

CRITICAL CONVERSATION, FIRST NATIONS AND REGULATORY REGIMES

“In the modern Western World, we think of life and the economy as being ordered by formal laws and property rights. Yet formal rules, in even the most developed economy, make up a small (although very important) part of the sum of constraints that shape choices; a moment’s reflection should suggest to us the pervasiveness of informal constraints. In our daily interaction with others, whether within the family, in external social relations or in business activities, the governing structure is overwhelmingly defined by codes of conduct, norms of behaviour, and conventions...That the informal constraints are important in themselves (and not simply as appendages to formal rules) can be observed from the evidence that the same formal rules and/or constitutions imposed on different societies produce different outcomes.”

Douglas C. North, Institutional Change and Economic Performance, 1990.

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1.0 Purpose of this Paper

The purpose of this paper is to provide the background information for participants in the May 2015 Critical Conversation in order to consider the relationship between emerging First Nation governance and regulatory regimes. This paper should allow all participants to gain similar context for the different interests and experiences that those in attendance bring with them. It is important to note that this paper does not till new ground and it is not an expert paper aimed at experts in the field. First, the paper will briefly explore concepts related to well-being from both a federal government and a First Nation perspective. Second, and most significant, the paper will discuss governance and regulation through two primary areas: the Canadian experience and the American experience. Examining success stories in Canada offers ideas on the optimistic, although incrementally developed, future of Canada from a regulatory perspective. The research conducted in the United States through the Harvard Project on Indian Economic Development demonstrates the key role sovereignty or de-facto sovereignty plays in the success of Tribes in the United States. This is especially pertinent given the emerging insistence of First Nations that their jurisdiction and priorities be taken into account when decisions are being made regarding developments in their traditional territories. A comprehensive review of current regulatory practices along with lessons learned would be valuable but does not exist at present. However, participants at this event have a huge amount of knowledge and experience, and we hope that this will be shared to the benefit of all. Our speakers will be Chief Manny Jules, the Chief Commissioner of the First Nations Tax Commission, and Former Chief Phil Goulais, a Director to the First Nations Land Advisory Board, and our author who together bring decades of experience to these issues.

2.0 Governance and Regulation

The topic of First Nations and Regulatory Regimes is dynamic, complex and charged. It is important for all peoples of Canada, their governments and their institutions from the community to the national level. The drivers of change include:

- Ground-breaking Supreme Court decisions
- Changing public expectations and the influence of social media
- The clash of fundamental values between different parts of society
- The challenge of meeting the leadership demands
- International conventions on the rights of Indigenous Peoples

There are many signs of the effect of these drivers of change already and many more should be expected in the future. This will be a long journey of discovery. Some key lessons learned to date in both Canadian and the United States adds to the discussion in the absence of an inventory of current regulatory practices.

2.1 The Canadian Experience

The following are excerpts from two evaluations of the Comprehensive Land Claims Agreements (CLCA). The evaluation team notes that some of the take up of this process may be less than expected because of a number of different factors including other Legislative models, such as *First Nations Land Management Act*, *First Nations Oil and Gas and Moneys Management Act*, and *First Nations Commercial and Industrial Development Act*, which also increase jurisdictional authorities for First Nations and do not put important items, such as Own Source Revenue¹, at risk. Section 2.1.1 is an evaluation conducted in 2009 and Section 2.1.2 in 2011. The evaluations note that Community Well Being (CWB) scores cannot be empirically linked to CLCAs however it is interesting to note the difference between CLCA communities and the rest of the First Nation communities in Canada. Utilising CWB as a potential measure of governance initiatives in Aboriginal Nations provides an alternate perspective by determining well-being indicators and linking these indicators to the overall culture and governance system of Aboriginal communities. CWB can be determined both quantitatively and qualitatively, and through different perspectives. More detailed information on the methodology of the CWB index through government and Aboriginal perspectives is available in Appendix A. This paper does not examine the many discussions about Legislative models and strict recognition as there are many other forums for that debate.

2.1.1 Enhancement of Working Relations among Stakeholders - 2009 Evaluation²

The CLCAs are designed to improve working relations between the federal government and Aboriginal people as well as clarify and nurture a positive working relationship between Aboriginal groups and prospective developers from outside the settlement areas. The purpose of the evaluation is to assess the impacts of comprehensive land claim agreements and the extent to which the objectives established for the CLCAs have been achieved. Four agreements were examined: Northeastern Quebec Agreement with the Naskapi (NEQA); Inuvialuit Final Agreement (IFA); Gwich'in Comprehensive Land Claim Agreement (GCLCA); and Sahtu Dene and Métis Comprehensive Land Claim Agreement (SDMLCA). Results from the evaluation conclude that:

- Aboriginal-to-industry relationships have changed fundamentally as a result of the CLCAs and are viewed positively by both Aboriginal and outside business representatives.

