



**BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS**

**CANADIAN COUNCIL FOR ABORIGINAL BUSINESS –**  
**ABORIGINAL BUSINESS FORUM: *BUILDING***  
***SUSTAINABLE BUSINESS***

**Government's Role in Building Business**  
**~Panel Discussion~**  
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**“Building Sustainable Business”**

Gilakas’la. Greetings to each of you. My name is Jody Wilson-Raybould. My traditional name is Puglaas. I come from the Musgamagw-Tsawateneuk / Laich Kwil Tach people, part of the Kwakwaka’wakw, the Kwakwala speaking people of northern Vancouver Island.

I am pleased to be participating in this CCAB’s Aboriginal Business Forum focusing on Building Sustainable Business.

Government’s role in building business is the theme of this panel. I would like to provide, perhaps, a somewhat different take on this question. For me the question really is “What is First Nations’ government role in building business?”

All levels/orders of government in Canada have important roles to play in helping rebuild First Nations’ economies but it is our governments, First Nations’ governments, who arguably have the greatest role – and not just with respect to our reserve based economies, but beyond. And we need the tools to do it.

Strengthening the First Nation economy will strengthen the Canadian economy and provide opportunities for not only First Nations’ businesses but also non-Aboriginal businesses.

Canada is currently coming out of one of the worst recessions in modern world history and we are doing somewhat better than our neighbours to the south and the other western liberal democracies. When the current recession began and governments around the globe began talking about “economic stimulus” many of our Aboriginal

leaders said First Nations have always been in a state of recession and in need of stimulus. This was a statement about the health of the majority of First Nations' economies and the lack of participation by our own people in our own economies and within the broader Canadian economy generally.

While important it is not just about stimulus and the need for money. Economic health is determined by the type of policies and the laws made by governments and the politics of that government. But you all know this.

Your businesses and companies no doubt support government that understands what is needed for your companies to compete in a global marketplace. You support and donate to the political parties of your choice and you can influence public policy in many ways. Within this world of politics and economics non-Aboriginal government is already well established with a legal framework that has been developed over hundreds of years reflecting the will of the people and the policy and priorities of those who influence and control the government. Today we take for granted our modern market economy and the legal and political framework that supports it.

Turning now to the governments of the people whom I represent...

First Nations' governments are not like other governments in Canada. Our system of government is in a state of transition. For years we have been under federal administrative authority and our people and our economies have been governed separate and apart from non-aboriginal Canada through the *Indian Act*; neither an appropriate framework for First Nation's people - nor for any people for that matter.

Thankfully, however, this is all changing - but not fast enough. And why is this changing? Because there are people, like yourselves, and

Aboriginal leaders and federal and provincial politicians, that have supported legislative initiatives to replace the *Indian Act*. They have supported the negotiation of governance as part of modern land claims or in the context of pre-existing treaties to facilitate the transition from *Indian Act* government to appropriate government for today's world. Government, where a First Nation so chooses, that is supportive to private sector investment.

Of course, I could tell you stories about how non-aboriginal government was dragged, kicking and screaming, to the negotiation table, either through political lobbying or litigation. However, today there is a general consensus that supporting First Nations' developing appropriate governance is simply the right thing to do. And why is it the right thing to do? Because Canada's economy and First Nations, and our collective futures, are intertwined.

In order for First Nations' people to make the most of opportunities on existing reserve lands and contribute to the broader economy the system of government and the legal framework needs to be changed from the ground up. But this is also true for off-reserve and within the traditional territories of our First Nations - within a treaty territory or a territory of un-extinguished aboriginal title.

The Courts have established a principle that the Crown must consult and accommodate First Nations where aboriginal rights are impacted. This is changing the way government, and by implication, industry deals with First Nations. In my province, BC, it is almost next to impossible for a significant development to take place within the traditional territory of a First Nation without meaningful involvement with the First Nations. So it begs the question "With whom do you consult and perhaps enter into an accommodation or benefits agreement?" And when business or industry so desire, with whom do you enter into a business relationship?

And so I return to my main point - in the absence of appropriate governance at the First Nations or tribal level it is not only difficult to know with whom you are expected to do business but also whether the political and legal structure of the group you are dealing with has the authority and/or political legitimacy to engage with you. A serious problem for First Nations if we are to take advantage of opportunities and develop our economies, but also now, a serious problem for the Crown and industry.

To put it another way, the very limitations of *Indian Act* reserve based government that hindered the ability of our Nations to develop economies on our reserve lands are now the same impediments to engaging with industry and businesses off reserve within our broader traditional territories and therefore impacting the broader economy.

So what are we doing about this?

In my province I was elected to the AFN on a platform that focuses on four interrelated areas (1) the establishment of strong and appropriate governance, (2) fair land and resources settlements (a huge issues in BC where we do not have settlements) (3) Education, and (4) individual health. The last two are a recognition that we also cannot take advantage of opportunities if we do not have a healthy and well educated citizenry.

My focus here today is, of course, on governance. There are a number of legislative opportunities, the *First Nations Land Management Act*, the *First Nation Oil and Gas and Moneys Management Act*, and other initiatives that support the necessary transition from *Indian Act* governments either sectorally or comprehensively. But for real change to occur in a meaningful and broad way, all our communities must go through their own process of local transformation, healing, rebuilding, call it what you may. Our colonial period must officially end.

This is a process that cannot be dictated by the federal government or any other external organization. Change will not be initiated through federal civil servants or bureaucrats however well meaning. At its core this is a political process of change that starts with us; First Nations. Change will come from the people who are directly and significantly affected. This means the citizens of our communities, the business leaders who have a mutual interest in seeing stable and appropriate government and other Canadians.

It will, of course, require continued federal government and where appropriate provincial government support. There will be need for future legislation. This is a mammoth task and not one to be undertaken lightly. There are 633 First Nations or Bands in Canada and 203 in my province.

At the BCAFN we are developing what we are calling “A Governance Engagement and Assessment tool” for First Nations which will help communities begin this process of transformation if they have not already started, or if they have, refine their plan. So that our leaders and our citizens with the support of their staff, can begin the process of deconstructing their current *Indian Act* reality and begin laying a path for post-*Indian Act* governance building the institutions they need to govern and make decisions. It is the vision that every community will be able to have this conversation and begin moving forward with their own colonial “exit” strategy.

This will take leadership. It will also take financial resources. Business and industry has the opportunity to invest in the rebuilding of our governments where doing so will undoubtedly create a better business climate on-reserve, and provide certainty off reserve.

I would ask the members of the CCAB to seriously look at ways that your companies and your organisation can support the establishment of strong and appropriate governance in our communities. Of course I know many of you already do and are helping in different ways. This is

also a call to our aboriginal business leaders. You too have a continued role to play in ensuring our governments are properly constituted and run well.

So in closing we all have a role to play and an interest in supporting First Nations during this transition period. In the BC Region, as we roll out our community based governance engagement and assessment tool, we will be looking for support and help. So someday when we meet as an Assembly of First Nations, it truly is an assembly of post colonial First Nations.

And finally, in moving forward with governance reform we should never lose sight of the underlying objective. Economic development and business success is not the end in itself but is rather a means to an end. That end being healthier and more prosperous First Nations' communities with our people enjoying a higher standard of living with practicing and thriving cultures.