Self Government:
Journey, Institutions, Jurisdictions, &
Community
Overview
1. Introduction to Westbank First Nation
2. The Road to Self-Government
4. Measuring Success
5. Community Planning
Westbank First Nation

Territory

- Member of the Okanagan Nation – Traditional Territory
- Territory spans to the North and East to the Rockies, West towards Merrit and South into Washington State.
- WFN is comprised of 5 Reserves and has a total land base of 5306 acres.
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Westbank First Nation

- Approx. 800 Members.
- 2/3 live on reserve.
- A very young population - 50% of our population is under the age of 40.
- Rising education levels.
- WFN is a self-governing First Nation, under the WFN Self Government Agreement.
- Governed under the WFN Constitution, WFN Law, Policies, and Planning.
Some Statistics

- Number of reserves: 5
- Approx. acreage of Westbank Lands: 5,340
- Non-member residents: 10,000
- Businesses on-reserve: 400
- Council – elected every 3 years: four Councillors, one Chief
- Advisory Council - elected by non-members every 3 years:
- Budget: $40 million
- Number of Employees: 200+
WESTBANK FIRST NATION

The Road to Self Government
The Vision

Through self-government Westbank First Nation (“WFN”) will recognize and honour its history, culture and connection to its lands and create a stable, accountable government to support social and economic development.
The Road to Self Government

- Okanagan were self-governing before colonization and imposition of the *Indian Act* in 1876.

- The Royal Proclamation of 1763 ensures that the nations or tribes of Indians would not be molested or disturbed.

- 1871 - BC joins Confederation – aboriginal rights were not adequately addressed.

- Imposition of the federal *Indian Act* in 1876 – establishes ‘Indians’ as wards of the State.

- 1963 – Westbank separates from Okanagan Indian Band (Vernon).

- 1970s – WFN begins to explore options for self-government along with other progressive First Nations in BC.

- 1982 – Section 35 of the *Canadian Constitution Act* recognizes and affirms Aboriginal and treaty rights

- 1988 – the ‘Hall Inquiry’ identifies problems with the way Westbank is governed and recommends changes including self-government.
The Road to Self Government

- WFN began governing its lands under delegated authority in the early 1980s
- WFN began collecting property taxes in 1991
- Negotiated a self-government Agreement (SGA) with Canada that came into force on April 1st 2005 under the Westbank First Nation Self-government Act.
- WFN SGA implements self-government based on recognition that the inherent right of self-government is an existing aboriginal right within section 35 Constitution Act 1982
Mission Statement & Values

WFN will work to promote a healthy and prosperous future to ensure its continued existence as a strong political, social and cultural community.

Equality, Honesty and Fairness, Respect, Accountability and Transparency, Understanding, and Confidentiality
Self-Government Authority

Self-Government Agreement (with Canada)

Implementation Plan

Financial Transfer Agreement

Westbank First Nation
- Constitution
- Westbank Laws
- Policies

Canada
- WFN Self-Government Act
- Westbank Land Registry Regulations
Key Governing Document

- The WFN Self Government Agreement
- The WFN Constitution
- The 2010 WFN Community Plan
The Self Government Agreement

- Acknowledges there is an aboriginal or inherent right to self-government.
- Is a bilateral agreement with Canada.
- Is not a treaty
- Sets out the relationship between Westbank Law and federal laws
- Applies only to existing Westbank Lands or future lands.
- Westbank Lands remain federal reserve lands under s.91(24) of the Constitution Act.
- Third party interests in Westbank Lands are protected.
- Existing Certificates of Possession, leases, and other interests in WFN Lands continue under their terms and conditions.
The Self Government Agreement

- WFN members continue to be entitled to rights and benefits as aboriginal peoples and Canadians.

- Reflects a government to government relationship between WFN and Canada.

- Non-derogation clauses protect aboriginal rights of WFN and Okanagan Nation. WFN may participate in other processes to implement self-government.

- Fiduciary relationship between Canada and WFN continues.
- WFN can “draw down” jurisdiction at its own pace.

- Identifies additional jurisdiction areas for further negotiation.

- Includes principles for financial transfer agreement.

- Charter of Rights and Freedoms apply to WFN government with due regard to section 25 of the Charter.

- WFN Constitution ensures open, accountable and transparent government. The Constitution comes into effect with Self-Government.

- A five member elected Advisory Council represents non-member interests.

- Canada’s liability for past wrongs continues with mutual indemnification clauses.