¹ Own Source Revenue is revenue that an Aboriginal government raises by levying taxes and resource revenues or by generating business and other income. Under self-government agreements, Aboriginal governments use some of this revenue to contribute to the costs of their own operations (e.g., providing programs and services to their citizens).

² All text in section 2.1.1 quoted directly from: Aboriginal Affairs and Northern Development Canada (February, 2009) Impact Evaluation of Comprehensive Land Claim Agreements. (Online) <http://www.aadnc-aandc.gc.ca/eng/1100100011864/1100100011875>

- Aboriginal-to-government relationships remain similar to before the land claim agreements despite limited improvements in certain areas.
- There has been an emergence of joint ventures and other close working relationships between Aboriginal companies and non-Aboriginal resource development companies.
- Aboriginal and government members of land and resource management bodies are working together collaboratively and effectively.
- The organizations and structures established under the agreements have altered internal Aboriginal political dynamics and highlighted the challenge of maintaining community-level decision-making while gaining benefits from central structures and authorities.

Stable, Predictable Environment for Economic Development

The land claim agreements make reference to the objectives of achieving greater Aboriginal economic self-sufficiency and enabling Aboriginal people to participate fully in the northern Canadian economy. The focus of the evaluation is on the extent to which the CLCAs have contributed to creating an environment that encourages economic development. Results from the evaluation conclude that:

- The regulatory regime, in most instances, has been operating in a timely fashion and has not been a deterrent to resource development and investment.
- Land claim agreements have been an important factor in the increase in Aboriginal participation in the economy by contributing to the development of Aboriginal infrastructure and to both communally-owned and independent Aboriginal business development.
- There remains a challenge to improve training and business opportunities in the northern economy. A perception among Aboriginal leaders is that the lack of dedicated federal government economic development support, beyond programs of general application, is limiting progress.

Meaningful and Effective Voice for Aboriginal People in Decision-making

The four land claim agreements have provisions designed specifically to provide Aboriginal signatories with a stronger voice in decision-making with regard to land and resources. This was accomplished primarily through the land and resource management bodies established under the agreements. Results from the evaluation conclude that:

- The land and resource management regime represents a positive change in the role of Aboriginal people in the decision-making for the settlement areas. Aboriginal people now have input into development decisions affecting their communities.

- The land and resource management bodies have all been established with full and active participation from Aboriginal members. However, delays in nominations and appointments have hindered some activities.
- There is requirement to streamline the community consultation process as well as to support land and resource management bodies in managing their workloads and the technical aspects of development proposals.
- Land and resource management bodies are successful in balancing scientific and traditional knowledge in decision-making.

Social and Cultural Well-being in Aboriginal Communities

The preservation of cultural distinctiveness and identity is of paramount importance within Aboriginal communities and is evident in most agreements. The Comprehensive Land Claims Policy explicitly recognizes the goal to encourage cultural and social well-being through land claim agreements. The evaluation examines the extent to which the agreements have contributed to sustainable social and cultural well-being. Results from the evaluation conclude that:

- There have been modest gains in employment, income, education and housing in settlement areas since the agreements have been in place.
- A comparison of "agreement" and "non-agreement" Aboriginal communities of similar size and location does not associate gains in well-being in the land claim communities with the land claim agreements themselves.
- Participation rates in traditional Aboriginal pursuits are lower than prior to the land claim agreements, yet are still prevalent.
- Knowledge of Aboriginal languages is on a decline. Programs using land claim agreement funding and other federal and provincial/territorial government support are working with the intention of reversing the trend.
- Crime and substance abuse rates are on the rise in the North West Territories. There is no evidence of a direct link to the land claim agreements, but many community residents see the agreements as forces of modernization which contribute to social problems.

[2.1.2 Enhancement of Working Relations among Stakeholders - 2011 Evaluation³](#)

³ All text in section 2.1.2 quoted directly from: Aboriginal Affairs and Northern Development Canada (February, 2011) Evaluation of the Federal Government's Implementation of Self-Government and Self-Government Agreements. (online) <http://www.aadnc-aandc.gc.ca/eng/1325102789963/1325102827484#ft43a>

The evaluation examined the achievement of results as indicated by three main areas: (1) the status of current self-government agreements and negotiations; (2) a quantitative assessment of results based on an analysis of the Community Well Being Index for communities currently under self-government arrangements; and, (3) qualitative assessment of results based on the case studies undertaken for this evaluation.

There are currently 18 self-government agreements in place as well as 91 tables negotiating self-government, 70 active tables and 21 inactive tables. Of the active tables, 50 tables are comprehensive land claims related with 20 tables as stand-alone/sectoral self-government negotiations. It is worthy of note that 51 percent (36 of the 70) of the active negotiating tables are within British Columbia as part of the BC Treaty Process. Data from the 2009-2010 Table Review process indicate that tables in negotiations, both active and inactive, represent approximately 350,000 Aboriginal people.

