, it demonstrates the effectiveness of the commercial collective approach in an Indigenous context.

The Arnhem Land Progress Aboriginal Corporation (Adapted from Australian Indigenous Governance Institute)

The Arnhem Land Progress Aboriginal Corporation (ALPA) is an Aboriginal-owned and managed organisation in Australia that provides benefits to its members through the management of community retail stores.

The next generation of Yolngu youth are given opportunities to become involved in managing ALPA through the Associated Director program. The Associate Director program includes two positions

¹⁸ "Community."



for young Aboriginal people to participate in the management of ALPA at a Board level. The Associate Directors are supported by the Non-Executive Directors, as well as being appointed a Mentor Associate Director, who is usually an Elder in the community with Board experience. The Mentor Associate Director assists the young Associate Directors in understanding the Board meeting protocols and processes as well as answering any questions that may arise about the content of discussions. The Associate Directors are not given any voting rights but are actively encouraged to participate in all Board discussions.

This program ensures that young Yolju people are not only given the opportunity to develop valuable leadership and business management skills, but that they are also given a voice in how their organization is run.

Osoyoos Indian Band's Approach to Governing Economic Development

Osoyoos Indian Band (OIB) is lauded as one of the most economically successful bands in Canada.¹⁹ Unemployment on the reserve is less than 3%, and one-fifth of band members are employed in senior positions. The First Nation is located in the Sonoran Desert, surrounded by mountains and lakes. The community has leveraged its natural assets into several successful eco-cultural and agricultural businesses that contribute to the community's economic, environmental and social success.

OIB established the Osoyoos Indian Band Development Corporation (OIBDC) in 1998, which oversees the management of community-owned golf courses, vineyards, a campground and RV park, a gravel/concrete business, and a resort. Over the last six years, OIBDC group revenues have increased 70 percent, and now sit at \$28.2million spanning 13 different lines of business, with tourism comprising 20% of its bottom line.²⁰

"We are very focused on the future, and we realize that we create this future by our actions. The single most important key to First Nation self-reliance is economic development"

- Osoyoos Chief Clarence Louie

The National Centre for First Nations Governance credits the success of OIB to the presence of "strong and determined business leadership backed by band members. Effective leadership with strong vision and good knowledge of business has allowed the OIB to agree on an objective of economic success."²¹

OIB's innovative approach to building economic success for its community includes the forementioned

¹⁹ MacDonald, "How a B.C. Native Band Went from Poverty to Prosperity."

²⁰ Osoyoos Indian Band, "Osoyoos Indian Band Businesses."

²¹ National Centre for First Nations Governance, "Governance Tool Kit Best Practices: Economic Realization, Osoyoos Indian Band."



Harvard Project's factors for economic success: sovereignty, cultural match and administrative ability/leadership.

OIB has exercised self-governance over its economic development journey and has not allowed others to interfere: "OIB leadership and citizens have asserted their independence in their decision-making surrounding their economic development."²² Effective administration systems are another critical success factor for OIB.²³

Other success factors for OIB's governance of economic development include their "rigorous application of business principles,"²⁴ including investing in knowledge about business and dedicating band resources to business development, including sourcing outside subject matter experts to help lay the foundation for financial success and build internal capacity.

An example of the outcome of this approach is the Nk'Mip Resort and its Desert Cultural Centre, which can be viewed as a successful case of integrating Indigenous culture and economic growth through a project that ties in stewardship of the land, sharing of Indigenous knowledge, and generating eco-tourism revenue to the benefit of community members.

The resort is a year-round, \$100 million complex that is co-owned by OIBDC and an outside firm (Calgary-based Bellstar Hotels & Resorts). The resort features outdoor pools and a spa, a gourmet dining room, and a golf course with a sweeping view of the valley. The resort promotes the culture of the Okanagan people, with the Resort's Desert Cultural Centre as the main output of Indigenous knowledge transfer and cultural awareness building within the resort's operations.

The culture centre and resort are undoubtedly successful in improving the well-being of First Nation community members through the generation income for the band, job opportunities for community members and increased Indigenous cultural awareness among visitors and community members alike through extensive cultural programming and exhibits.