- Built-in review of SGA within five years of WFN ratification.
- Westbank First Nation Membership*
- Wills and Estates*
- Financial Management
- Westbank Lands and Land Management
- Landlord and Tenant
- Resource Management
- Agriculture
- Westbank Environment
- Culture and Language*
- Westbank Education*
- Westbank Health Services*
- Enforcement of Westbank Laws
- Licensing, Regulation and Operation of Businesses
- Traffic and Transportation
- Public Works, Community Infrastructure and Local Services
- Public Order, Peace and Safety
- Prohibition of Intoxicants
Institutions of Government

Legal Status,
The Members, Council
The WFN Constitution
Legal Status

- Westbank First Nation is recognized as a separate legal entity with the capacity, rights, powers and privileges of a natural person with the capacity to do various functions. (Westbank Self-Government Agreement: Part III, s. 19)

- The SGA also recognizes public legal capacity of WFN as a government with power to pass and enforce laws.

- SGA recognizes the government of WFN and its institutions as “public bodies” for the purpose of tort claims. (Part IV, s. 24)

- The SGA sets out the requirement for a WFN Constitution consistent with the Agreement which will provide details of establishing a WFN Government, system of administration, process for enactment of laws. (Part VI, ss. 42-52)
Membership

- Defined in the WFN Constitution
- Currently developing a Membership Code
- Membership Administrator is responsible for maintaining the membership role
- Membership population: 800
- Maintains the status quo under the Indian Act.
- WFN can develop, at its own pace, Membership Rules that will be voted on in accordance with the Constitution.
- Is a requirement that the community vote on transfers at a Special Membership meeting.
- Gives more decision making power to the community
The WFN Constitution

1. Principles
2. Membership Rules
3. Duties & Responsibilities of Council
4. Officers and Employees
5. Elections of Council
6. Council Procedure and Meetings
7. Law Enactment Procedures
8. Conflict of Interest
10. Land Rules
11. Referendum Procedures
12. Amendment
13. Liability
14. Coming Into Force
Developing the Constitution

- Community Working Group (CWG) established (10-15 members). Most families were represented. There were no Members of Council on the CWG.

- CWG was not paid for their time.

- The group met most Wednesdays for 6 months to develop the Constitution. As the time to vote drew nearer the meetings became more frequent and longer.

- Each Chapter was dealt with individually.

- Policy questions were developed for each Chapter. Specific concerns from WFN experience were considered.

- The CWG discussed, debated and ultimately answered the policy questions.
- Legal council was at the table and provided legal advice (not policy) and received instructions directly.

- Language was drafted and brought back to the CWG and the Chapter language refined. As new policy questions came up they were answered.

- No one model was used as a template although precedent language was used from time-to-time.

- RESULT - Implementing self-government has resulted in Westbank First Nation solidifying its reputation for good governance practices and stability. This has led to financial security and protection to investors, residents, and businesses on WFN Lands and working partnerships with financial institutions, local community and government.
Council

- 5 Council Members (4 Councillors and 1 Chief)

3 Year Terms

Duties and Responsibilities are outlined in the WFN Constitution

Salaries are set according to the WFN Council Remuneration Law (can get a decrease in salary)

Councillors can be removed from office with a petition of 40 electors.
Financing

Government

Taxes
Own Source Revenues
Financial Transfer Agreement
Revenues

- Collect Property Taxes - $10-12 million
- Consistently since 2003 the growth of annual assessed value has outpaced the province and other municipalities in the region.
- WFN’s GDP has grown from $100 million to nearly $500 million. (Fiscal Realities).
- Collect the sales tax on alcohol, gas, and tobacco (Sin Tax) – approximately $1.5 million
- Financial Transfer Agreement - $6.5 million
- Own Source Revenues
- Annual Budget of approximately $35 million
A Growing Economy

- Westbank self-government has been enormously economically successful since it was implemented in 2005.
- $480 million has been generated in investment based on building permits.
- The Westbank economy has grown by 466% or 21% per year based on estimates of Westbank GDP (20 times faster than the BC economy which grew by 20.5% over the same period.
- Westbank tax revenues have grown from $6.2 million to $15 million (9.2% annual growth rate). Canada’s revenues (select) have grown by 6.0% per year from $36 million to $64.5 million and similar BC revenues have grown by 9.8% per year from $17 million to $43 million.
- Today only about 20% of the WFN budget comes from Canada with the remainder coming from WFN’s own source revenue.
WFN PROPERTY ASSESSMENTS BY CLASS 2000 - 2015
Government Revenue Collected on WFN Lands

Westbank First Nation (Property and First Nation Tax)
British Columbia (Personal & Corporate Income Tax and Sales Taxes)
Canada (Personal & Corporate Income Tax and Sales Taxes)
WFN GDP (2015 dollars)
Westbank First Nation