Empirical research shows that taking control of selected powers of self-government and capable governance institutions are indispensable tools to successful long-term community development in Aboriginal communities. The CWB analysis conducted indicates that Aboriginal communities currently with a self-government arrangement in place score higher on the CWB Index than other First Nation communities (9 points higher) and Inuit communities (4 points higher), though remain lower than all Canadian communities (11 points lower).

Qualitatively, self-governing communities report that a major perceived benefit of self-government is a renewed sense of pride that they now have their own government as well as the right to elect their own governments and to make important decisions affecting their lives. Issues of scope and complexity of operating a new government, unrealistic expectations for what would be achieved under self-government, as well as access to financial resources were identified as barriers to success.

Quantitative Assessment

Though no comparable study has been conducted in Canada, the emphasis on governance capacity is grounded in a growing body of evidence on the impact of good governance on the development of strong, healthy, and prosperous communities. The fundamental impact of good governance on socio-economic development objectives is supported by more than fifteen years of empirical research at Harvard University's Project on American Indian Economic Development. Their research consistently confirms that taking control of selected powers of self-government and capable governance intuitions are "indispensable tools to successful long-term community development"⁴.

⁴ Indian and Northern Affairs Canada, Evaluation, Performance Measurement, and Review Branch Audit and Evaluation Sector. (February, 2011). Evaluation of the Federal Government's Implementation of Self-Government and Self-Government Agreements. Project Number: 07065. P. 4 (online) https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/aev_pubs_ev_sga_1324066608126_eng.pdf

For the evaluation, an analysis of the CWB Index was conducted. CWB measures the quality of life of First Nations and Inuit communities in Canada relative to other communities. It uses Statistics Canada's Census and Population data to produce well-being scores for individual communities based on four indicators: Education, Labour Force, Income and Housing. It is important to note that the CWB Index data does not assess if the improvements of well-being in the self-governing communities are associated with the agreement themselves. This does not say that such association does not exist, but rather that these CWB measures do not demonstrate a direct relationship and that other factors may be more influential. In addition, communities are defined in terms of census subdivisions and these subdivisions at times do not accurately reflect the population under the self-government agreement. For example, non-Aboriginal people may be included with the census subdivision, as in the case for Tsawwassen First Nation. Moreover, CWB scores do not include members who do not reside in the community.

The CWB Analysis conducted indicates that overall Aboriginal communities currently with a self-government arrangement in place score higher on the CWB Index than other First Nation, and Inuit communities though lower than all Canadian communities.

	2006 Average CWB Score	Differential
All Canadian communities	77	+11
Self-government communities	66	-
Inuit communities	62	- 4
First Nation communities	57	- 9

3.2.2 Table 1: CWB 2006 Average Scores⁵

2.2 The U.S. Experience

2.2.1 The Harvard Project

The Harvard Project on American Indian Economic Development has been studying why some Tribes succeed consistently since 1987. The following are some of the keys identified by Kalt and

⁵ Aboriginal Affairs and Northern Development Canada (February, 2011) Evaluation of the Federal Government's Implementation of Self-Government and Self-Government Agreements. (online) <http://www.aadnc-aandc.gc.ca/eng/1325102789963/1325102827484#ft43a>

Cornell⁶. The key ingredients of development can be divided into three categories: external opportunity, internal assets, and development strategy. For the purposes of this paper we will focus on external opportunity and internal assets as building a development strategy is considered to be more tactical.

External Opportunity

External opportunity refers to the political, economic, and geographic settings that reservations find themselves in and by which they are linked to the surrounding society. These settings can limit or enhance tribes' opportunities to accomplish their development goals, and are part of the reality they must deal with. The critical factors are:

1. *Political sovereignty*: the extent to which a tribe has genuine control over reservation decision-making, the use of reservation resources, and relations with the outside world. As discussed more fully below, the evidence is clear that as sovereignty rises, so do the chances of successful development.
2. *Market opportunity*: unique economic niches or opportunities in local, regional, or national markets. These opportunities can come from particular assets or attributes (minerals, tourist attractions, distinctive artistic or craft traditions), or from supportive federal policies (as in gaming, wildlife, and favorable tax treatment). As such opportunities increase, so do the chances of successful development.
3. *Access to financial capital*: the tribe's ability to obtain investment dollars from private, governmental, or philanthropic sources. Access depends on such factors as federal tax policy, tribal reputation, private sector knowledge and experience, and public funding. As access to capital improves, so do the chances of successful development.
4. *Distance from markets*: the distance tribes are from the markets for their products. The greater the distance, the more difficult and costly it is to serve those markets, reducing the chances of successful development.

