NStQ Treaty Group
Family • Education • Land • Culture • Unity

NSTQ GOVERNANCE
MODEL AND MECHANISMS
MARCH 3, 2016

BUILDING NATIONHOOD

Northern Shuswap Tribal Council

Four communities working toward self government

Tsq'escen' (Canim Lake Band)

- o 600 members
- o Custom election code
- o Membership code
- o School & daycare
- o 30 year block funding
- o 14 programs managed
- o High Speed Internet
- o Telephone/Fax

- o *Council:* 1 Chief, 4 Councillors

Xatśūll (Soda Creek Band)

- 426 members

- Band made up of two communities; Xatśūll (Soda Creek) & Cmetem' (Deep Creek)

- 19 Programs managed

- Xatśūll Heritage Village - an Aboriginal Tourism Association of BC product.

- High Speed Internet

- Telephone/Fax

- *Council:* 1 Chief, 4 Councillors

T'exelc (Williams Lake Band)

- 789 members
- Membership code
- Little Chiefs Primary School, Little Chiefs Daycare, funded to operate Right to Play program
- Pioneer Log Homes (Timber Kings TV Show) log yard on Sugar Cane Reserve
- Coyote Rock Golf Course and Chief Will-Yum Campsite
- 21 programs managed
- High Speed Internet
- Telephone/Fax
- _Council:_ 1 Chief, 5 Councillors

Stswecem'c Xgat'tem (Canoe/Dog Creek Band)

- 746 members
- Two communities situated 45 km apart, in two different regional districts.
- Band-run school (K-10 Canoe Creek). Public school (K-10 Dog Creek)
- SXDLP Development Corp.
- 16 programs managed

- High Speed Internet

- Telephone/Fax
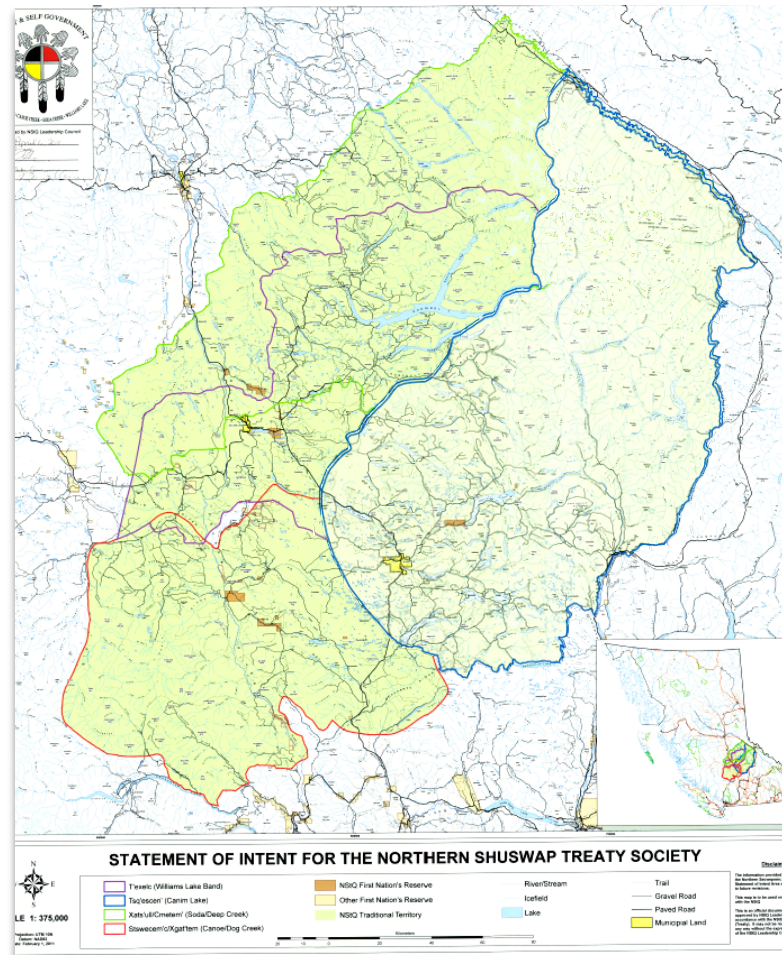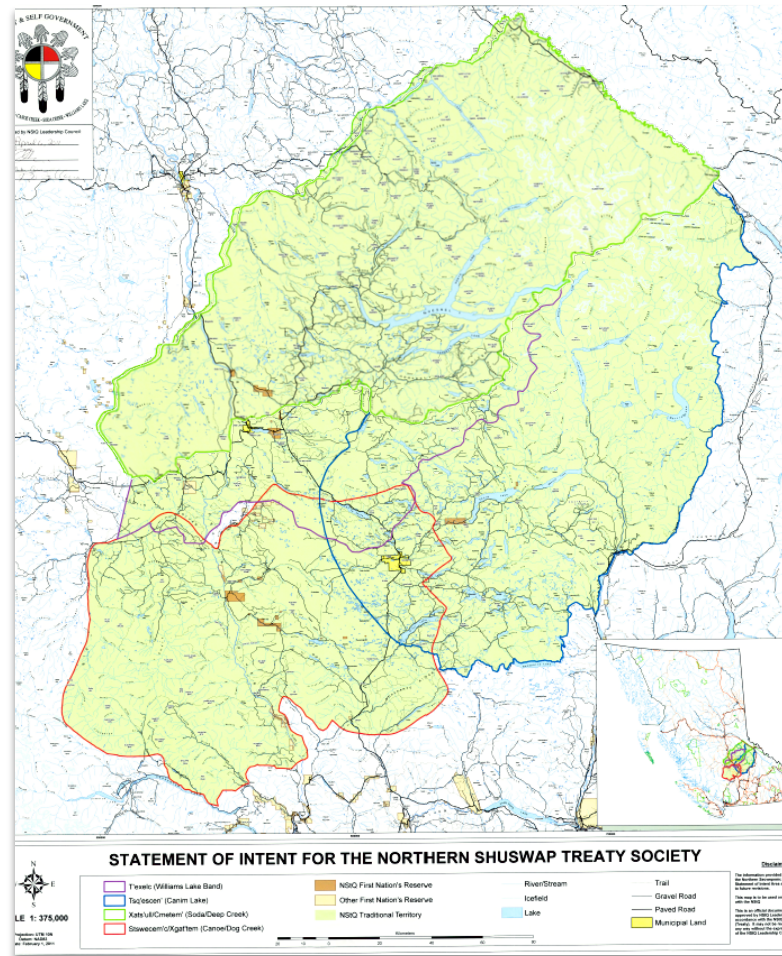
- *Council*: 1 Chief, 5 Councillors