OIB has successfully implemented self-governance in managing their economic development, and in doing so, have provided other First Nations with a leading example of how to successfully merge Indigenous traditions and knowledge with modern business principles to bring success to their people.

²² National Centre for First Nations Governance.

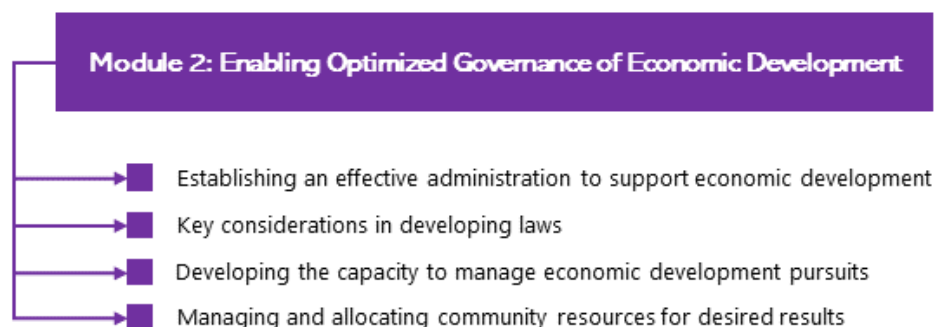
²³ National Centre for First Nations Governance.

²⁴ National Centre for First Nations Governance.



2 Module 2: Enabling Optimized Governance of Economic Development

This module captures characteristics that Indigenous communities and economic development organizations may wish to consider in setting up the administration of economic development initiatives. Topics covered in this module are captured below:



2.1 Administration of Governance

Once a governance structure is in place it is important to recruit the right team to implement the community and evidence-informed economic development strategy. This section offers suggestions on establishing an effective administration to support economic development.

Goal 1: An efficient economic development administration is in place to support economic development initiatives.

Typically, whether in an economic development branch of community government or in an economic development corporation owned by a community, the governing body (e.g., Board of Directors) is supported by administrative staff responsible for implementing the decisions made at the executive level. In a corporation, this typically includes appointment of an executive director and support staff. Recruitment and retention of administrative personnel that can provide oversight of the implementation of an economic development strategy is key to successfully achieving economic development goals.

The following steps²⁵ could be considered by communities in setting up an administration to support economic development.

1. Determine the appropriate type of administrative structure needed. This would depend on whether economic development is pursued through an economic development branch of community government or an economic development corporation;
2. Ascertain the required size of administration. This will vary based on the size of the community, the scope and extent of jurisdiction and resources available;

²⁵ British Columbia Assembly of First Nations, "Governance Tool kit Part 2: The Governance Self-Assessment."



3. Develop an organizational chart to show the structure and line of authority of the administration; and
4. Regularly evaluate the administration's structure and adjust where necessary.

Further Resources:

- Judith Stein. Using the Stages of Team Development. Massachusetts Institute of Technology, Human Resource.

2.2 Developing Laws

According to the BCAFN *Governance Tool Kit*, "law making is one of the key activities, if not the most important activity, performed by governments. It is essential to ensure that the law-making process is properly planned and managed."²⁶

For communities seeking to increase autonomy and pursuing self-governance over economic development, the development of their own laws is an important step. Law development promotes accountability and encourages transparency in the allocation of community resources.²⁷ Laws also play a significant role in the kinds of economic activities communities can pursue and can set limits based on community values and customs. This section of module 2 suggests objectives and considerations as they pertain to the law-making process.

Goal 1: Establish processes that guide the law-making process.

As many communities work toward self-governance and away from the *Indian Act*, they are developing their own laws and supporting policies that outline procedures to be followed to develop these laws. Strong laws that support self-governance are a critical component of taking a Nation-building approach to governing Indigenous economic development. Some wise practices^{28,29} in law development for Indigenous communities include:

- Engaging community in the law development process including an opportunity to vote on the adoption of a drafted law;
- Establishing a process to document, file and publish laws;
- Establishing a process for managing resources relating to the implementation and enforcement of laws;
- Completing a comprehensive analysis to understand the issues, impacts, and potential solutions related to proposed laws. This could include impact assessments, cost-benefit

²⁶ British Columbia Assembly of First Nations.