3.1.2 Internal Assets

Internal assets refer to characteristics of tribes themselves and the resources they control that can be committed to development. The critical factors are:

1. *Natural resources*: minerals, water, timber, fish, wildlife, scenery, fertile land, etc. As natural resource endowments rise, so do the chances of success. It is worth noting, however, that such resources are not necessarily the key to successful development. A number of tribes with substantial natural resource endowments have been unable—despite major efforts—to turn them into productive economic activity, while some tribes almost completely lacking in natural

⁶ See Stephen Cornell and Joseph P. Kalt, "Where's the Glue? Institutional Bases of American Indian Economic Development," Harvard Project on American Indian Economic Development, Project Report Series, John F. Kennedy School of Government, Harvard University, 1991

resources have done quite well. Matthew Snipp⁷ has shown that reservations with significant energy resources, taken together, "are somewhat better off than other reservations but not by a large margin."

2. *Human capital*: the skills, knowledge, and expertise of the labor force. These are acquired largely through education or work experience. As human capital rises, so do the chances of successful development.
3. *Institutions of governance*: the laws and organization of tribal government, from constitutions to legal or business codes to the tribal bureaucracy. As these institutions become more effective at maintaining a stable environment in which investors feel secure and effort is rewarded, the odds of successful development improve.
4. *Culture*: conceptions of normal and proper ways of doing things and relating to other people, and the behavior that embodies those conceptions. Such conceptions and behavior vary widely, with significant implications for development strategy. For example, the hierarchical "boss-worker" relationship that characterizes industrial factories may be acceptable in some tribes and abhorrent in others, while a strong central government may be viewed as proper in one tribal culture and as grossly inappropriate in another. The role of culture in development is complex and cannot easily be reduced to simple "if this, then that" statements that apply universally to all tribes. In general, the research points to the conclusion that culture and the institutions of governance are a crucial pair of factors in development. Economic development can take hold in the face of a wide range of cultural attitudes on such matters as the sanctity of natural resources or the propriety of individuals trying to make themselves wealthier. However, unless there is a fit between the culture of the community and the structure and powers of its governing institutions, those institutions may be seen as illegitimate, their ability to regulate and organize the development process will be undermined, and development will be blocked. Without a match between culture and governing institutions, tribal government cannot consistently do its basic job: creating and sustaining the "rules of the game" that development in any society requires.

3.0 What Does the Future Hold?

A number of recent events have combined to create some interesting possibilities for the future for First Nations and other Indigenous peoples. These events and opportunities include: the groundbreaking Supreme Court of Canada decisions such as the Williams Case; the spirit of Idle No More inspires greater action to protect traditional territories; Indigenous peoples begin to implement the United Nations Declaration on the Rights of Indigenous Peoples, including Free, Prior and Informed

⁷ Snipp, C.M. (1986). The Changing Political and Economic Status of American Indians: From Captive Nations to Internal Colonies. *The American Journal of Economics and Sociology*. 45(2), 145-157. Access at: <http://www.jstor.org/stable/3486915>

Consent (FPIC), and Corporations and the Crown enter into jurisdictional recognition and power sharing agreements in traditional territories. We are already seeing examples of First Nations developing Resource Laws and environmental protocols to ensure their own well-being according to their own sense of well-being.

On June 26, 2014, the Supreme Court of Canada granted Aboriginal title to the Tsilhqot'in Nation, in the caretaker area of the Xeni Gwet'in community. Aboriginal title includes the right to exclusive use and occupation of the land, as well as the right to the economic benefit of the land, and the ability to determine the uses to which the land will be put. Following the first declaration of Aboriginal title in Canadian history, the Tsilhqot'in Nation has enacted its first Tsilhqot'in law, setting out the rules for how the Tsilhqot'in Nation will govern these lands and manage access to the area and its resources. This was possible after the *Tsilhqot'in Nation v British Columbia* case of June 26, 2014, resulted in the Supreme Court of Canada confirming the Aboriginal title of the Nation in more than 1,750 square kilometres of land on which about 200 members of the Nation live. The *Xeni Nits'egugheni?an* (Nemiah Declaration) was first declared by the Xeni Gwet'in on August 23, 1989, in response to the threat of widespread clear-cut logging. That threat prompted over two decades of litigation, culminating in a favourable Supreme Court of Canada judgment recognizing Aboriginal title to approximately 1900 km² of land in the central interior of British Columbia. Exercising their newly recognized right to proactively manage these lands. The Tsilhqot'in Nation and Xeni Gwet'in have now enacted the Nemiah Declaration⁸ as the law governing the Aboriginal title lands and the broader territory over which the courts declared Aboriginal hunting, trapping and trading rights. The Nemiah Declaration outlines specific uses of the land that will not be authorized, along with how future laws, regulations and policies may be developed. Exceptions may be made to the Nemiah Declaration only with the prior informed consent of Xeni Gwet'in and the Tsilhqot'in Nation.