We share the territory of **Secwepemculecw** with all Secwepemc people. The Stewardship Areas of the 4 NStQ Communities (our SOI) is:

Tsq'escen' – Canim Lake Band

Xatśūll – Soda Creek Band

STATEMENT OF INTENT FOR THE NORTHERN SHUSWAP TREATY SOCIETY

Stswecem'c Xgat'tem – Canoe/Dog Creek Band

STATEMENT OF INTENT FOR THE NORTHERN SHUSWAP TREATY SOCIETY

T'exelc – Williams Lake Band

STATEMENT OF INTENT FOR THE NORTHERN SHUSWAP TREATY SOCIETY
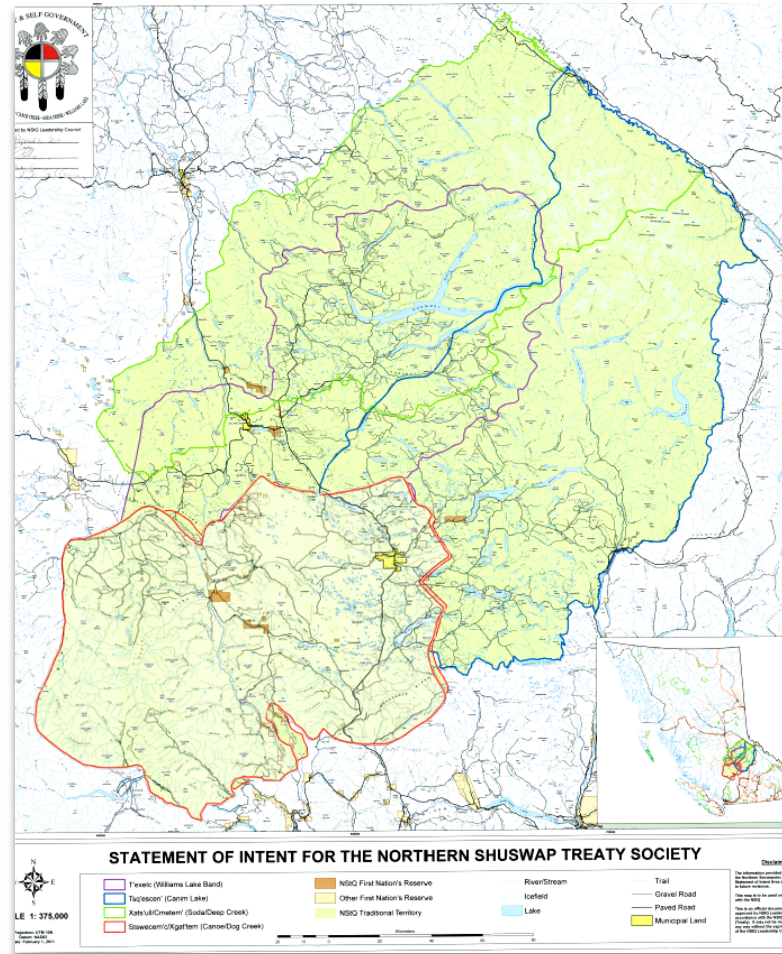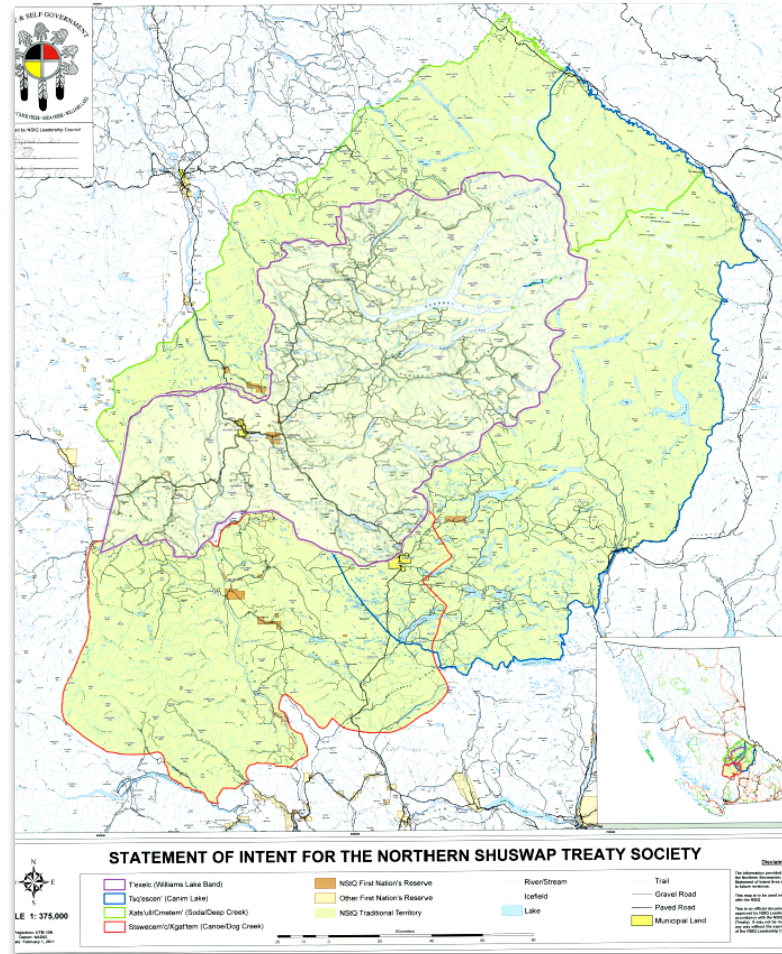
Status of Negotiations

Tsq'escen' (Canim Lake IB)

Stswecem'c/Xgat'tem (formerly Canoe Creek IB)

Xat'sūll (Soda Creek IB)

voted on February 11 to enter Final Agreement negotiations.

T'exelc (Williams Lake IB)

had its poll disrupted by protesters. Re-vote to take place on April 28.

Impact of Treaty

Reclaiming authority and responsibility.

Extensive law-making authority

Chief Ta O Task
(Canoe Creek)

Chief William
(Williams Lake)

Chief Timpt Khan
(Babine Lake)

Chief Kam Eo Sudze
(Soda Creek)

Chief Se Askat
(Shuswap)

Chief Quth Quarlsa
(Alkali Lake)

Chief Sikosalish
(Lillooet)

Chief Sosastumpt
(Bridge Creek)

Chief Norlah
(Dog Creek)

No more *Indian Act*

Key questions

1. How will NStQ make laws?

   - Centrally?
   - Separately by community?
   - Some combination of central and community law-making- "shared governance"?

