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## **Successful First Nations Policy Development: Delivering Sustainability, Accountability, and Innovation**

Jennifer Brennan,  
on behalf of the Assembly of First Nations

### **Introduction**

There is a profound need for a process that will afford Aboriginal peoples the opportunity to restructure existing governmental institutions and to participate as partners in the Canadian federation on terms they freely accept. This conclusion of the Royal Commission of Aboriginal Peoples (RCAP) (1996, 244) accurately identifies a central challenge for the Assembly of First Nations (AFN). The AFN, as the political representative for First Nations governments throughout Canada, has amassed a great deal of experience in dealing with the Government of Canada. Indeed, it is our perspective that a critical determinant of a successful outcome for the full range of engagement—from senior government-to-government negotiations to policy development and singular program considerations—lies in the initial process design.

This paper will provide a general overview of examples of interaction between First Nations and Canadian governments, as well as Indigenous peoples and state governments in other parts of the world. From these examples, both situations to avoid and best practices emerge. Based on this information and direction received from First Nations by way of our assemblies and policy forums, the AFN has designed a First Nations policy development model.

This paper presents the First Nations policy development model and fully describes its elements, considerations, and operating principles. We also provide examples of the utility of the model guiding the engagement of the AFN in critical intergovernmental fora, as well as on specific project initiatives currently underway with the Government of Canada.

### **Treaties: The Essential Starting Point**

In addressing the question of appropriate interaction between the Government of Canada and First Nations peoples, the treaty-making process is the essential starting point. While this paper does not seek to fully describe the history of the

treaty process, its clear purpose of establishing mutual protection and coordination, as is evident in the early contact and treaty-making processes, informs this discussion. By 1763, Aboriginal/English relations had stabilized to the point where they can be seen as grounded in two fundamental principles: recognition of the autonomous status of Aboriginal nations and acceptance of the fact that Aboriginal nations exercised full entitlement to territories unless, or until, they ceded them away (RCAP 1996, 114). Therefore, we can establish that the first period of interaction between First Nations peoples and what was to become the Government of Canada was characterized by recognition and respect, and the shared goals of co-operation and mutual co-existence.

This paper argues that, after two and half centuries of interaction, the central challenge to finding effective ways for both sides to engage in the new millennium is in finding mechanisms that accurately reflect this original point of interaction between the peoples of the First Nations and the Government of Canada.<sup>1</sup> Of course, we must be cognizant of change over this time and of the resultant implications, which may create different conditions than those anticipated during the early contact period. For the purposes of this paper, we seek to draw not from the content of these interactions but, rather, from the principles and processes of interaction.

Certainly, the time and space required to appropriately summarize First Nations—government relations from the treaty-making period to the present are beyond the scope of this paper. However, many excellent studies are available on this topic: the RCAP reports are particularly relevant, as are important studies such as Sarah Carter's *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (1993). As these studies point out, the waning military importance of First Nations in the mid-1880s gave rise to new policy orientations on the part of the Canadian government. The central policy goal of ensuring alliance and military support from First Nations was gradually displaced by new goals aimed at cultural transformation and assimilation. Achievement of these goals allowed for greater access to First Nation territories that were required for the emerging settler economy. This transformation ushered in a long period of unilateral policy-making by the Government of Canada. By almost every measure, this phase of policy-making failed to achieve any desired outcome for First Nations people. Furthermore, it is the position of the AFN that this phase produced devastating effects<sup>2</sup> that are the direct causes of the current gap in socio-economic conditions between First Nations and the rest of Canada.

In reaching for sustainable solutions, the AFN believes that we must begin with a deliberate and careful plan. Such a plan must be based on the broad goals of reconciliation and respect that reflect the goals of the original relationship. Furthermore, it is believed that achieving sustainable solutions will require intense planning and effective processes to enable change to succeed.

Much can be learned from a summary of attempts at policy engagement in the recent past between First Nations and the Government of Canada. Beginning with the round of Constitutional talks that culminated in the Charlottetown Accord of 1992, First Nations and the various governments of Canada generally expressed some desire to find effective ways to work together. Despite this general agreement, a wide variety of attempts to arrive at policy change occurred. The following overview attempts to point out both the strengths and weaknesses of these attempts.