Chief Joe Alphonse, Tribal Chairman of the Tsilhqot'in National Government and Chief of Tl'etingox:

"As Tsilhqot'in people, we have our own laws and responsibilities to our lands. It is an honour for us as Tsilhqot'in leadership to enact the Nemiah Declaration as law – a law that comes straight from our people and our elders. There will be many more laws and policies to come as we strive as a nation to express our values, our culture and our vision for the future on our declared Aboriginal title lands and throughout our territory. This has been a long time coming. We firmly believe that recognizing and empowering the laws and values of the First Nations of this province will lead to better decisions and greater opportunities for everyone."

⁸ For more information on the Nemiah Declaration, see: Tsilhqot'in (March 19, 2015.) Affirmation of the Nemiah Declaration (online)

https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB0QFjAA&url=https://www.tsilhqotin.ca/%2FPDFs/%2FNemiah_Declaration.pdf&ei=Dq2KVci0NZf-yQSmg7HQDQ&usg=AFQjCNFoEAtiK1UEu4IDDcRWgbY1OJxdpg&bvm=bv.96339352,d.aWw

Chief Roger William, Vice-Chair of the Tsilhqot'in National Government and Chief of Xeni Gwet'in First Nations Government:

“The Nemiah Declaration was created by the people of Xeni in 1989 while we were acting to protect our lands from large scale industrial clear-cutting. The Declaration is the voice of our elders. It comes directly from our community. Our traditions, laws and practices have been around for centuries. We are proud to say that this is our first law on Title land. Our goal has always been to be able to enact those in today’s world. With this come challenges, but setting the stage for our governance, for good governance, is one of our first priorities.”

Over the last few decades, the concept of Free Prior and Informed Consent (FPIC) has increasingly been used by Indigenous rights advocates to guide negotiations between Indigenous communities and outside interests. The principles of FPIC were first formally laid out by the 1989 International Labour Organisation’s Convention on Indigenous and Tribal Peoples in Independent Countries (ILO 169).⁹ Articles 6, 7, and 9 of ILO 169 establish that consent must be acquired before indigenous communities are relocated or before development is undertaken on their land. The FPIC concept was strongly reinforced by the United Nations Declaration on the Rights of Indigenous Peoples¹⁰ (UNDRIP), which outlined a host of scenarios in which FPIC should become the standard “best practice” for negotiations between indigenous peoples and any other entity. UNDRIP articles 10, 11, 19, 29, 30, and 32 all argue for the inclusion of FPIC in negotiations regarding land, culture, property, resources, and conservation.

4.0 Discussion Exercise

Given that enhanced First Nations governance and regulatory regimes contribute to the overall well-being of First Nations, select and answer one of the following questions:

1. Do the co-management boards created by modern treaties provide a model that could be adapted to deal with development decisions on First Nations' territories in the provinces?
2. How does Tsilhqot'in affect these matters across the country?

⁹ International Labour Organization. (27 Jun 1989). Convention No. 169 - Indigenous and Tribal Peoples Convention (Online) http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

¹⁰ United Nations. (March 2008). United Nations Declaration on the Rights of Indigenous Peoples. (Online) http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

3. What is the range of regulatory measures taken to date by First Nations who are subject to the Indian Act? Do those who have opted out of some governance provisions, substituting their own regimes, have better economic control? (This is what the Harvard model would predict.)
4. What is the status of land management reform, and how is that working out?
5. How are First Nations in different situations dealing with 'boundary issues' --the interests and decisions of their non-First Nations neighbours?

Appendix A: First Nations Perspective on Community Well-Being

A.1 The Community Well Being Index

A Community Well Being (CWB) Index score is a single number that can range from a low of 0 to a high of 100. It is composed of data on income, education, housing conditions and labour force activity, described further below. Additional technical details are provided in [The Community Well-Being \(CWB\) Index: Methodological Details](#). It is important to note that CWB analysis depends on census data from the First Nations that is not consistently obtained.

- 1) Income:** The Income component of the CWB Index is defined in terms of total income per capita, in accordance with the following formula:

$$\text{Income Score} = ((\text{Log}(\text{income per capita}) - \text{Log}(\$2,000)) / (\text{Log}(\$40,000) - \text{Log}(\$2,000))) \times 100$$

The formula maps each community's income per capita onto a theoretical range. Doing so allows income per capita to be expressed as a percentage, which is the metric in which the other components of the index are naturally expressed. A range of \$2,000 to \$40,000 dollars was used because it coincides, approximately, with the lowest and highest incomes per capita found in Canadian communities. Note that the formula converts dollars of income per capita into logarithms. This is done to account for "the diminishing marginal utility of income." According to this principle, those who occupy lower income strata will benefit more from additional income than those at higher income levels (Cooke, 2007, p.29).