2. What Governing Structures will NStQ have?

3. What goes into an NStQ Constitution?

Traditional Governance Research

- Considerable community autonomy;

- Many tribal gatherings for games, gambling, intermarriage, trade, forming alliances, sharing information;

- Collaboration among communities on warfare and relations with other tribes.

Traditional NStQ Governance Structure
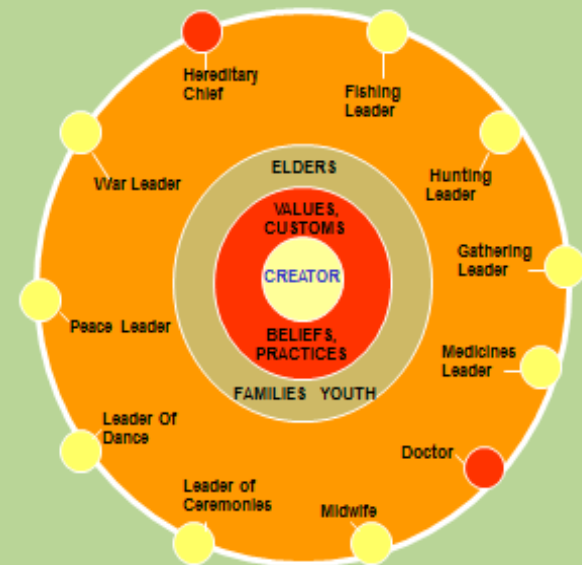
Other Governance Research

- Harvard Study of First Nations Governance
- Leroy Little Bear "Establishing Culturally Appropriate Institutions"
- Other BC First Nations: Nisga'a Lisims, Maa-Nulth, Hul'qumi'num, Ktunaxa
- NStQ Community Surveys

Lac la Hache- 2005

Community members reviewed pros and cons of:

- Centralized Governance

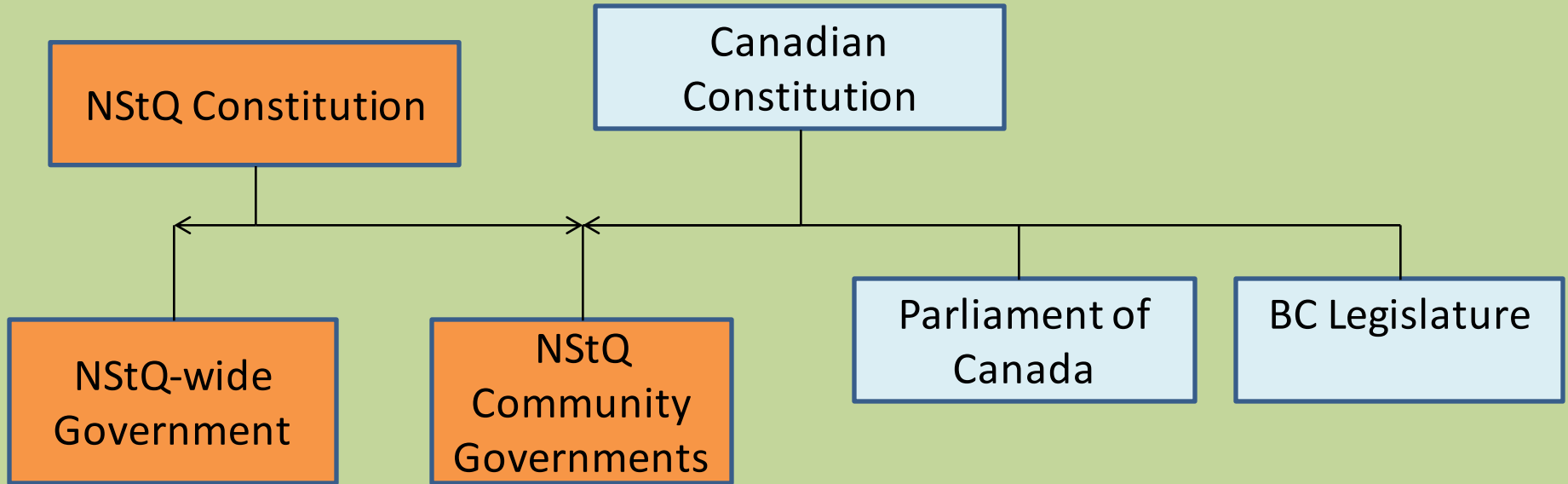- De-centralized Goverance

- Shared Governance

Lac la Hache Recommendation

Informal Poll: 55- Shared; 3 de-centralized; 2 centralized. Direction from leadership: Develop shared model.

