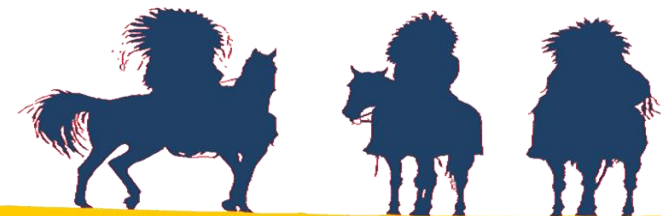




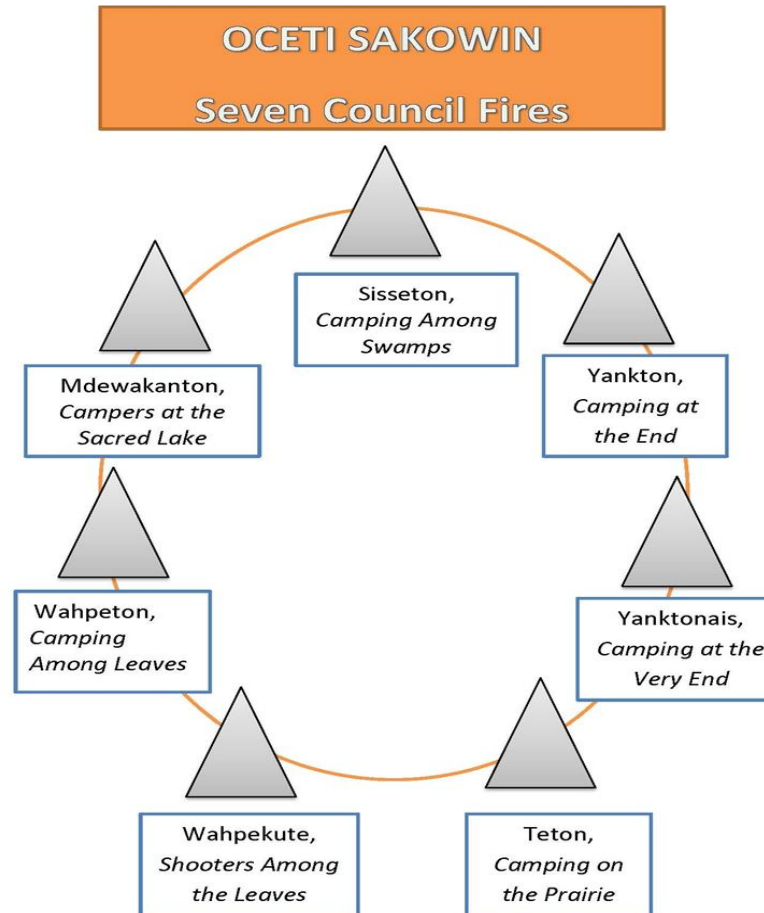
WDFN Self-Governance and Lessons in Nation-Building

Murray Long, Director of Self-Government





Oceti Sakowin / Dakota Governance



Resources:

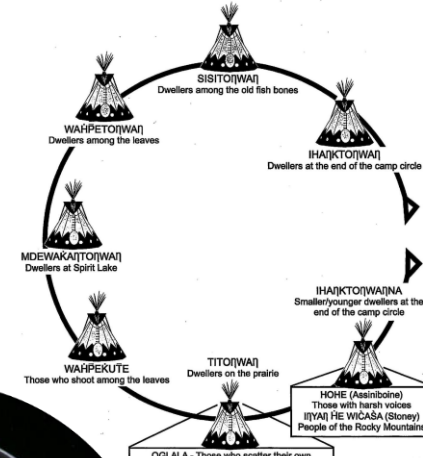
[Dakota Elders Videos](#)

[WDN Community History](#)



Dakota Traditional Territory and History

- Seven Council Fires
Dakota, Nakota, Lakota
- Historical ally of the British
- American Revolution 1775 -1782
- Treaty with British Crown - 1787
- War of 1812/Treaty of Ghent
- Not signatory to numbered Treaties
- Relationship with City of Saskatoon