²⁷ Hotte et al., "Maintaining Accountability between Levels of Governance in Indigenous Economic Development."

²⁸ National Centre for First Nations Governance, "Governance Tool Kit Best Practices: Economic Realization, Osoyoos Indian Band."

²⁹ British Columbia Assembly of First Nations, "Governance Tool kit Part 2: The Governance Self-Assessment."



analyses, case studies of other communities that have developed similar laws to understand wise practices, and risk evaluations;

- Developing a training plan for administrative staff responsible for administering the law; and
- Developing a communications strategy for informing community members of the new law and how it applies to them.

These steps will help facilitate transparent, inclusive, and effective law-making, resulting in legislation that is well-informed, legally sound, and responsive to the needs of communities.

Goal 2: Communities set clear guidelines for the review of laws and bylaws to ensure they are meeting the objectives for which they were enacted.

As approaches to economic activities and the goals of the community change, it is crucial that laws continue to meet the objectives and support community economic growth. Therefore, communities may wish to establish guidelines on making amendments to laws. This could include guidelines on the frequency of reviews, thresholds that must be met for the amendment or repealing of laws, and the steps to be followed to amend or repeal laws, among others.

2.3 Capacity Development

Capacity to undertake economic development activities is a key success factor in achieving economic, social, environmental and spiritual goals of a community or Indigenous economic development organization. Capacity in relation to economic development refers to the amount a company or community can produce given its resources – including human resources, capital and other important factors such as infrastructure. Building capacity of community to manage economic development pursuits while bringing benefits to community members through jobs and own source revenues that can be redirected towards programs and initiatives that advance the social, environmental and spiritual well-being community is critical to achieving the holistic impacts.

Goal 1: Communities have in place capacity development programs that support members interested in pursuing economic activities.

Capacity development programs enable individuals within a community to develop the necessary skills, knowledge, and resources to engage in economic activities. These capacity building programs typically contribute to entrepreneurial ventures, job creation, and overall economic growth within the community.^{30,31}

³⁰ McGinty, "Community Capacity Building."

³¹ Makuwira, "The Politics of Community Capacity-Building: Contestations, Tensions and Ambivalences in the Discourse in Indigenous Communities in Australia."



Through training, mentorship, and educational opportunities, community members are empowered to explore and harness their entrepreneurial potential, contributing to the overall economic growth and self-sustainability of the community.

Ultimately, the presence of robust capacity development programs ensures that community members are equipped with the tools they need to thrive and actively participate in economic activities, fostering a vibrant and prosperous community. The United Nations Development Programme suggests the following steps in developing capacity building programs and initiatives:³²

1. Engage stakeholders on capacity development to promote shared ownership;
2. Assess capacity needs and assets. This enables leadership to determine areas of need and priority;
3. Formulate capacity development response to the identified needs;
4. Implement a capacity development response; and
5. Evaluate capacity development efforts to ensure accountability.

2.4 Managing and Allocating Resources

Managing and allocating resources is a critical aspect of effective governance and decision-making in any context. It involves the strategic planning, efficient utilization, and equitable distribution of resources to meet the needs and priorities of a community or organization.

Proper management and allocation of resources involves:

- Assessing needs;
- Setting priorities;
- Making evidence-informed decisions; and
- Implementing strategies to achieve desired goals.

Effective resource management ensures that resources are allocated based on objective criteria and serve the best interests of the community or organization. As a result, good management fosters trust and confidence among stakeholders/rights holders and promotes long-term stability and growth. By carefully managing and allocating resources, communities and economic development organizations can maximize their potential, address challenges, and achieve their objectives in a responsible and sustainable manner. This section explores some suggestions on how communities can allocate their resources to aid economic development.

Goal 1: Annual operating budgets determine resource allocation

³² United Nations Development Programme, "Capacity Building - The UNDP Approach."



Careful annual budget planning ensures that community resources are maximized and utilized efficiently. Through a thoughtful annual budgeting process, governing bodies can ensure that community resources are allocated where they are most needed.