Post-Treaty Shared Governance

NStQ Constitution

Canadian Constitution

NStQ-wide Government

NStQ Community Governments

Parliament of Canada

BC Legislature

The Challenge

To distribute law-making authority among an NStQ Regional Government and four Community Governments in a way that:

- is efficient, effective, culturally appropriate and in the best interests of all NStQ;

- is clear (not confusing);

- avoids conflicts between law-making authorities; and

- avoids gaps in NStQ law-making.

Options

- Exclusive Powers option
  - Two lists- one for central government; one for local governments.
  - Powers on one list are not on the other list. No overlap.
- Concurrent Powers option
  - One level of government (usually central) has law-making authority in all areas;
  - Second level of government (usually local) has law-making authority in specific areas;
  - Rules for deciding which law has priority if there is a conflict between a central law and a local law.

Exclusive Powers Option

Pros

- Clear division of responsibility;
- If one level of government passes a law within the authority of the other, the law is invalid.

Cons

- Lists may prove to be incomplete as times change;
- Subjects often do not fall neatly into one list or the other;
- Local government may not have capacity to enact a law on it list. Central government powerless to act.
- Exclusive lists are inflexible.

Concurrent Powers Option

Pros

- No gaps in law-making authority;
- Consistent with Treaty concept of NStQ government-to-government relationship with Canada and BC
- Allows communities time to develop law-making capacity

Cons

- Increased potential for conflict between a community law and a regional law;