## **The Experience of Engagement**

### **Royal Commission on Aboriginal Peoples (RCAP)**

The RCAP process itself represents a unique and powerful mechanism to fully discuss and consider an appropriate strategy to move forward. First Nations thoughtfully and thoroughly participated in this process and the final report of the RCAP is now generally regarded by First Nations as the most comprehensive and accurate summary of the First Nations perspective. Yet, RCAP itself was not intended to be a vehicle for change. Rather, the RCAP report set the context necessary to enable both First Nations and the Government of Canada to respond and to act in an appropriate way to produce the changes required to address First Nations issues.

So, while the RCAP process itself was successful in meeting its own objectives, it is at the point of response and action that its limitations are revealed. While RCAP delivered hundreds of very specific recommendations, a coordinated, specific plan and process to effectively and practically move forward was not provided. First Nations governments and the federal and provincial governments of Canada had varied responses. While First Nation governments and organizations generally responded positively, they typically did not have the capacity, resources, or, perhaps, the leadership focus, to drive a plan for implementing change.

### **Gathering Strength**

The response from the Government of Canada, entitled *Gathering Strength*, although viewed positively by some First Nations, was seen as a limited response to some portions of the RCAP report. Even the response itself admits limitations, as it indicates that the “RCAP report served as a catalyst and an inspiration” for setting “a new course in Federal policies for Aboriginal people,”<sup>3</sup> rather than directly informing a process to implement RCAP’s recommendations. *Gathering Strength* expressed important values regarding partnership and reconciliation, which were important initial steps; however, by most accounts, it did not deliver the intended or anticipated change in the policy relationship.

Despite endorsement by the entire Cabinet, with a change in leadership both at the ministerial and senior administrative level at Indian and Northern Affairs Canada (INAC), *Gathering Strength* quickly lost influence and relevance. The most stunning evidence of this was found in the process leading to the introduction of the proposed First Nations Governance Act by Robert Nault, the new minister of Indian and Northern Affairs.

## First Nations Governance Act

Despite the explicit objections of First Nations, Minister Nault unilaterally developed an approach and process that would have direct impacts on First Nation governments.<sup>4</sup> First Nations raised specific concerns with the orientation and content of the proposed legislation, but the most repeated and salient characteristics of the opposition were to do with the process.

First Nations have opposed the process by which Minister Nault set about to achieve these ends. The majority of First Nations rejected the consultation process stating that the content was arbitrarily limited and the outcomes pre-determined. Those who did participate tabled serious concerns that the initiative did not provide sufficient consultation and that the content did not reflect the priorities of the First Nations.<sup>5</sup>

In the end, of course, the First Nations Governance Act also failed to meet its intended outcomes as it did not become law. The First Nations Governance Act died on the order paper due to the intense opposition of First Nations and the reluctance of the federal government to continue to pursue a measure that was so unpopular.

These two examples of government-initiated policy change, *Gathering Strength* and the proposed First Nations Governance Act, differ in many respects. *Gathering Strength* attempted to set a course of action based on key principles that would include First Nations. However, its potential to create lasting change appears to have been cut short by a lack of political will across the federal government, making it vulnerable to a change in leadership. By contrast, the First Nations Governance Act aimed to target specific policy and program irritants for INAC, as opposed to First Nations priorities for change, and sidestepped the development of a process of engagement almost entirely. In fact, as described above, the consultation effort associated with the First Nations Governance Act was largely seen as completely illegitimate by First Nations.

While clearly different approaches, both *Gathering Strength* and the First Nations Governance Act were developed and driven almost exclusively within INAC. Indeed, while these initiatives may have had other weaknesses (namely a lack of clear targets in the case of *Gathering Strength* and the complete lack of recognition and respect for First Nations in the case of the First Nation Governance Act), it is possible to conclude that a central factor in the failure of these efforts to produce change was that they did not allow for First Nations to drive the process from the outset. These examples, therefore, illustrate that First Nations must be engaged

from the earliest stages of a process to establish principles and priorities, in order to produce change that can be sustained and produce desired results.

Still, such engagement does not provide the entire answer. An examination of two policy efforts in which First Nations did, in fact, play a key role from the outset of the process provides additional important information to consider as these efforts also failed to reach their intended outcomes.