Measuring Success
Sensisyusten House of Learning - education as priority.
Our Elders
WFN Elders’ Hall – A place of their own
WFN Health and Wellness Centre – supporting the community
Sncəwips Heritage Museum
Standing Committee on Indigenous Affairs Visits Westbank
Opening of Campbell Road Improvements
The Annual Siya Celebration
Some Impacts of Self-Government

- Increased accountability and transparency of WFN government.
- Political and financial stability.
- Security of land tenure (individual and collective).
- Increased property values.
- Increased opportunities for members (employment, business, education, etc.).
- Improved standard of living and social web of community.
- Increased capital investment on WFN Lands (infrastructure and associated land development).
- Increased cultural awareness and cultural programming.
- Community pride in being self-determining and not governed by Canada.
- Significant contribution to local economy – fiscal & economic.
- Fiscal benefit to federal and provincial governments through the generation of sales tax, personal income tax and corporate tax revenues on Westbank Lands (annual tax revenues approx. $80 million).
Some Stats

- Over $300 million in construction investment since 2006.
- Development on WFN Lands has created about 3300 Full Time Employment Opportunities.
- WFN has more development on its lands than any other reserve in Canada.
- WFN Reserve land property assessments are now valued at over $1.3 billion (an increase of $47 million from 2012).
Some Stats

- Annual Education budget of approximately $2 million
- 42 post secondary students.
- Approximately $1.75 million invested annually in membership housing.
- Nearly zero unemployment
- Increasing voter turnout – over 50% in the last election.
Government Transfers: 22%

Fees, Charges, Investment: OSR, 40%

Taxes (Property, FNT): 38%
Community Planning
Vision
Purpose
Direction
WFN Community Planning.

- This fast pace of development formed part of the impetus for Members to engage in the CCP process.
- In 2006 WFN embarked on a comprehensive community planning process.
- Funding – AANDC/WFN
- Community driven process that resulted in a policy document which was crafted largely by the community.
- Adopted as Law under the WFN Community Planning Law.
- It acts as a guide to Council and paints a picture of where the WFN Members want to be in 20 to 50 years.
WFN Community Planning

- Initiated by Council fall of 2006.
- Started community engagement in January 2007
- Desire from Council and Membership
- Monthly Community Meetings
- SWOT: INAC Handbook
- Had final plan reviewed by independent Planner to ensure the plan could also conform to the requirements of the Local Government Act
- Adopted by WFN Community Plan Law, November 22, 2010.
Community Engagement

- Over 35 meetings
- 4 years of engagement
- Met with youth, elders, individual families, community planning committee, Chief and Council, conducted a community survey.
- Taking the time to engage the community created community buy in at the grassroots and political levels.
- Taking time to thoroughly discuss different topics gave Members the opportunity to express grievances, share their vision for the community, and in the end allowed us to develop a Plan that was holistic and inclusive of the variety of views within the Membership.
Traditional Knowledge
Finding a Cultural Basis

WFN Comprehensive Community Planning
En'owkinwixw
A Cultural Basis

• Acknowledges every viewpoint as equally valid yet incomplete in their entirety
• Requires the input from all the ‘voices’ in a community
• Disagreement is seen as a natural part of the process
• Outcome is a singular forward looking compromise that is an agree upon solution.

WFN Comprehensive Community Planning
The 2010 WFN Community Plan?

The heart of the Plan consists of four sections, which are based on the Four Food Chiefs.

1. Governance: Black Bear
2. Economy: Spring Salmon
3. Land: Bitter Root
4. Community: Saskatoon Berry
Governance: Chief Black Bear
• Governance
• Leadership
• Inter-Governmental Relationships
• Aboriginal & Indigenous Rights

Economy: Chief Spring Salmon
• Community Economic Development
• Taxation
• Employment

Land: Chief Bitter Root
• Land & Environment
• Community Infrastructure
• Traditional Territory & Natural Resources
• Parks and Recreation

Community: Chief Saskatoon
• Culture/Heritage
• Health and Wellness
• Community Safety
• Education
• Housing
• Elders
• Youth
• Families
The 2010 WFN Community Plan provides a foundation for traditional ways of governing and living to be incorporated into our government.

Four Food Chiefs are now used to structure our departments, our Council Committees, financial reporting, all other planning documents.

The institutions of good governance and economic development have provided the tools for our people to move forward, but the community planning process has provided the blueprint for who we want to be.
Way’ Lim’lemt / Thank You
Questions & Comments

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