Transparency in annual budgeting is important in ensuring community, partners and funders are aware of how funds are being allocated within economic development pursuits. Often, communities and Indigenous economic development organizations will provide annual reports that include an independent audit, showing the annual budget (estimates) against actual costs and revenues to communicate financial performance for the year.

Allocating resources within the approved budget:

- Reduces the risk of mismanagement, corruption, or misuse of resources; and
- Enhances organizational efficiency by ensuring that resources are allocated where they can yield the greatest impact.

Further, communities could establish a collaborative budgeting process that aligns with strategic goals and involves community members and relevant stakeholders. This collaborative approach helps identify needs, set priorities, and allocate resources effectively while considering factors like financial capacity and long-term sustainability.

2.5 Tools and Wise Practices

This section contains some tools and resources, along with wise practices that communities could leverage in setting up or improving the administration of economic development.

Tools and Resources:

- Nelson, Rodney. Beyond Dependency: Economic Development, Capacity Building, and Generational Sustainability for Indigenous People in Canada. (2019). SAGE Open, 9(3);
- Mark Anielski. A better approach to economic development for indigenous communities. (2018) Greenbiz.com; and
- Judith Stein. Using the Stages of Team Development. Massachusetts Institute of Technology, Human Resources.

Wise Practices:

Nipissing First Nation's Success in Law Making

Nipissing First Nation (NFN) is a fishing community located in what is now known as North Bay, Ontario. Colonization interrupted NFN's governance over fishing and consequently, has negatively impacted the health and sustainability of the fish population in Lake Nipissing. In the 1970s, NFN worked toward regaining governance over Lake Nipissing by advocating for reassertion of rights. The Nation was able to rebuild their Giigoon Naaknigewin (Fisheries Law) in 2004.



"In line with their own values and governance models, the law supports the ongoing sustainability of Lake Nipissing and its associated wildlife."

Law-making to support NFN's governance over the fishery was viewed as essential to fill in the legal and jurisdictional space that otherwise would be occupied by the Ontario Ministry of Natural Resources and Forestry. NFN implemented their own laws to ensure sustainability of the fishery, to protect their rights, and to benefit economically from fishing activities.

NFN approached lawmaking with the view that community should inform the development of laws pertaining to them. NFN engaged community members and Elders, who determined the law needed to address sustainable harvesting limits, mandatory reporting, clear fishing seasons, protection of spawning fish, and the establishment of a process for fishing gear identification and ownership.

The proposed law was reviewed and amended based on public input before a final vote via referendum passed the Nipissing First Nation Giigoon Naaknigewin.

Despite NFN's law focused on sustainability, fishing activities under Ontario Law combined with recreational fishing threatened the health of the fish population in 2014. To address this, NFN signed a Memorandum of Understanding with the provincial government to codify the relationship between the two governments and mutual goals of supporting population recovery and sustainability of the fisheries.

NFN's law making process follows the wise practices outlined above. The law-making process was community-informed, and the resulting law is reflective of community values around sustainability. NFN also provides an example of effective nation-to-nation relations through the collaborative addressing of mutual concerns.



3 Module 3: Managing Risk and Developing Accountability Mechanisms to Ensure Holistic Impacts.

There are inherent risks associated with economic development activities. It is crucial for communities to be able to easily identify these risks and develop mitigation measures to ensure the holistic goals of economic growth, environmental sustainability, social development and spiritual well-being of community are achieved. Performance measurement and accountability frameworks are risk management tools that help organizations manage risks and track progress towards desired impacts of projects and initiatives.

As communities and organizations implement new approaches to governing economic development, strong change management is required to ensure continuous buy-in from community. These factors are captured in this module with examples and tools to accomplish the suggested goals.

This module covers the following topics:



3.1 Identifying and Mitigating Risks

Risk identification and mitigation are necessary components of any economic activity. Organizations and communities need to be able to identify risks in order to successfully develop mitigation strategies to avoid negative outcomes. According to Kaplan and Mike (2012)³³ identifying and mitigating risks in economic activities:

- Protects investments and assets, reducing the likelihood of financial losses and disruptions to economic activity;
- Enhances credibility and reputation;
- Demonstrates a commitment to sound business practices and the ability to navigate potential challenges;

³³ Kaplan and Mikes, "Managing Risks."