## **AFN/INAC Joint Initiative For Policy Development**

The AFN/INAC Joint Initiative for Policy Development (Lands and Trusts Services sector) was initiated jointly by the national chief of the Assembly of First Nations and senior officials within INAC in 1998. This initiative clearly included extensive engagement with First Nations. In fact, the first principle adopted as part of the process was that it would be driven by First Nations concerns. However, this process was limited to dealing with one sector within INAC and therefore, despite a broad commitment to general principles, AFN and the First Nations involved were limited by the constraints of departmental organization and a lack of department-wide commitment, let alone by the Government of Canada. Still, there are important lessons to be derived from this process.

In a paper released by the AFN,<sup>6</sup> both the strengths and weaknesses of this process were presented. First, it summarizes the Joint Initiative as containing the following positive procedural elements:

- Shared commitment
- Flexibility
- Clear principles
- Inclusive and open process
- Recognition of First Nation values

Several aspects of this process are worthy of note. First, the process was First Nations-driven, allowing for trust within First Nations to gradually evolve. Second, accessibility of senior level officials within INAC was deemed a critical element for progress. Third, careful consideration was given to ensure an effective evolution of policy. The AFN insisted that they must conduct extensive research on all subject matters and, further, that regional and national dialogues must be maintained at all critical stages of the initiative.

In this paper, the AFN also identified significant barriers—systemic, structural, and environmental—that threatened the Joint Initiative's progress. In the end, this assessment proved prescient, as a change in leadership at the ministerial level at INAC led to the swift termination of all funding for the initiative. This termination occurred despite rising expectations for change resulting from a national gathering, attended by hundreds of First Nations individuals from across Canada, and the production of specific implementation plans for anticipated change.<sup>7</sup>

## **Joint First Nations—Canada Task Force On Specific Claims Policy Reform**

The Joint First Nations—Canada Task Force on Specific Claims Policy Reform provides another example of extensive First Nations engagement in a policy initiative with the Government of Canada. This exercise, which began in 1997, was based on the clearly shared desire and commitment of both the Government of Canada and First Nations to improve the existing claims policy.

Both Canada and First Nations agreed to use this task force to “find mutually acceptable means by which to settle claims.” Importantly, the task force was a technical forum comprised of regional First Nations representatives and federal officials from both INAC and the Department of Justice. This process, therefore, benefited both from a clear focus as well as a degree of parity in terms of the human resources each side brought to the table. Legal expertise and research, from a First Nations perspective, were resourced through this initiative.

The recommendations of the Joint Task Force, tabled in 1998, were never acted upon. Despite commitment by the ministers involved, Cabinet did not approve the changes being sought. Instead, INAC brought forward a significantly different approach in June 2002: Bill C-60—the Specific Claims Resolution Act. The legacy of this process remains, however, as First Nations continue to advocate for adherence to the task force recommendations prior to the bill’s receiving royal assent.

When we examine the broader international context, additional examples of Indigenous peoples interacting with state governments illustrate the importance of the process, and provide additional characteristics to successful engagement.

### **New Zealand**

The failure of the so-called “Fiscal Envelope” proposals in New Zealand in the mid-1990s has been attributed largely to the fact that there had been no formal joint process or engagement leading to the release of the proposals. The Maori objected to the total lack of adequate consultation, the principles behind the proposals, the government’s assumptions and claims of ownership over natural resources, and the billion-dollar cap. The Maori united against the proposal not only for what it proposed, but how it was developed and presented (Akiwenzie-Damm 2000, 24). They were angered by what they interpreted as “a slick and expensive public relations campaign designed to make the Government look like a reasonable and generous benefactor” (Orakei Research Unit for Maori Education 1995, 1:25).

Despite high expectations in the mid-1980s and the commitment to a “decade of Maori development,” efforts on the part of the New Zealand government did not produce positive results. Commentators have suggested that “behind the rhetoric, Maori remained in essentially the same position they had been since 1840. Arguably,

they were worse off” (Kelsey 1990, 247). Additional studies reached similar conclusions—that despite the appearance of engagement between the New Zealand government and the Maori, very little changed and very little was accomplished. “In fact the neo-liberal reforms of the economy, state and civil society, which had begun in 1984 by the Fourth Labour Government and were continued by the national governments of 1990–1996 saw the position of the worst-off Maori become still worse” (Sharp 1997, 291).

