

Comprehensive Self- Government

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Introduction

- FN may enter into self-government agreements/treaties with Canada
- These agreements are generally limited to matters internal to the FN & their lands
- Criminal law and international law are deliberately left out
- FN laws, provincial laws and federal laws are all allowed to co-exist
- The agreement provide for that relationship & sets which laws have priority

- Decision-making & priority setting will be by the FN government & not by INAC
- FN government has the ability to delegated its powers & create its own institutions
- FN government is bound by the Charter of Rights & Freedoms
- FN government must also develop a constitution setting out the government structures & various rights for its citizens
- Agreements must address the need to strengthen key elements of governance, including fiscal & management regimes.
- They must also promote governance systems with the capacity, size, resources & legitimacy to provide effective governance, positioning Aboriginal communities to pursue opportunities for economic development

Land Management Portfolio

- Self-government agreements address:
 - The structure & accountability of Aboriginal governments
 - Their law-making powers,
 - Their financial arrangements, and
 - Their responsibilities for providing programs & services to their members
- Self-government agreements have many forms based on the diverse historical, cultural, political & economic circumstances of the Aboriginal groups, regions & communities involved

- FNs establishing self-government must establish & maintain land management & environmental protection systems equal in scope & competence to those on the FNs Land Management regime or RLEMP land regime Operational Level.
- Like FNLM, self-governing FNs will be fully liable for their land, natural resource and environment actions.
- It is critical to have a well-thought out land code, managed by a well-organized Lands Office, and staffed by fully certified Land Professionals.
- Self-government FNs may be more attractive to investors, & this may facilitate partnerships between Aboriginal governments, other governments & the private sector.

Concluded Agreements

- Canada has signed 22 self-government agreements recognizing a wide range of Aboriginal jurisdictions that involve 36 Aboriginal communities across Canada.
- 18 of those are part of a comprehensive land claim agreement (modern treaty).
- Another form of self-government is sectoral negotiations where one or two jurisdictions are negotiated with an Aboriginal groups
- Examples of sectoral education negotiations include:
 - Mi'kmaq Education Partnership in NS & ongoing negotiations in BC.
 - FNLM