



**BRITISH COLUMBIA
ASSEMBLY OF FIRST NATIONS**

***CELEBRATING
25 YEARS OF
SECHLT NATION SELF GOVERNMENT***

**PUGLAAS (JODY WILSON-RAYBOULD)
REGIONAL CHIEF**

October 8, 2011

Gilakas'la/Good Evening and Greetings: Elders; Chief Feschuk and Council; former Chiefs and Councillors; members of the Sechelt Nation and honoured guests, Ladies and Gentleman.

As the BC Regional Chief for the Assembly of First Nations, I am very honoured and very pleased to have been asked to make a few remarks on this important occasion celebrating and honouring the Sechelt Nation's 25th anniversary of self-government; the first self-government arrangement for one of our Nations in BC moving beyond the crippling and debilitating *Indian Act*. It is a great pleasure to be here today in your territory and to be joined also by my husband, Tim Raybould, to witness these events.

My traditional name is 'Puglaas' and my other name is Jody Wilson-Raybould. I come from the Musgamagw Tsawateniuk / Laich-Kwil-Tach people of Northern Vancouver Island and am a member of the We Wai Kai Nation at Cape Mudge.

Today has been an amazing day of culture, celebration and reflection and it is so great to see many friends and leaders. It is great to see so many of you here today who were involved in developing the Sechelt Self Government arrangements with so much foresight and enthusiasm over a quarter century ago. It probably does not seem possible how fast time has gone by.

In thinking about what message I wanted to convey tonight I, too, have been reflecting on where we have, collectively, come from as colonized peoples under the *Indian Act* to where we are today and where our Nations are moving forward in the future. I think back to 25 years ago.

25 years ago I was in high school but was well aware of the governance work ongoing at that time as a result of my father and grandmother's involvement. I remember the Constitutional talks in 1982 and the constitutional conferences on self-government that followed and how at that time our country was unable to clarify the space for Aboriginal governance within section 35. Given the fall-out from the Constitutional conferences it was even more impressive that your

Nation took the lead and continued to pressure for increased local autonomy, and under the leadership of former Chief Stan Dixon and others, with the support of the then Minister of Indian Affairs David Crombie, and key individuals in the provincial government, were able to craft what was at the time the only self-government arrangement in British Columbia and the only self-government arrangement outside of a modern treaty within the entire Country.

The Sechelt Self Government arrangements are incredibly important and a very powerful precedent given the way they were developed, the structure of the arrangements and the powers recognized for the institutions of the Sechelt government; both for the Sechelt Indian Band Council and the Sechelt Indian Government District. As a lawyer and now a politician, I truly believe that the Sechelt Self Government arrangements are probably the least understood and perhaps most mischaracterized self-government arrangements in Canada.

Sechelt self-government, if you read the legal and political text books, is often characterized as a “municipal” form of governance which it is not. Perhaps a reflection on the Sechelt Indian Government District which is recognized as a local form of government for provincial purposes and for participation in local government matters. But in looking at the *Sechelt Self Government Act* clearly Sechelt is much more than a municipal government and has law-making powers significantly greater than that of a local government. The arrangements here at Sechelt also stand out in that Sechelt lands are held in fee simple but they are also still reserves under section 91(24) of the *Constitution Act*; a unique, practical and working example of post *Indian Act* governance.

I am aware that at the time Sechelt became self-governing there were, in fact, few First Nations that actively supported Sechelt’s foresight. One of those communities that did actively and publicly support Sechelt was Westbank First Nation; whom my husband is representing today.

But as innovators you already know this; being a leader, being ahead of the curve and blazing the path is not always easy; at times, in fact, it is downright

unforgiving and a lonely place. In the world we, as First Nations' people live, it is not easy and incredibly hard to break the shackles of colonialism. And while it may be simple to pronounce ones sovereignty it is a far different thing to put rhetoric into practice and to walk the talk; to be self-governing within a complex modern polity like Canada.

The fact is all our Nations need to rebuild their governance and to take their rightful place as self-governing entities within Canada if they are to meet their full potential; and it is your leadership, and that of other self-governing Nations that is helping to pave the way to make this a reality.

Fast forward 25 years from the day your Nation became self-governing and there is now a current and renewed national focus on the importance of moving beyond the *Indian Act* and establishing strong and appropriate governance where the process is locally driven and culturally appropriate.

