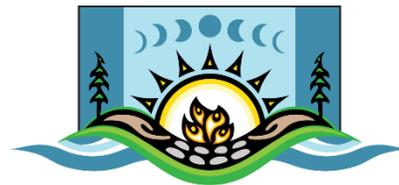


THE PATHFINDERS: RFNG's Chris Robertson on forging the path to self-government for your community



The Rebuilding First Nations Governance Project is chatting with movers and shakers advancing First Nations' inherent right to self-government in Canada. Part Q&A and part F.A.Q., The Pathfinders features members of our project and others talking about why self-government matters to them and why it should matter to you.



Chris Robertson (pictured) understands what it means to take back control from the Indian Act. He can tell you what it looks like, and how a community can change when its citizens exercise their right to govern themselves. Chris, of Gitksan ancestry, is an expert in community development and [The Rebuilding First Nations Governance Project \(RFNG\)](#)'s West Coast Aboriginal Title Lands co-lead.

After completing what he satirically calls a PhD as a band manager followed by a “two-year federal sentence” working at the Department of Indian Affairs, Chris made a name for himself in several Indigenous-led organizations, including The Office of the Wet’suwet’en and the BC-Assembly of First Nations. He, RFNG co-founder Satsan (Herb George), and others created [The Centre for First Nations Governance](#): a grassroots non-profit supporting First Nations self-government. Chris has first-hand experience behind his advice on how communities can successfully transition to self-government.

In this edition of The Pathfinders: What resources communities need to self-govern, how communities can cope with cynicism, how communities can keep their members engaged in self-government, and what experiences sparked Chris’s passion for First Nation’s self-government.

What inspires you to help First Nations communities exercise their inherent right to self-government?

I think my inspiration probably goes back to the mid 1990s and the Delgamuukw-Gisday'wa Supreme Court decision that affirmed the recognition and existence of Aboriginal Title and Rights in Canada. I worked with the Office of the Wet'suwet'en and they weren't governing under the Indian Act. They were governing under their own system. And to me, it was intoxicating to work in a system that held so much authority and jurisdiction and could change the power dynamic between their system and the Crown's. It really astonished and inspired me how much respect and influence they commanded and what emerged as a result of them simply exercising their own system of governance.

That being said, inherent right governance is certainly delicate. There have been issues since that time. Inherent right governance can be undermined by other interests so easily, just as our original systems were undermined by colonialism. The Indian Act system is the worst offender and still influences a lot of our communities with the false belief that Indian Act "governance" has the legitimacy to represent our rights. It does not. And no question, modern colonialism is still practiced by government and industry, and they'll do anything to undermine our efforts to exercise and reassume governance over ourselves and jurisdiction over our lands.

So, I think what really drove me to support self-government was the reality that "Yes, true inherent rights governance could be done and has been done." Once you plant yourself in it, the jurisdictional opportunities are immeasurable.

If you're part of a community that wants to start governing itself under its own inherent right, what are the bare-bones resources and people power that your community needs?

You must educate the people, the citizens in your communities on what their inherent rights are and what being self-governing really is. The people must collectively support the move to leave the Indian Act. Chief and Councils do not have the authority to do it unilaterally without the full collective support of their people, nor do they have the legal jurisdiction to do so anyway. And the people, as the holders of the right to self-government, need to find a way of getting that work done such as appointing an interim leadership body that starts the process of transitioning out of the Indian Act and into a system that they define and support.

They'll need to reprofile their current funding to retain somebody like a governance "navigator" or a "transition team"—a person or a group from the community itself that can keep the momentum going with leadership and most particularly with the people. These "navigators" or "transitioners" would have the support and respect of the people. They'd ensure that communication is consistent, and they'd have the skills to stick-handle their way through the complexities of the community's political, social and cultural nuances.

Do you need everyone in a community on board if you're going to make or begin making the switch to inherent right government?

Yes. You must have the majority of your people on board, and build consensus with those who may not fully buy in. I think it's important that we don't fall into this trap of creating proponents and opposition. That's a Western system of governance conflict that we see in Parliament right now and other governments. It's negative and divisive. We need to reach back into our own systems of decision making and determine how we use to managed the diverse and collective interests in our communities. This was and still is a critical part of governing.

Quite often that process of decision making was undertaken through processes of building consensus. It may have been a slow and ponderous process, but it was also bounded by rules to accommodate differences. Divergent views are really important in the community. Expressing divergent views promotes ideas, keeps conversations alive and ensures accountability.

But if it's just opposing for the sake of being critical without any value, then it's unconstructive and damaging. That's where traditional rules step in to corral that dissent. So, we need to find other ways of bringing in those who don't agree and recognize they have a role that ensures what moves forward supports the direction of the people. We don't always have to agree, but more often than not we can always find a way to live with an outcome.

You've mentioned before that one issue that communities face when they're transitioning to self-government is that people have been under the Indian Act for so long and seen so many short-lived attempts at change, they don't see establishing self-government as a plan that's going to succeed long-term. How do you come to terms with this cynicism?