Throughout this period, Maori leadership advocated for different processes and a formal engagement aimed at reconciliation and decolonization. Maori leaders and commentators identified that, while their engagement was being framed as a “partnership,” the Crown and/or its agencies retained the power to develop documents, policies, and corporate plans which would affect the Maori without consultation them as a treaty partner” (Mahuika 1998, 216). Furthermore, Maori leaders stated that “the crucial issue for resolution has always been and remains Maori sovereignty” (Orakei Research Unit for Maori Education 1995, 26). As a result, the Maori identified that in order for **there to be progress, the Maori needed to be fully and effectively engaged**, and clear principles and formal processes for consultation had to be established.

## United States of America

In the United States, despite uneven treatment in the past, significant steps towards effective collaborative relationships between governments and First Nations have been established. Most significantly, in 1994, former President Clinton issued a memorandum reaffirming the federal government’s commitment to operate within a government-to-government relationship with federally recognized American Indian and Alaska Native tribes.<sup>8</sup>

On a practical level, the presidential directive has contributed to significant changes in the ways in which state governments interact with North American Indian tribes. Specific guidelines have been set, which direct regular and meaningful processes of consultation in the development of all federal policies that have tribal implications.

Based on emerging experiences of collaboration and joint policy development, the National Conference of State Legislatures and the National Congress of American Indians have confirmed a number of key principles for effective intergovernmental relationships. These include commitment to co-operation in areas that tribes and states can come together on: mutual understanding and respect; regular and early communication before policies are developed and conflicts arise; identifying a process and establishing accountability or addressing issues; and institutionalizing positive relationships. These principles are evident in examples of collaborative social policy initiatives in several states.



## **Policy Development from a First Nations Perspective**

First Nations and the AFN have expressed a set of clear policy priorities; however, the critical question of how best to advance this policy agenda with the federal government has remained unanswered. Consequently, the AFN has set out to design a policy development model based on research and best practices.

The experience outlined in the preceding examples points to several important considerations necessary to build an appropriate, effective, and ultimately successful model of policy engagement between First Nations and Canadian governments.

Clearly, for a policy initiative to be successful, it must both respond to and be directed by First Nations. In other words, First Nations must have a central role in directing change in order to achieve sustainable solutions. Also, past experience has demonstrated that all parties involved in a process of change must secure clear political commitment and mandates for change. Finally, it appears that joint or shared discussions and dialogue are the necessary vehicles to arrive at innovative, accountable, and sustainable solutions.

Certainly, a range of processes for change has been tried. Generally, there are three broad processes for creating and implementing First Nation policy change: those controlled by other governments; those controlled by First Nations; and joint processes.

Essentially, processes led by other governments generally fail due to several factors, including First Nations mistrust and the fact that the changes suggested did not respond to First Nations desires or needs for change. Processes controlled by First Nations have been difficult to implement and sustain because of a lack of independent resources, and federal and provincial mistrust. Previous attempts at joint processes have not succeeded due to an imbalance between the parties involved and a lack of clear commitment to engage.

The best approach to First Nations policy change is a combination of these three general policy processes. The AFN has suggested that the best approach to achieving transformative policy change is one that contains the following general elements: First Nations leadership; national dialogue; independent research and expertise; clear mandates and commitment; and, finally, joint principled policy engagement to develop options for the consideration and adoption of First Nations governments.

### **1. First Nations Leadership**

Policy initiatives must originate from strong First Nations leadership and advocacy. This will provide the policy proposal with First Nations political legitimacy and a mechanism to evaluate the costs and benefits of the proposed policy change through a case study or pilot project approach. Federal and provincial governments can assist

in facilitating this kind of leadership through supporting pilot projects to establish capacity in a number of areas corresponding to the policy priorities articulated by First Nations.