- Is important in attracting investors and partners; and
- Contributes to the overall sustainability of the economic activity.

Identifying and mitigating risks in economic activities is a critical process that involves several key steps. The implementation of these steps will vary based on the nature of the economic activity being pursued. However, the suggested general steps are outlined below:³⁴

1. **Conduct a comprehensive risk assessment:** This involves identifying potential risks and their potential impact on the economic activity. Risks may include market fluctuations, regulatory changes, financial uncertainties, natural disasters, or social and political factors;
2. **Prioritize risks based on their likelihood and potential impact:** This allows for a focused approach, ensuring that resources and efforts are allocated to address the most significant risks;
3. **Develop and implement risk mitigation strategies:** These strategies may include diversifying revenue streams, creating contingency plans, establishing risk-sharing partnerships, or implementing robust financial management practices; and
4. **Continuously monitor and evaluate risk mitigation strategies:** This involves regularly assessing the effectiveness of mitigation strategies, identifying emerging risks and making adjustments as necessary.

3.2 Developing an Effective Accountability and Evaluation Framework

As was noted in Module 1, community strategic plans should incorporate performance measurements to ensure objectives are being met. These are typically internal documents that leadership would use in deciding whether course corrections are necessary or not.

Effective monitoring and evaluation frameworks are written documents that describe how a project or program will be monitored and evaluated, along with how the evaluation results will be used for program improvement and decision making.

Ultimately, the purpose of a monitoring and evaluation framework is to describe the “*what*,” the “*how*,” and the “*why it matters*,” for the program:

- The “*what*” reflects the description of the program and how its activities are linked with intended effects;
- The “*how*” addresses the process for implementing a program and provides information about whether the program is operating as intended. It also clarifies if changes should be made to the program to address shortcomings in progress; and
- The “*why it matters*” provides rationale for the program, and its impacts.³⁵

³⁴ Kaplan and Mikes.

³⁵ <https://www.cdc.gov/obesity/downloads/cdc-evaluation-workbook-508.pdf>



Wise practices in terms of the format for monitoring and evaluation matrices used by evaluators to determine if the program is achieving its intended impacts typically include:

- Use of evaluation questions that will be answered during periodic reporting;
- A list of targets to be hit;
- A list of indicators that have ideally been developed in engagement with stakeholders, such as dollars invested, number of people affected, qualitative indicators, etc...; and
- A list of tools used to collect data for the evaluation (e.g., surveys) with information about reporting frequency.

While measuring the performance of economic programs and initiatives by leadership is important for the economic development process, it is important for community members to be aware of progress being made in economic development activities, which can be tracked using accountability frameworks.

An accountability framework serves to communicate the ownership of responsibilities and establish a reporting process for a program, project, or initiative.³⁶ These frameworks typically encompass:

- A comprehensive description of the initiative, including its purpose;
- Intended results;
- Performance measurement methods;
- Assigned responsibilities; and
- The reporting structure for tracking progress and sharing information with relevant stakeholders.

When designed well, accountability frameworks help to:

- Encourage outcomes and evidence-based management;
- Clarify the data collection methodology and timelines to support implementation, management, oversight and review of the initiative;
- Establish a basis for objective assessment of the progress of an initiative; and
- Helps stakeholders assess whether an initiative is achieving its intended results and outcomes.³⁷

Accountability frameworks are intended to be dynamic, living documents that should be updated on a regular basis to reflect changes and shifts in priorities over time.³⁸ Having an accountability framework encourages transparent communication with stakeholders and increases trust. A sample accountability framework and evaluation framework are provided at the end of this

³⁶ <https://www.gov.nl.ca/pep/files/Developing-an-Accountability-Framework-Reference-Guide.pdf>

³⁷ <https://www.gov.nl.ca/pep/files/Developing-an-Accountability-Framework-Reference-Guide.pdf>

³⁸ <https://www.cdc.gov/obesity/downloads/cdc-evaluation-workbook-508.pdf>



module to guide communities and organizations in developing their own monitoring and evaluation tools.