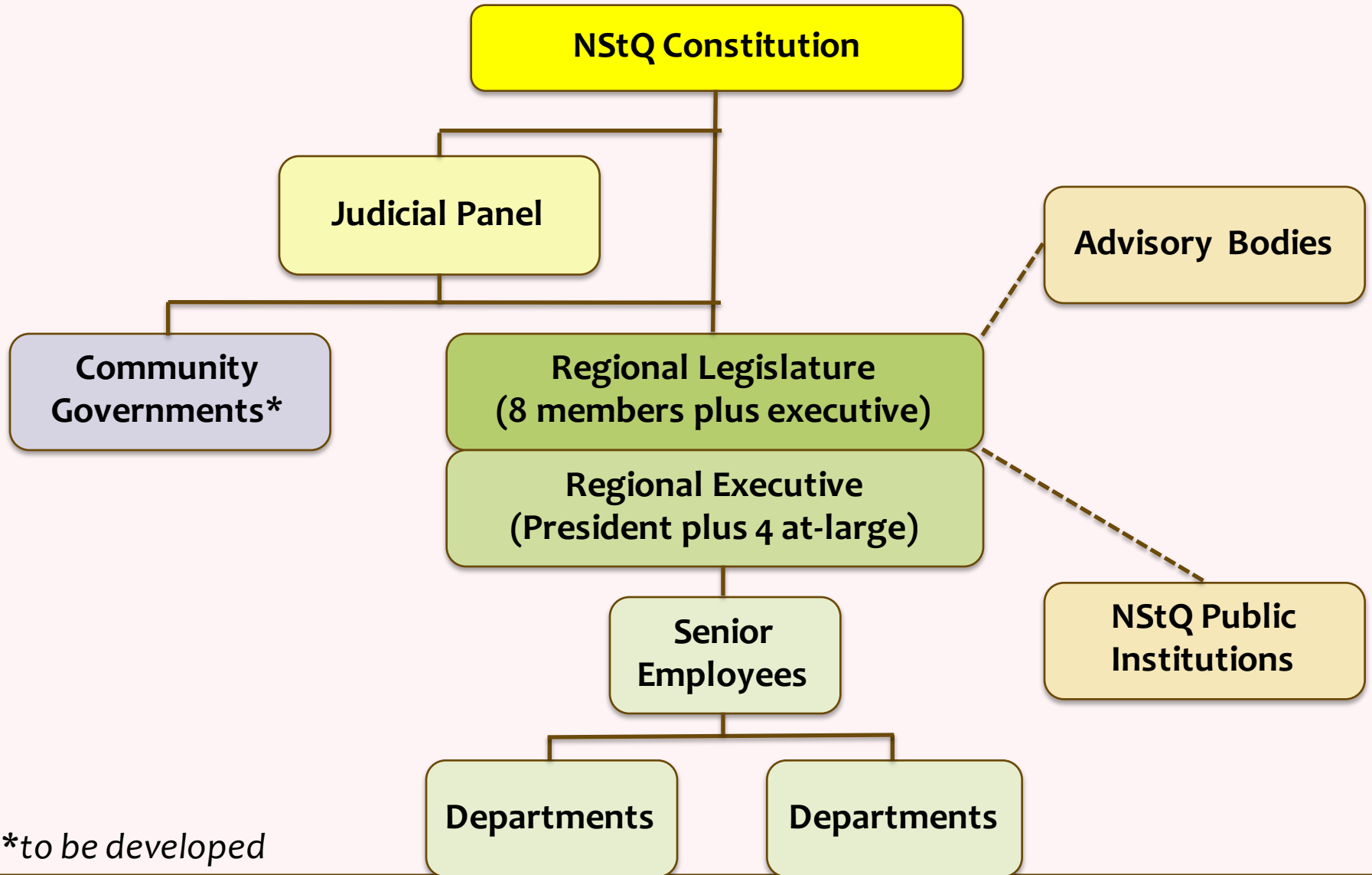# Recommendation

Concurrent Powers Option

Governance Structure

NStQ Regional Governing Body

4 Community Governing Bodies

Regional Body to:

- be representative of the 4 communities
- focus on interests of NStQ as a whole
- have authority in areas of common concern to all NStQ
- be of a size that is effective for decision-making

PROPOSED REGIONAL GOVERNANCE STRUCTURE

NStQ Constitution

Judicial Panel

Advisory Bodies

Community Governments*

**Regional Legislature
(8 members plus executive)**

**Regional Executive
(President plus 4 at-large)**

NStQ Public Institutions

Senior Employees

Departments

Departments

*to be developed

CONSTITUTION

- "A Nation's highest law"

- *Also* a treaty requirement.

- There is a higher law than a "treaty-mandated" Constitution.

- Most of it is unwritten, but we plan to express aspects of it in our *Declaration.*

NStQ Declaration

To be Secwepemc

Syegwyugwtwilcs

re Secwepemc.

Stsq'ey's re

tmicws-kuc wel

me7 yews

Secwepemc

Strong

self-confident

respectful

Pride in

heritage

rights to the

land

stand up for

beliefs

The blood of our ancestors

We carry the blood of our ancestors and in turn, it is passed down to the next generations. The importance of family is shown and is practiced through daily family life from the Elders to the parents and to the younger generations. Families are proud of their strong roots, are loyal to relationships, and share in the responsibility of caring for children, for Elders, and for those in need. There is a deep sense of respect for the sacredness of body and of life. As Secwepemc, we fight for what we believe