There are, of course, as there were 25 years ago, differing perspectives on what self-government means. On the one extreme, is it full self-determination in the form of sovereignty that at its most radical expression could ultimately lead to the eventual breakup of Canada. On the other extreme is it simply self-administration under the control and laws of another order of government. This is the 64,000 foot political, academic and legal debate into which our leaders often get mired. The truth, of course, lies somewhere in between which is what we see in all the self-government arrangements to date including your own arrangements here at Sechelt.

Quite frankly, and speaking not just as the Regional Chief but as a locally elected Councillor in my own community and a resident in one of our villages, the need for strong and appropriate governance is not a question of political posturing and ideology but rather what is required practically to effectively govern our lands and peoples and to create the foundation leading to an improved quality of life for our peoples with thriving and practicing cultures. As important a conversation it has been for the academics and the legal scholars about the nature of our

government and the fodder for political rhetoric, what our people actually need are practical solutions on the ground that will work and that build on our success. That will ensure we have good government and that we are responsible for the decisions that affect us and not Canada. This is all about making the lives of our people better.

What I have come to appreciate in my time in regional and national politics and working in my own community, is that before there can be any significant social change on the ground in implementing governance reform our people have to support it; not just verbally and politically through electing leaders that share the same vision, but they actually have to exercise their franchise and vote in favour of change. They have to vote for social change. The twisted reality of our post-colonial transition is that our people have to vote the colonizer out to move beyond the *Indian Act*; to re-establish self-government. This is because, as you are all well aware, the colonizer, in our case Canada, assumed responsibility for us when we were initially subjugated, and will not recognize our right to govern ourselves once again and repeal the *Indian Act* until our people vote for self-government.

This is what you told Canada some 25 years ago, with the faith of your own convictions and what was important to you and your community, when the members of the Sechelt Nation, on March 15, 1985, approved legislation enabling the Sechelt Government to exercise self-government over its lands. This was followed one year later when you held another referendum to approve the exercise of self-government and the transfer of land from Canada to Sechelt and, finally, in a third referendum on September 26, 1986 to approve your own Constitution.

Let us not understate the importance of this history. No other segment of Canadian society has had to decolonize or go through such a process to establish basic structures of governance and create the tools for economic and social advancement. The legal framework and institutional structure for good government to support economic development is in place for the rest of Canada,

but still, with the exception of yourselves and a handful of other Nations, is still not the reality for most of our peoples. It needs to become a reality.

Clearly the evidence shows that strong and appropriate governance is necessary for there to be long-term sustainable economic development and to provide for certainty and stability. Without self-government it is highly unlikely you would have been able to have benefited as much from your lands and resources in the way you have as witnessed by your successful gravel aggregate business; an activity which obviously fuels the economy of your community.

In the world of Indian politics in which we live and breathe, it is so important that we share our experiences, understand where our Nations are moving beyond the *Indian Act*, and to build on our success. Sechelt as the first self-governing First Nation in BC, but by no means be the last, is a model that needs to be properly understood and shared. It is in the spirit of cooperation that I would truly like to thank Chief Feschuk, his Council and Staff, and in particular Barbara Joe, for sharing your experiences as part of an initiative I have undertaken as Regional Chief to develop a comprehensive *Governance Toolkit: A Guide to Nation Building* for First Nations in BC.

The toolkit assumes that all First Nations are moving beyond the *Indian Act* at their own pace and based on their own priorities along a continuum of change. Of the 203 First Nations in BC, three quarters are engaged in some form of governance reform along a continuum that includes using authorities under the *Indian Act*, sectoral governance initiatives - such as land management, fiscal and education initiatives - and finally comprehensive governance arrangements of which Sechelt is the first of 12 other self-governing communities, under five arrangements. The Governance Report as part of the toolkit look at what our Nation are doing and have done – Sechelt features prominently. Thank you.

I also would like to add that I know from talking to other Chiefs how supportive Sechelt has been where communities want to come and learn from your experience. Thank you again for doing this.

I also know that being a ground breaker brings with it challenges. Governing and being self-governing is not easy and like all governments you have had your challenges and will continue to have challenges in the future. But despite the challenges it is always far better to be in control of one's own destiny and to be responsible for the outcomes of one's own decisions and to benefit from those decisions than to be governed by somebody else; far better to be your own master than relying on the decision making authority of someone far away who is not directly affected by the outcome of the choices they make.