## ***2. National Dialogue***

For any change to be effective, it is fundamental to have a process to share information widely throughout all sectors of First Nations society. While every initiative may not be relevant or of interest to every First Nation, there is a fundamental obligation to provide general information about any policy initiative. First Nations must, therefore, have reasonable access to information in order to create trust and confidence for any process of change. The Assembly of First Nations has a long-established tradition of community processes and reporting relationships to all First Nations. These processes are currently being strengthened by the AFN renewal exercise, which will result in expanded communication vehicles, as well as regularized policy and citizen forums.

## ***3. Independent Research And Expertise***

There is a clear need for independent policy research. This activity is necessary to create legitimacy for all parties involved in an exercise of policy change. Most importantly, First Nations seek to work directly with academic and other research entities to ensure an accurate reflection of First Nation priorities and perspectives.

In regards to specific policy advice and expertise, First Nations view such support originating from First Nations institutions or organizations under the clear direction of First Nations governments. These organizations and institutions must have a clear mandate and expertise with First Nations governments in a particular policy area. A best practice would be for the federal government to support, or to assist in the development of, First Nations institutions and organizations that provide specialized expertise and support to First Nations.

## ***4. Clear Mandate For Change***

Effective policy engagement requires all parties involved to have a clear mandate for policy change. Most importantly, federal and provincial government officials must seek and secure a comprehensive mandate in order for the effort of policy engagement to have a clear path to implementation. Too often, policy options are not acted upon because other governments do not have the authority or the mandate to explore these options. This lack of authority or mandate is an indication to First Nations that other governments are not serious. Changes to government machinery, such as those recommended through the RCAP process, will be necessary over the longer term to enable efficient mandating of such initiatives.

## ***5. Joint Principled Policy Processes***

Finally, there must be a forum for joint policy discussion and development, and non-prejudicial research. These forums would allow all parties to articulate

and protect their interests and work on mutual interests through non-prejudicial research and option development. Further, they would create political legitimacy and establish momentum for proposed policy changes. First Nations governments must have the opportunity and capacity to fully participate in these processes, as the results will fundamentally impact their constituencies. A best practice would be to reach agreement on pre-specified objectives, principles, and timelines for these processes.

General operating principles should include the following:

- Most activities will involve both national and regional work. National level activities will be built from the ground up and regional level activities will reflect the priorities determined in the regions.
- All relevant information, including documents and data, shall be available to both parties to encourage an open and transparent environment, subject to each party's confidentiality requirements for internal decision making.
- Joint working groups shall operate on the basis of consensus.
- The focus and commitment of the joint working groups shall be to produce tangible outcomes.
- National discussions and activities will not prejudice ongoing community-based negotiations led by individual First Nations, and First Nations will have the opportunity to fully review and accept policy or legislative change.
- Resource requirements for the overall process and the working groups will be fairly and openly addressed.
- First Nations communities, organizations, and the general public shall be kept informed of progress on a regular basis.

## **Policy Considerations**

Effective policy development must also take into consideration clear priorities for First Nations. The AFN is guided by the following key considerations when engaging in any policy development:

- Self-government is an inherent Aboriginal and treaty right as well as the necessary foundation for First Nation socio-economic development. The achievement of self-government is the primary consideration of any First Nation participation in federal policy, program, or organizational changes.
- Policy processes must respect the distinctive nature of First Nation interests, rights, and circumstances, and not be considered part of a pan-Aboriginal policy process.
- National policy dialogues cannot encumber local or regional processes but, rather, should facilitate and foster development at this level.

The First Nation Policy Development model can then be summarized as containing the following characteristics:

- An internal First Nation policy development process led by First Nations and supported by First Nation institutional and organizational expertise and a thorough national dialogue with all First Nations
- An internal process for other governments, providing them with a mandate for change
- A pilot project or case study mechanism to explore policy options in a non-prejudicial fashion
- A principled and objective-driven forum to discuss, design, and ultimately implement policy changes

## **First Nation Policy Development in Action**

While still an essentially new concept, the First Nation policy development model has been utilized by the Assembly of First Nations since 2004. The Assembly of First Nations structured its engagement in the Canada-Aboriginal Roundtable process based on this model. For instance, the AFN sought to describe policy interests fully by way of thorough research and the presentation of background papers that resulted from national policy direction from resolutions and discussions at policy forums and Assemblies.<sup>9</sup> In addition, the AFN's engagement in the process leading up to the first ministers meeting in Kelowna, November 2005, also followed the First Nation policy development model. By all accounts, the AFN was recognized as leading the policy discussions through these forums, a situation indicative of both the strength and utility of the First Nation policy development model.