in. Mothers, Fathers, Uncles, Aunts, Children, and honored Elders all participate and contribute to the community and its well-being. The practice of sharing assures that all needs are taken care of. Many Elders are models of traditional teachings meant to secure the well-being and continuance of Secwepemc.

Ne mitk'ye-kt wel me7 yews.

Skectels-kuc le q'7es te qelmucw.

Le q'7eses le st'ext'ex7em-kt m-tskecmens

le q'7es te sw7ec te ctsu7etens.ell stselxmems.

Tselxem7uys re ctekten'-kt.

Kukwpi7stem es relralts re st'ext'ex7em-kt

Ne sxweyxweytes sw7ecs ell tsuwets.

Characteristics
of the Leader:

Personal inner

strength

Good judgment

Knowledge

Honest

Trusted

Respected

Has experience

Re yegwyugwts re slexlexs ell re stselxmems ell kupistes le xwexweytes. Pell stselxmem ell relralt (xexe7) re skupistsuts (yucwemtsut) te qweqwlut ell stslutmins re sqwluts.

What the Secwepemc Leader does

Re Kupkukwpi7 srelralts re Qelmucws ell re stsexemstes re sw7ecs. Tsw7ecmens re Qelmucws ell ec re setsinmes ell ec re t'eys ne qwellqelmucws ec ell re tscemcemsts re qwellqelmucws. Ec re qwellts7ecwstes re Qelmucws.

Well-being of the people

Decides what to do

Listens to the people

Can be seen with the people

Dances/sings with the people

Mourns/grieves with those who

have lost someone

Celebrates with the people

What the Secwepemc Leader knows

Tselxemstes re sk'ultens ell le q'7es te w7ec. Tselxem7uysts le q'7es te Secwepemcul'ecw ell xqweltens ell re kw'elktnews. Tselxemstes xwexweyt le7s re sw7ec, heqen m-ta7us xenstem re Qelmucw ell re tmicws. Me7 tseneme7eksts, ell xeqpenwen's re s7elksts ell stsexemstes me7 kests re stem. Tsexenstes es yucwementsuts!