- 2) Education:** The Education component is composed of the following two variables:
- a) "High school plus": the proportion of a community's population, 20 years and over, that has obtained at least a high school certificate.
 - b) "University": the proportion of a community's population, 25 years and over, that has obtained a university degree at the bachelor's level or higher.

Having at least a high school education has a particularly profound impact on one's options in contemporary Canada. Accordingly, a community's "high school plus" score has more impact than its "university" score on its overall education score. Specifically, the high school plus variable accounts for two-thirds of the education component, and the university score accounts for the final third.

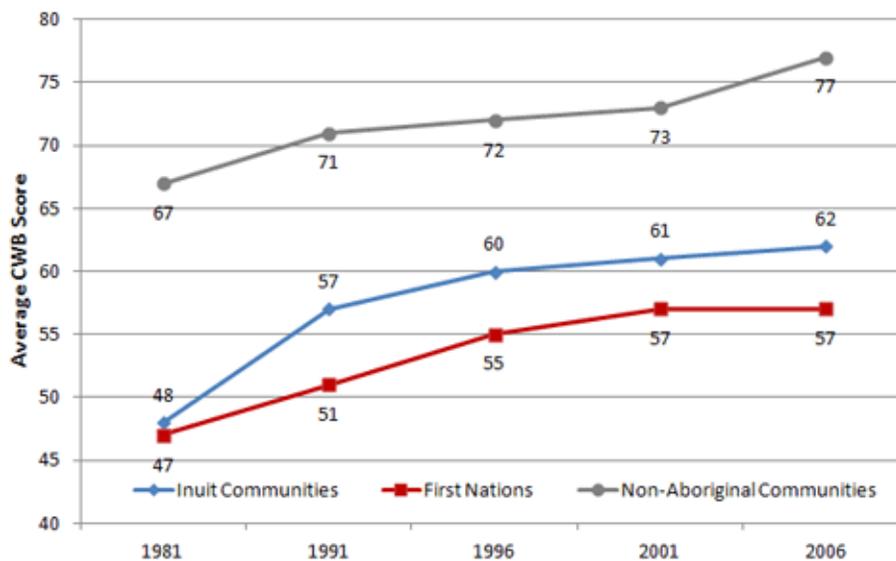
- 3) Housing:** The Housing component comprises equally-weighted indicators of housing quantity and quality.
- a) Housing quantity: the proportion of the population living in dwellings that contain no more than one person per room.
 - b) Housing quality: the proportion of the population living in dwellings that are not in need of major repairs.

4) Labour Force Activity: The Labour force activity component is composed of the following two equally-weighted variables:

- a) Labour force participation: the proportion of the population, aged 20-65, that was involved in the labour force in the week prior to Census Day.
- b) Employment: the percentage of labour force participants, aged 20-65, that was employed in the week prior to Census Day.

Availability of Data

CWB scores have been calculated for 1981, 1991, 1996, 2001 and 2006. Scores for 1986 were not calculated as information on dwelling condition was not collected in the 1986 Census. CWB scores from a given census are available for every community in Canada with a population of at least 65, that was not an incompletely enumerated reserve*, and whose global non-response rate* did not exceed 25%. In addition, CWB component scores (i.e. income, education, housing and labour force activity scores) are available for communities containing at least 40 households and 250 individuals.