The Baseline Data for Aboriginal Economic Development Report tabled in 2010 by AIEDIRP includes a list of holistic indicators Indigenous communities could use to effectively track and report on economic development progress and its economic, social, environmental and social impacts on community.

3.3 Being Accountable

While evaluating programs and initiatives helps to ensure that they stay on target, it is essential for those with decision making authority (e.g., governing body, administrators, and other senior management) to also be accountable to members of the community.

There should be public disclosure of information about governance processes, including decision-making, and the performance of those managing the economic development efforts. This builds trust, shows transparency, and makes leaders accountable to their community members. How this is achieved will vary across communities. In fact, some communities have laid down guidelines and procedures on accountability that are enshrined in legislation. For instance, communities under the *Indian Act* need to meet the accountability requirements set out in the act.

The BCASN *Governance Tool kit*³⁹ outlines wise practices in accountability and transparency regarding information that could be shared with community members and stakeholders, including information about:

- Members of the governing body and the process for selecting them;
- The scope of authority of the governing body as well as its roles and responsibilities;
- The role and responsibilities of the individual members of the governing body, the process for assessing their performance, and remuneration, among others;
- Staff code of conduct; and
- The process to disclose conflict of interest and the governing body's approach to the orientation and education of the members of the governing body.

In addition to the above, it is also important for leadership to regularly present its achievements through a formal statement, such as an annual report. This statement would outline progress that has been made in economic development efforts as well as how community resources were allocated. This presents an opportunity for senior leadership to demonstrate the value of their services and the progress being made toward achieving the vision to community members and other stakeholders.

³⁹ British Columbia Assembly of First Nations, "Governance Tool kit Part 2: The Governance Self-Assessment."



3.4 Change Management

Economic development in Indigenous communities is complex as it requires aligning economic activities with the customs and values of communities, and involve multiple partners, including community members, leaders, government agencies, and potentially business partners from outside of community. With the multiplicity of partners, there is the potential for some to resist change that could improve economic outcomes of communities. This makes a strategic approach to change management crucial, as it enables effective stakeholder engagement, consensus-building, and successful implementation of economic initiatives.⁴⁰

Through effective change management, communities and organizations can navigate the complex and dynamic nature of economic development initiatives, while overcoming resistance to change and fostering a positive and supportive transformation environment. This enables the identification of potential barriers and risks, that if addressed would increase the likelihood of successful implementation of initiatives.

Goal 1: Leadership understands the importance of change management and how it could support economic development.

By understanding the principles and strategies of change management, leaders can effectively communicate the need for change, engage partners, and address potential resistance. This understanding allows leaders to create a supportive and empowering environment for community members and partners, enabling them to embrace new ideas, adapt to shifting circumstances, and drive economic growth.

Change management enhances the likelihood of achieving sustainable economic development outcomes. Leaders who grasp the importance of change management can develop comprehensive strategies to address challenges, leverage opportunities, and optimize resources. They can effectively align community culture, structures, and processes with the economic development goals, fostering a cohesive and adaptive environment.⁴¹

By proactively managing change, leaders can:

- Minimize disruptions;
- Maximize community and partner engagement; and
- Build a foundation for long-term success.

⁴⁰ Stobierski, "Organizational Change Management: What It Is and Why It's Important."

⁴¹ Stobierski.



Understanding the intricacies of change management empowers leaders to lead with vision, agility, and resilience, enabling their communities to thrive in a rapidly evolving economic landscape.

Goal 2: Communities develop a change management plan to support economic development activities.

Communities and stakeholders react to change differently depending on the type and scale of change. Plans to manage varying reactions should be established whenever economic activities/initiatives would lead to a change in the community. The suggested steps below adapted from the Change Management Institute's guidebook⁴² may guide communities in developing change management plans to support their economic development initiatives.