Secwepemc culture

history of the people

traditional lands of the people

language

relationships

What's going on elsewhere that could affect the people

how to do business in the larger world

Seme7 education

how to decide things

how to keep him/herself healthy

How the Leader does things

Everyone treated the same

Looks to his/her own experience

Does things honestly

Decides things with the

community in mind

Decides things with the future

generations

in mind

Stelltillests le xwexweytes te

swet ell tswestes re xwexweyt re

stselxmems. Stellts'llens re

xwexweyts. Te cptinesmens re

qelmucw ell te cptinesmentels

wel me7 yews

Why the Leader does the job the way he/she does

Wel me7 p'7ecwes k sle7 k sw7ecs re qelmucw-kt. T'ri7 es sts'ilems re sw7ecs re Secwepemc ell knucwentem es westem, re sk'ulten-kt. Re qwelcits re qelmucws me7 cw7it.s re stsmemelt re sw7ec.

So the community/people have better lives

so things are done – keeping with the Secwepemc ways

To help keep the culture

to be the voice for the people

to encourage the younger generation

So the younger people can have someone to look (up) to

NStQ CONSTITUTION

The highest NStQ Law, voted on and passed by NStQ citizens.

Contents

Preamble/Declaration

Definitions

Citizenship Code

Rights and Freedoms of

NStQ Citizens

Composition and Term of Office of NStQ Government

Duties and Expectations of NStQ Government

Law-Making Authority

Enactment of NStQ Laws

Acquiring and Disposing of Land

Financial Accountability

Conflict of Interest

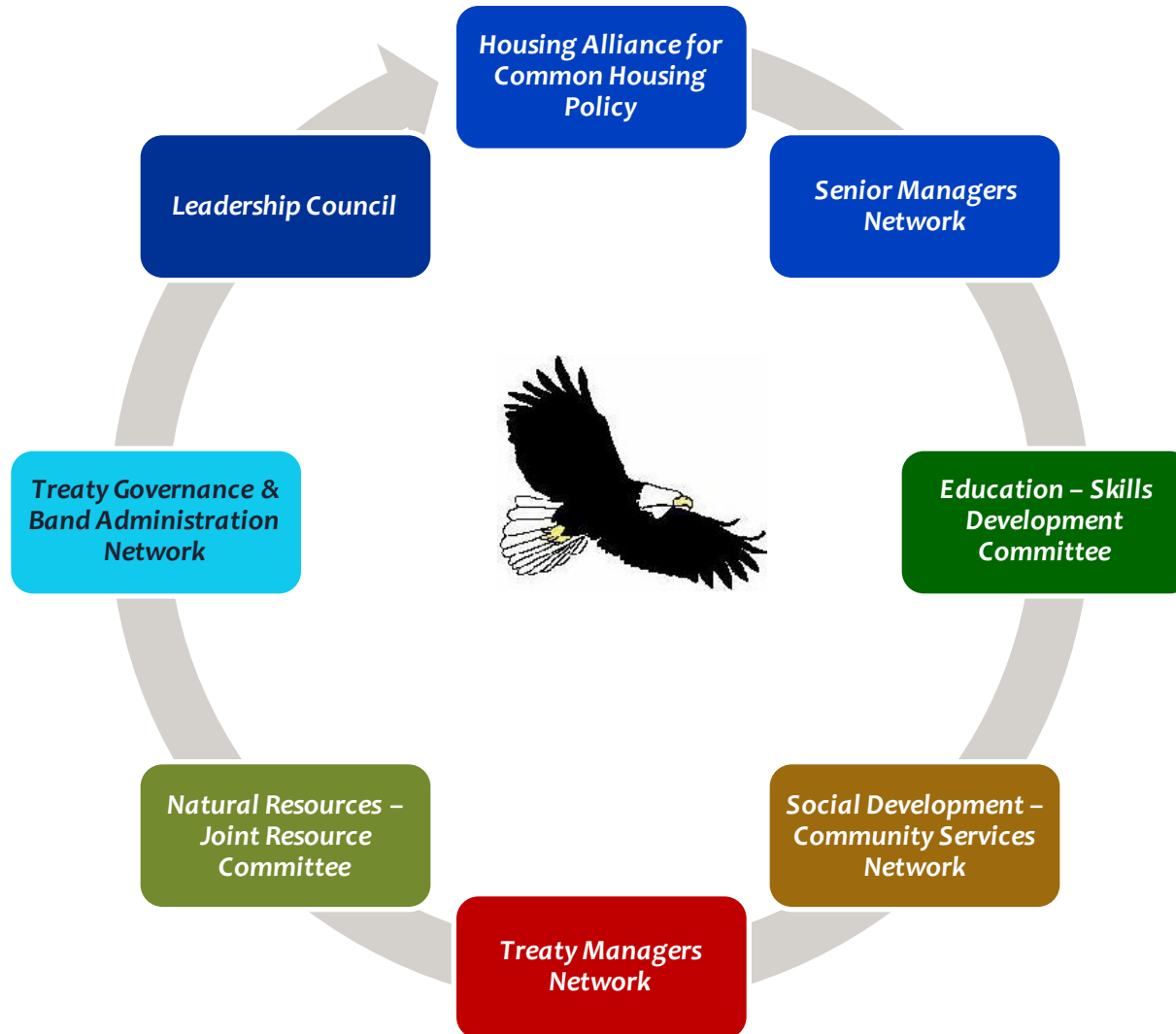NStQ Public Institutions