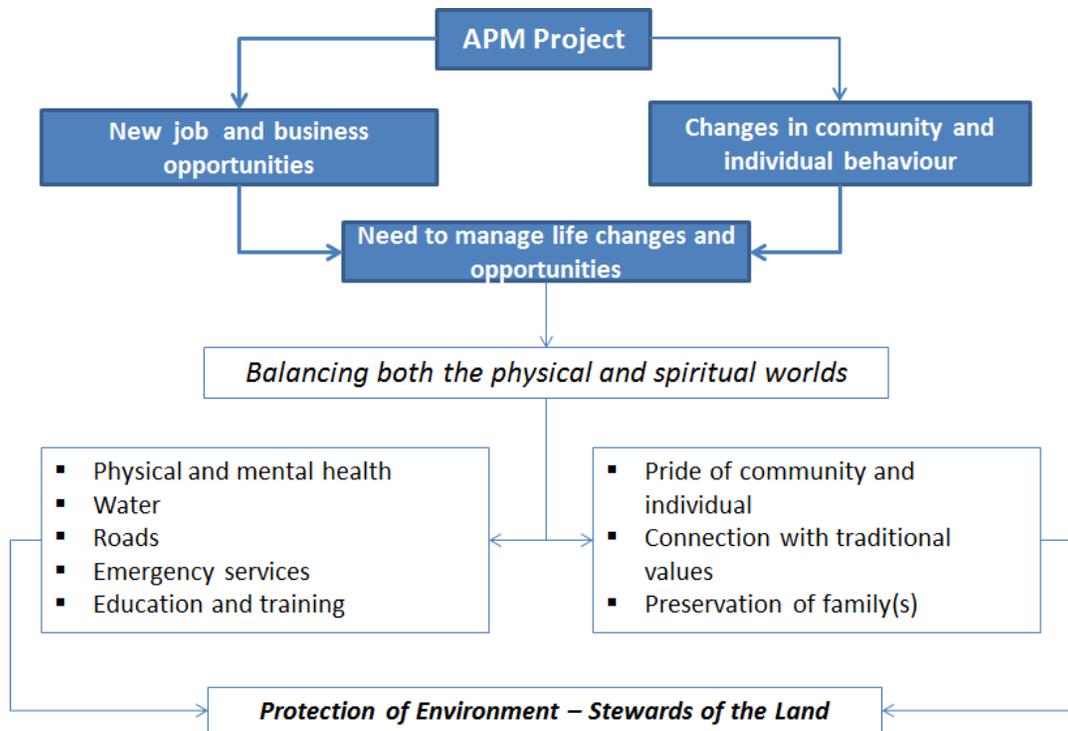


Appendix A - Figure 1: Community Well-Being Averages Over Time, Inuit, First Nations and Non-Aboriginal Communities, 1981 to 2006.

* A reserve is considered incompletely enumerated if it was not permitted to be enumerated or if enumeration was incomplete or of insufficient quality. <https://www.aadnc-aandc.gc.ca/eng/1345828176385/1345828236726#ft2a>

* Global non-response rate is the percentage of required responses left unanswered by respondents. <https://www.aadnc-aandc.gc.ca/eng/1345828176385/1345828236726#ft3a>

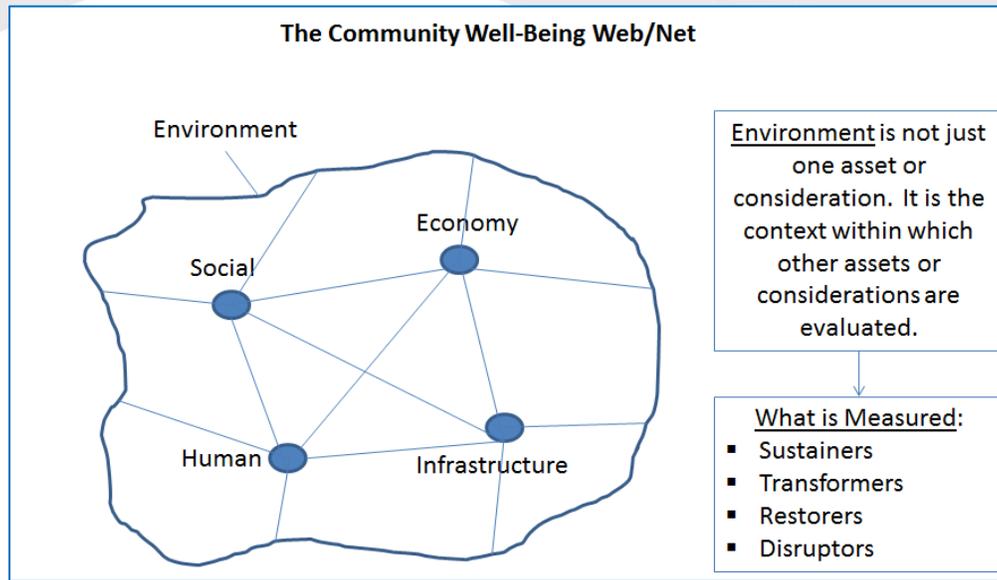
A.2 Results of Workshop Discussing the Concept of Well Being



Appendix A - Figure 2: Conclusions from the Workshop

In summary, most of the discussion from the workshop led to the need for balance of both the physical and spiritual worlds. Key parameters in this balance included references to the following physical aspects: physical and mental health; water; roads; emergency services; education and training. Some key parameters in the spiritual worlds related to: pride of community and individual; connection with Traditional values; maintaining a spiritual relationship to the 'land' and preservation of family ties. In the end, protection of the environment was an overriding theme. Stewardship of the land is a fundamental belief of Aboriginal Peoples; this belief underlies practices such as the 'Seven Generation Teachings' which require people to consider the impacts of their decisions on at least seven generations into the future.

* APM Project = Adaptive Phased Management Project



Appendix A - Figure 3: Community Well Being Net

Additionally, society and economy might be seen as nested in the environment, which is all inclusive. As a result, the Community Well Being pentagon was transformed into a circle, hard edges were removed, and the same asset categories were placed in a net composed of the environment. There was some discussion about whether culture is a separate entity or whether it is the way in which all assets are interpreted – the way in which we view and understand life. However, land also affects culture and many aboriginal peoples believe that their identity and culture comes from the land. The net may also be considered the spiritual dimension. As a result, the net, or Environment is both spiritual and physical. Concept of ‘strength of the net’ or ‘density of the net’ as a consideration in well-being is also important as each community might have its own well-being web, or well-being map.* Also, the web connects the “poles of well-being”. Figure 3 (above) might be seen as more of a three dimensional sphere, resembling a dream catcher. A dream catcher, as explained by Elder Fred Kelly, is actually a three dimensional sphere and it is dynamic. This seems like an appropriate representation for well-being in an Aboriginal context.