Yeah, that's a big one. I think communities need to start off with the tasks of inherent right governance that are doable. My advice to any First Nation would be to take on that little stuff first and work your way up into the larger responsibilities. Transition into it. Inherent right governance is hard work, but its rewards are enormous. Whatever successes are achieved—celebrate those successes—no matter how small they are. Keep reminding people that this is something they're achieving on their own without having to be subjected to the limitations of another system like the Indian Act. You're actually doing this work under your own system with the freedom that comes along with that and the responsibility to do it as well.

Many of our communities are under incredible pressure from resource interests right now and they're constrained by the very limiting system of the Indian Act. There's an urgency that some people have to leap into this really quickly and take on the big movements like "let's declare total control on our territory." The task of doing that is enormous. So take on the governance and jurisdictional work that you've got the capacity and resources to do. Results will emerge quickly enough and your knowledge and experience will increase exponentially. We've been under the Indian Act for so long and need to learn how to reassume the responsibilities of providing real governing authority over our territories and services for our people.

Delgamuukw-Gisday'wa: an Indigenous rights milestone

Delgamuukw-Gisday'wa, also known as *Delgamuukw v. British Columbia*, was a historic Supreme Court case in First Nations' fight for their right to control their traditional territories.

In 1997, the Gitksan and Wet'suwet'en Nations took the province of British Columbia to court. The nations asserted they owned their traditional territory and had the right to control it. Neither the Gitksan nor Wet'suwet'en peoples had ever signed a treaty with British Columbia or Canada granting the province use of their land.

Although the court was ordered to redo the trial due to errors made by the judge, the court laid out key principles about how Indigenous peoples' legal right to their land, called *Aboriginal Title*, functions in Canada's legal system. These principles still impact legal cases today.

The Supreme Court decided Aboriginal title is a right to the land itself—not just to its use for hunting or fishing. The province still has the underlying title to the land, but Nations who have established Aboriginal Title by proving they occupied the land before colonization have a right to all the land's benefits. Aboriginal Title is also "inalienable," meaning it cannot be taken away from an Indigenous nation without its consent.

To learn more about **Delgamuukw-Gisday'wa** and other important milestones in the history of First Nations self-government, read The Centre For First Nations Governance's article, "[A Brief History of Our Right to Self-Governance](#)."

If you're a community beginning to self govern, you likely have a lot of folks who are really good at Indian Act administration, but you don't necessarily have experienced self-government leaders. How do you find people with the knowledge to take on self-government roles?

There are very few people who have real inherent right self-government experience out there. So we need to work with who we have and educate those that are good leaders and administrators to become good “governors” of the rights of their people and to help design the systems to govern those rights.

Because Indigenous rights are collective in nature, they do require a much higher standard of engagement with people than is required under the Indian Act or other types of administrative governance as found under the Western system. Again, I think you have to educate current leaders and administrators, so they have a very clear understanding of just how different their communication, their management and their organizational governance will and must be. This is a new area that we really need to work on.

Many people may understand and be good at Indian Act administration and management, but it's a different construct when you do it under inherent right governance. It's an entirely different set of principles and skills involved. And that starts with learning about what our inherent rights were, what happened to them, how we achieved their return and what we need to use and protect them. That knowledge alone is often illuminating enough to shift people away from how they currently manage, to how they can actually govern and ultimately put into place the systems needed to do it properly.

Now, if you're a community who's found some of those folks and started to make some changes under your inherent rights—maybe you've passed a few laws or even made a constitution—how do you keep that momentum? How do you keep the ball rolling?

As I mentioned earlier, you almost need somebody like a governance “navigator” or team of “transitioners”. The community needs to be regularly engaged and to hold themselves and their leadership to those principles of change. I mean, the right and practice to self-govern isn't something that just belongs to a particular group of people. It belongs to everyone.

It's not just the responsibility of the current Indian Act elected Chief and Councillors to do this. They may be committed to change, but it's the community who needs to step up and take leadership also. And that's going to be a challenge. They need to be educated on how this change is going to impact their lives. You almost need a different sort of leadership to make sure inherent rights move forward.

Why should the average First Nations person care about the inherent right to self-government?

The current system simply does not work. The inherent right to self govern offers opportunities beyond anything that we've ever experienced since contact. It returns that hope, that pride and that responsibility back to where it belongs: to us personally, to us collectively and to generations to come. Because it's ours.

We haven't had any dry land to stand on. It's like we've been flooded and have been floating around for generations. And through our own hard work our inherent rights have re-emerged out of that flood. It offers us a dry place to return to, to sustain ourselves, to rebuild and to protect ourselves and our lands.

Interviews for The Pathfinders have been edited for length and clarity. Written by [Ben Sylvestre](#) with editorial oversight from [Chris Robertson](#). [The Rebuilding First Nations Governance Project](#) is supported in part by funding from the Social Sciences and Humanities Research Council.



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