## **Recognition and Implementation of First Nation Governments**

The most comprehensive policy engagement by the Assembly of First Nations in the recent past is found in the Recognition and Implementation of First Nations Governments initiative (RIFNG), started in 2004. By way of a thorough review of relevant studies, as well as an extensive, year-long process of dialogue among all First Nations, this initiative put forward a key report in 2005: *Our Nations, Our Governments: Choosing Our Own Paths*. The entire report has relevance to this discussion, and certain central considerations bear mention. In particular, the RIFNG further develops and articulates the necessary principles and broad processes and structures required to achieve change. The RIFNG report was presented in full to a special Chiefs assembly in March 2005. Following a full discussion among all regions, the Chiefs in assembly endorsed the report and mandated implementation of the initiative.

Based on the broad discussion among First Nations and intense research undertaken by RIFNG, key procedural requirements emerged as considerations for mapping a process forward. These considerations include:

- Attaining consent of First Nations
- Conducting joint development of any proposed legislation or policy
- Establishing independent monitoring and decision-making bodies to address the current imbalance in power
- Appropriate intergovernmental mechanisms, including appropriate consultation policies, financing, and dispute resolution mechanisms<sup>10</sup>

RIFNG directed that two key features of any process are required: an internal First Nation process which emphasizes the importance of community and regional level engagement, and a senior-level, principled process of engagement with the federal government. Further, RIFNG set in motion a joint steering committee at the ministerial level to oversee policy reforms, legal instruments, and arrangements, as well as the development of structures and processes to advance the recognition and implementation of the First Nation governments.

The RIFNG initiative and process positioned the AFN, and all First Nations, to effectively lead the discussions in preparation for the Federal Government Cabinet Policy Retreat with Aboriginal leaders on May 31, 2005. As a result of this preparation, the AFN and the Canadian government endorsed the First Nations-Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments. This accord is a very significant achievement, as it confirms the appropriate context for engagement between First Nations and Canada on all policy matters.

The AFN continues to lead this agenda and has suggested principles and processes to guide interaction based on the political accord. In order to advance an agenda which includes mechanisms for managing and coordinating renewed and ongoing intergovernmental relationships, establishing timely and meaningful consultation and coordination, and strengthening the government-to-government relationship between Canada and First Nations, the AFN has suggested that the following principles be expressed by First Nations and Canada:

- The Crown in Right of Canada has a unique legal relationship with First Nations governments, and the inherent right of self-government is an existing right recognized and affirmed by section 35 of the Constitution Act, 1982.
- Federal departments shall respect the inherent right of self-government, honour treaty rights and strive to meet the responsibilities that arise from the fiduciary duty of the Crown.
- Federal officials shall be counselled on Canada's fidelity to section 35 of the Constitution Act, 1982, and a culture of respect in government for Aboriginal and treaty rights shall be encouraged.

- Before a proposed bill is introduced to Parliament or before a policy is presented to Cabinet, a minister, or other federal authority for federal approval, each policy or legislative proposal falling within the purview of this protocol shall be assessed from a viewpoint of compliance with section 35 of the Constitution Act, 1982, by requesting that the Department of Justice undertake a review and confirm that every proposed law and policy comports with section 35 of the Constitution Act, 1982, and the fiduciary duties of the Crown, and the opinion provided by the Department of Justice shall be shared with the Assembly of First Nations and an opportunity for the AFN to respond be provided.
- Before a legislative proposal is introduced to Parliament, the AFN and Canada shall meet to discuss their views concerning section 35 compliance and shall jointly determine a timeline and model for meaningful and timely consultation with individual First Nations in a manner consistent with the principles of the protocol.
- The AFN and Canada may agree to exempt any particular legislative proposal that is not national in scope from the above requirements.

## **Conclusion**

The decades of failed policy and legislative initiatives must serve as a rallying cry for real change to address the basic injustices and socio-economic disparities facing First Nations peoples and their governments. This paper has demonstrated that First Nations must be fully engaged in driving policy change, that parties must express firm commitment to change, and that carefully planned processes for joint engagement are necessary.