The group believed that there needs to be general/mainstream indicators that can be measured across the board. However, the community should also be able to identify indicators and measures specific to their own needs. In a sense, there should be two levels of indicators that can be measured, “General” and “Community Specific”. Community Well-Being was seen as a progressive process that embodied the following three guiding principles of:

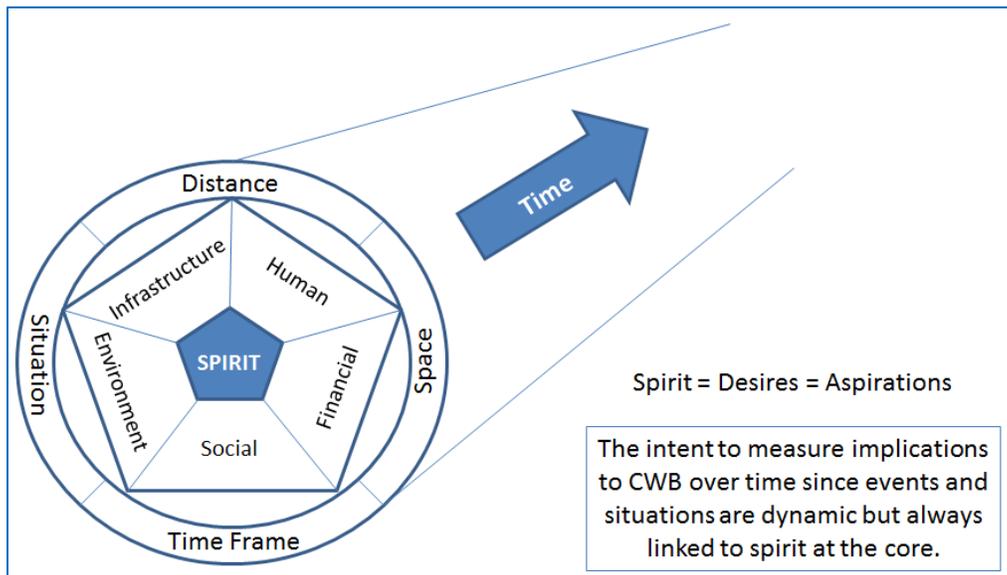
- a) Hoping (aspirations/vision/planning)
- b) Believing (evidence of implementation of vision becoming reality)

* See "Maps of Dreams" excerpt from: Hugh Brody, (1981), *Maps and Dreams: Indians and the British Columbia Frontier*, Vancouver: Douglas and McIntyre.

- c) Knowing (completion of vision activities, reflecting on accomplishments)

Measurement considerations led to 4 categories of measurement for community well-being:

- a) Sustainers
- b) Transformers
- c) Restorers
- d) Disruptors (how community responds, demonstration of resilience)



Appendix A - Figure 4: The Community Well Being Circle over Time

At the core (centre) of the framework is “spirit” and is intended to be community defined. However in most cases it might refer to “desires” or “aspirations” of family or community, which in turn might be based on experiences, beliefs, and considerations for future generations. There are three considerations to draw from:

- a) Every community has spirit.
- b) Family considerations related to preservation of culture and knowledge are key.
- c) The CWB circle operates in the same manner as the original pentagon.

The framework extends over time in a spherical manner with considerations of space, distance, situation and time frame. Additionally, jobs and wealth creation for individuals or communities is not an overriding objective. It is less important relative to implications for land and spirit and “mother earth”. The intent is to measure and take stock of well-being continually over time, like taking slices through the above illustration. It was discussed that measurement of well-being could be made quantitatively and qualitatively through personal experiences of well-being, involving some of the following less tangible

but equally important aspects. Lastly, the following progression of desires → fulfillment → wellness are important to capture:

- a) 3 levels of wellness, equally applied to culture and spirit in progression:
 - ↓
 - I hope my grandchildren are fine
 - I believe my grandchildren are fine
 - I know my grandchildren are fine because I am experiencing it
- b) Experiences shared become a communal experience and thus become part of the community or family culture.
- c) Are we all comfortable, happy (fleeting), are our needs being met? This will be unique for each family and community and one must be sensitive to this at all times.
- d) Quest for wellness and prosperity is an ongoing journey and is dynamic.
- e) “Culture” is about adaptation and life experiences. It must be at the centre of any well-being assessment.