For those First Nations still subject to the laws and policy decisions made by others they can only look on in admiration to what you have achieved being in control of your own future.

I know one of the biggest challenges for all self-governing Nations in Canada is securing adequate resources to carry out their responsibilities. While self-government means increased local autonomy, control and decision making in key areas, it does not relieve other governments in Canada from on-going obligations in those areas where they retain or have concurrent jurisdiction. Also where those governments need to recognize our governments' need to raise their own revenues and when they do so to use them to support their own legislative and public policy initiatives.

I also know the challenges your Nation has faced in looking to extend your self-government arrangements beyond your reserve boundaries to within your traditional territories as part of addressing the "land question" and settling issues of un-extinguished Aboriginal title. There remains significant work to be done in this area in settling land claims but Sechelt can continue to move forward with the knowledge, power and strength of self-government and the comfort that this brings with it. When you engage with the Crown you do so as a self-governing entity and not as an *Indian Act* band.

The BCAFN Governance Report and Toolkit, in which Sechelt participated, is one of a number of initiatives coming out of the four pillars of our BCAFN Action Plan. The Toolkit is part of the first pillar which is the need for strong and appropriate governance. The second pillar is fair access to land and resources, not just on our existing reserves, but within our traditional territories based on our Aboriginal title and rights. The third and fourth pillars focus on the individual; improved education and individual health respectively. We need healthy well educated citizens to take advantage of opportunities, support our governments and invest in our collective future.

Building on the successes of our past leaders in advancing our title and rights through the courts or negotiating agreements, we truly do have many opportunities that the previous generations did not. We are in an exciting period of change and transformation and we need to work so no community is left out or behind. We need to also ensure control of the 'governance beyond the *Indian Act*' agenda.

Over the coming months and years, First Nations, are going to have to address a number of pieces of federal legislation that deal with governance in a piecemeal fashion. These include as water, matrimonial rights and interests, political accountability and elections. While Nations that remain governed under the *Indian Act* will have to address this piecemeal approach to dealing with aspects of self-government, Sechelt can govern comfortably knowing you have already addressed these issues in your own way and this national activity does not directly affect you.

At the end of the day what most of our Nations want is what you already have; that is comprehensive governance arrangements beyond the *Indian Act*. Not stop gap measures federally initiated. Your Nation does not have to worry about such initiatives in the same way other Nations do as Canada tinkers around the edges of First Nations' governance in the absence of comprehensive governance arrangements and a simplified process for a Nation to move beyond the *Indian Act* when it is ready to do so.

One aspect about the Sechelt push for self-government and your own experience that was so impressive was how, with political will, the deal was pulled together so quickly relatively speaking. Your arrangements were conceived and executed within the space of months and years as opposed to years and decades for those that are coming after you. From what I can see there were no long protracted negotiations and no “industry” created around your practical approach to the need for self-government. This is something all of us involved in looking for solutions to assist our Nations to move beyond the *Indian Act* should take note of. There needs to be a way for all our Nations, when they are ready, and as you have done, to develop their own constitution and draw down jurisdiction as required without the need for interminable debate and negotiations while the meter runs for legal and consultant fees. We need some sort of practical federal legislation that recognizes the need for self-government and provides for the transition from the *Indian Act*. We need to simplify and speed up the process for those Nations that are ready for this change. We need it now and cannot afford to wait another generation.

I am optimistic that building on yours and other First Nations’ success we will, in fact, create the tools so that all our Nations can develop their own Constitutions that establish the structure of their government as determined by their people with the range of jurisdictions needed to effectively govern their lands, resources and people.

So once again we applaud you for what you have achieved along the continuum of where all our Nations are moving. I hope that when we are here celebrating the golden anniversary of your self-government that the majority, if not all of our Nations, will have passed through the post-colonial door, discarding the shackles of the *Indian Act*, having re-established their own strong and appropriate governance.

On behalf of all the Chiefs of British Columbia, I extend our warmest congratulations and I would like to present this gift in recognition of your

achievement and I look forward to working with you in the months and years ahead as we continue to advance our title and rights with the ultimate objective to make the lives of our people better.

Gilakas'la...