First Nations seek change that renews the original relationship between Canada and First Nations governments. Through a process of reconciliation that embraces clear principles and sets about to transform existing processes and structures, real change can and will be achieved.

## Endnotes

- 1 This position has been formally tabled previously as detailed in Assembly of First Nations (1993).
- 2 The Assembly of First Nations (AFN) has produced discussion and research papers, and the Chiefs in assembly have passed several resolutions articulating this position in regards to matters such as the Indian residential schools policy, the reserve system, and general effects of Indian policy causing displacement, injustice, and poverty throughout this period.
- 3 Government of Canada, Ministry of Indian Affairs and Northern Development (1997, 4).
- 4 For a full analysis of First Nation objections to the proposed First Nation Governments Act, see Assembly of First Nations (2002).
- 5 AFN analysis, June 2002, 1.
- 6 Assembly of First Nations (1999); AFN/INAC Joint Initiative for Policy Development (LTS) (1999).
- 7 AFN/INAC Joint Initiative for Policy Development (2001).
- 8 Presidential Executive Order 13175 of November 6, 2000, Bureau of Indian Affairs, Consultation and Coordination with Indian Tribal Government, December 13, 2000.
- 9 For full information and all background policy papers, see Assembly of First Nations (2005a).
- 10 Assembly of First Nations (2005b, 39).

## References

- Akiwenzie-Damm, Kateri. 2000. *Partnership arrangements between Maori and New Zealand governments*. Prepared for the AFN-INAC Joint Initiative for Policy Development (LTS).
- Assembly of First Nations. 1993. *Reclaiming our nationhood, strengthening our heritage*. Report to the Royal Commission on Aboriginal Peoples.
- Assembly of First Nations. 1999. *The Experience of building a partnership*. AFN/INAC Joint Initiative for Policy Development (LTS).
- Assembly of First Nations. 2002. *First Nations Governance Act: Analysis*.
- Assembly of First Nations. 2005a. *Getting from the roundtable to results: Canada Aboriginal Peoples roundtable process: April 2004–March 2005, Summary report*.
- Assembly of First Nations. 2005b. *Joint Committee of Chiefs and Advisors on the recognition and implementation of First Nation Governments*. Final Report of *Our Nations, Our Governments: Choosing Our Own Paths*, Ottawa, 2005.
- AFN/INAC Joint Initiative for Policy Development. 2001. *The voice of First Nations: Planning for change*. Ottawa: Assembly of First Nations.
- Canada. Ministry of Indian Affairs and Northern Development. 1997. *Gathering strength—Canada's Aboriginal action plan*. Ottawa: Ministry of Public Works.
- Hicks, Sarah and Kathryn Dyjak, "Happy together: The story of collaboration, policy and practice." *Policy & Practice of Public Human Services*. 62(3): 18-21.
- Kelsey, Jane. 1990. *A question of honour? Labour and treaty 1984–1989*. Wellington NZ: Allen & Unwin.
- Mahuika, Apirana. 1998. Whakapapa is the heart. In *Living relationships, kokiri ngatahi: The Treaty of Waitangi in the new millennium*, ed. Ken Coates and P.G. McHugh. Wellington NZ: Victoria Univ. Press.
- Orakei Research Unit for Maori Education. 1995. *The fiscal envelope: Economics, politics & colonisation*. Vol. 1 of A Series of Readers Examining Critical Issues in Contemporary Maori Society. Auckland: Univ. of Auckland.
- Royal Commission on Aboriginal Peoples. 1996. *Looking forward, looking back*. Vol. 1 of *Report of the Royal Commission on Aboriginal Peoples*. Ottawa: Royal Commission on Aboriginal Peoples.

———. 1996. *Restructuring the relationship*. Vol. 2 of *Report of the Royal Commission on Aboriginal Peoples*. Ottawa: Royal Commission on Aboriginal Peoples.

Sharp, Andrew. 1997. *Justice and the Maori: The philosophy and practice of Maori claims in New Zealand since the 1970s*. Auckland NZ: Oxford Univ. Press.