Dispute Resolution

Transitional Government

Final Agreement Prevails

Amending this Constitution

* A copy of the first draft of the NStQ Constitution can be found on the NStQ Website: www.nstqtreaty.ca

Program Networks

Governance

Tribal Council Board of Directors responsible for overall treaty direction.

- Process and method designed to ensure all four band councils are fully involved and influence treaty negotiations.

Leadership Council was formed so that council could review treaty chapters, which were developed by treaty staff and, provide feedback for revisions and edits.

Roles – Responsibilities – Outcomes - Successes

NSTC has worked with all band councils and staff to develop roles and responsibilities at the community level

Outcomes and Successes:

- ✓ **Common Human Resources Policy**
- ✓ **Common Education Policy**
- ✓ **Common Finance Policy**
- ✓ **Governance Policy Manual**
- ✓ **Common Housing Policy (*i.e.*: Maintenance Brochures)**
- ✓ **Thompson Rivers University (TRU) Partnership Agreement**
- ✓ **Organizational Review for each community**
- ✓ **Citizen's Assembly**
- ✓ **Labour Market Review – All Communities**

NSTC

Tsq'escen'

T'exelc

Working Cohesively

Xats'ull

Stswecem'c Xgat'tem
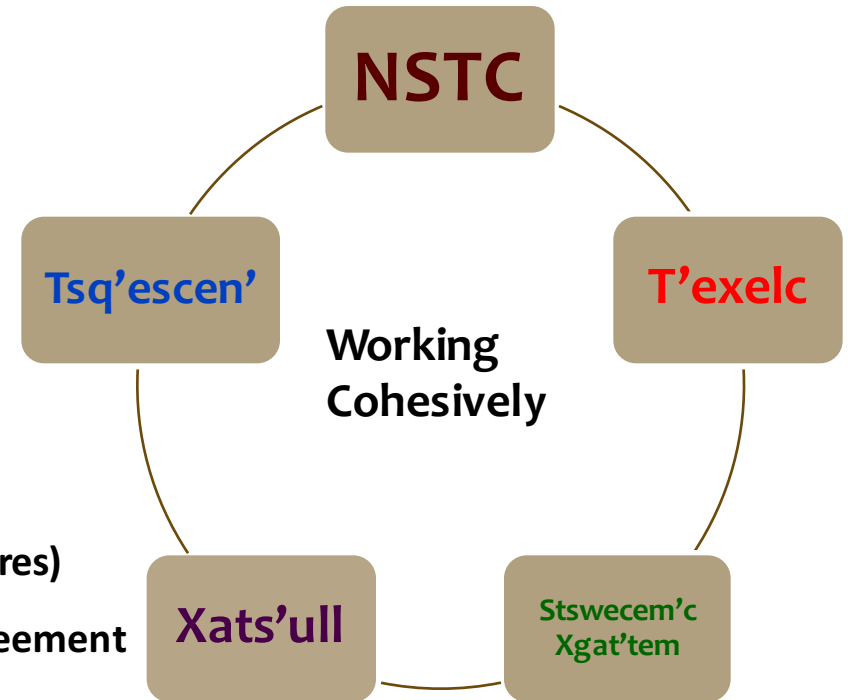
DEVELOPMENT OF LAWS AND POLICIES- NEXT STEPS

- Identify core laws to be in place as of Effective Date
- Begin drafting basic terms of core laws. **Engage with membership**, using draft Constitution as a process guide
- Identify and address key gaps in governance certainty, eg traditional family fields and member equity in housing

Tsuk7