1. **Identify the Need for Change:** Clearly define the reasons and objectives for the change. Identify the specific areas or processes that require improvement or transformation within the Indigenous community's economic development context;
2. **Conduct a Readiness Assessment:** Evaluate the community's readiness and capacity for change. Assess the stakeholders' level of readiness, their willingness to embrace change, and any potential barriers or resistance that may arise;
3. **Develop a Change Vision and Strategy:** Create a compelling vision for the desired future state of the economic development initiative. Outline the goals, outcomes, and benefits of the change. Develop a strategic plan that outlines the key activities, resources, and timelines required for successful implementation;
4. **Engage Stakeholders:** Involve key stakeholders, including community members, leaders, employees, and external partners, throughout the change management process. Foster open communication, active participation, and collaboration to ensure their buy-in and commitment to the change initiative;
5. **Develop a Communication Plan:** Create a comprehensive communication plan to keep stakeholders informed and engaged. Clearly articulate the purpose of the change, its benefits, and the expected impact on individuals and the community. Provide regular updates, address concerns, and celebrate successes to maintain momentum;
6. **Identify and Address Resistance:** Anticipate and address potential resistance to change. Identify individuals or groups who may be resistant and proactively address their concerns or fears. Provide support, resources, and training to help individuals navigate the transition and build confidence in the change initiative;
7. **Implement and Monitor Progress:** Execute the change management plan, ensuring the necessary resources, systems, and processes are in place. Monitor progress regularly, collect feedback, and adjust as needed. Celebrate milestones and successes to maintain motivation and engagement; and

⁴² Smith, *The Effective Change Manager's Handbook: Essential Guidance to the Change Management Body of Knowledge*.



8. **Evaluate and Sustain:** Evaluate the effectiveness of the change management strategy and the outcomes achieved. Identify lessons learned and areas for improvement. Develop strategies to sustain the change, embed it into the organizational culture, and ensure ongoing support and monitoring.

These steps provide a general framework for developing a change management strategy. It is important to customize and adapt the approach to the specific needs, context, and culture of the community and its economic development initiative.

3.5 Tools and Resources

Sample Evaluation Matrix

As noted, evaluation frameworks outline the evaluation questions, indicators that data can be collected on to measure the performance of an initiative and the sources of the data. This is generally used to guide the data collection and evaluation process. The template below may be adapted to evaluate economic development initiatives in communities.

Evaluation Questions	Indicators	Data Source(s)				
		Document and Data Review	Community Engagement
Process						
Are the current economic development initiatives operating as intended?	Indicator #1	√	√			
	Indicator #2			√		
	...					
How can processes be improved?	Indicator #3					
	...					
...	...					
Outcomes						
To what extent are the risk mitigation strategies achieving intended outcomes?	...					
...	...					



Accountability Framework Template

The following is a sample accountability framework with instructions on the content that could go into each row. This could be adapted to the accountability needs of communities.

Statement of Purpose	Insert an overview of the economic development initiative being reported on.
Intended Outcome	A description (high-level) of the intended outcomes that are to be achieved by the Initiative.
Stakeholders and Rights Holders	List stakeholders and rights holders
Ownership and Accountabilities	Roles and Responsibilities: List individuals/organizations responsible for the initiatives and their roles.
	Partnership Management Plan: Define how relations will be managed between partners.
	Decision Process: Define how decisions will be made and who has decision-making authority.
	Performance Management Plan: Define how performance of responsible individuals/organizations for the initiative will be monitored.
Timeline	Insert timeline for initiative and milestones (if any).
Performance Monitoring Plan	List how results will be reported and how often (daily, weekly, monthly, etc...)
Evaluation Plan	Describe how indicators will be monitored using the evaluation frameworks. Set the timing for program evaluations to take place, and/or the conditions that might trigger an evaluation. Set the parameters for full or partial evaluations.
Reporting Plan	Address how results will be reported (e.g., online, dashboard, print, other).
Evaluation and Feedback Mechanisms	Describe systematic evaluation processes (external evaluations, client feedback mechanisms, internal review processes)



Financial and Resource Management	Describe mechanisms established for financial and resource management, including budgeting, financial reporting, and resource allocation.
Governance and Oversight	Describe the governance structure for the initiative.
Continuous Quality Improvement Plan	Describe the approach for continuous quality improvement (actively seeking feedback, conducting regular program reviews, implementing changes based on lessons learned).
Communication and Transparency Plan	Describe the plan for keeping all stakeholders informed of program updates, achievements, challenges and evaluation findings.