Indian Act

- Minister decides
- Legal Status
- Accountable to Gov't
- Unable to do business/red tape
- European laws/structure
- Toothless laws
- Limited financial certainty
- Dependence

VS

Self-Government

- Community/Council decide
- Accountable to Mbrs
- Streamlined for business
Laws reflect culture
- Laws with teeth
- Financial stability
- Self Reliance

Two Views of First Nations Place in Canada

Constitution-Based View of Crown
(Gov't - to - Gov't Approach)

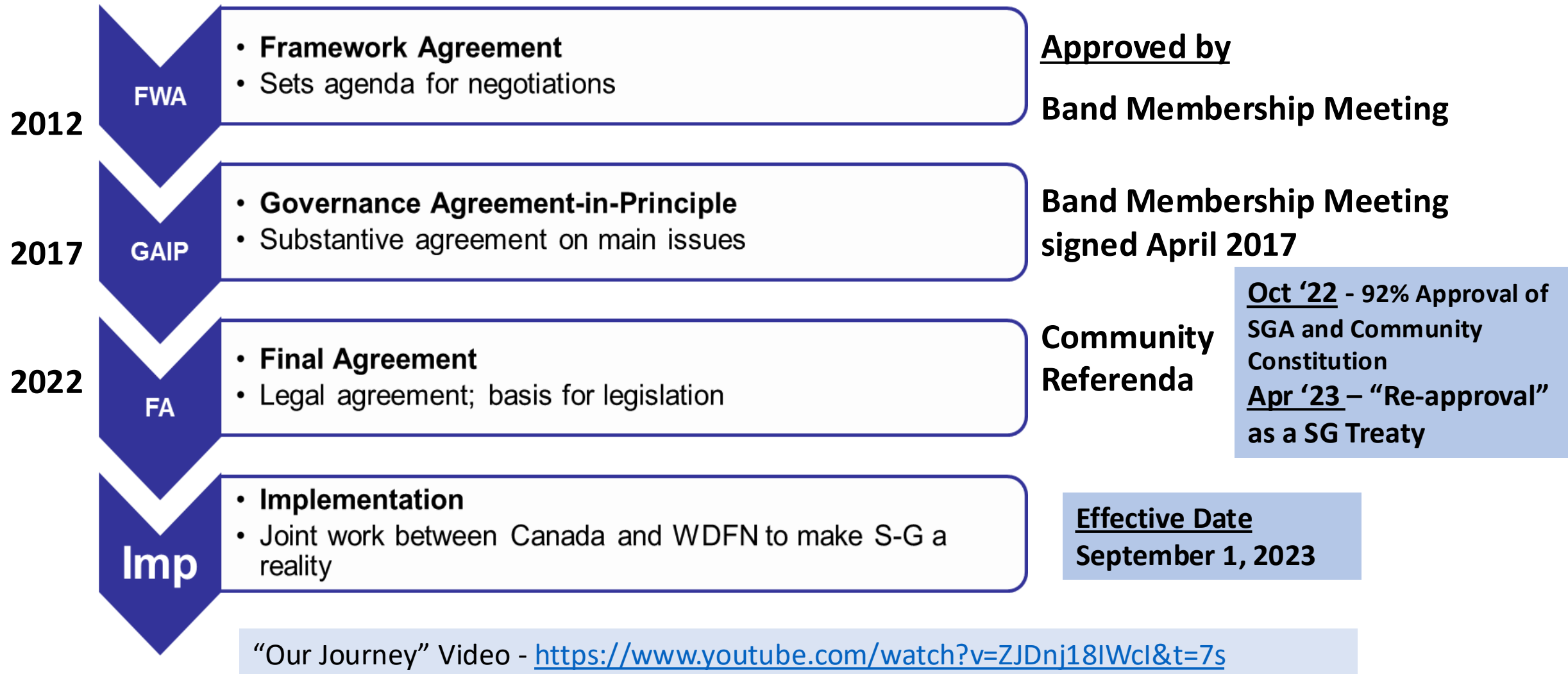


Treaty-Based View
(Nation-to-Nation Approach)



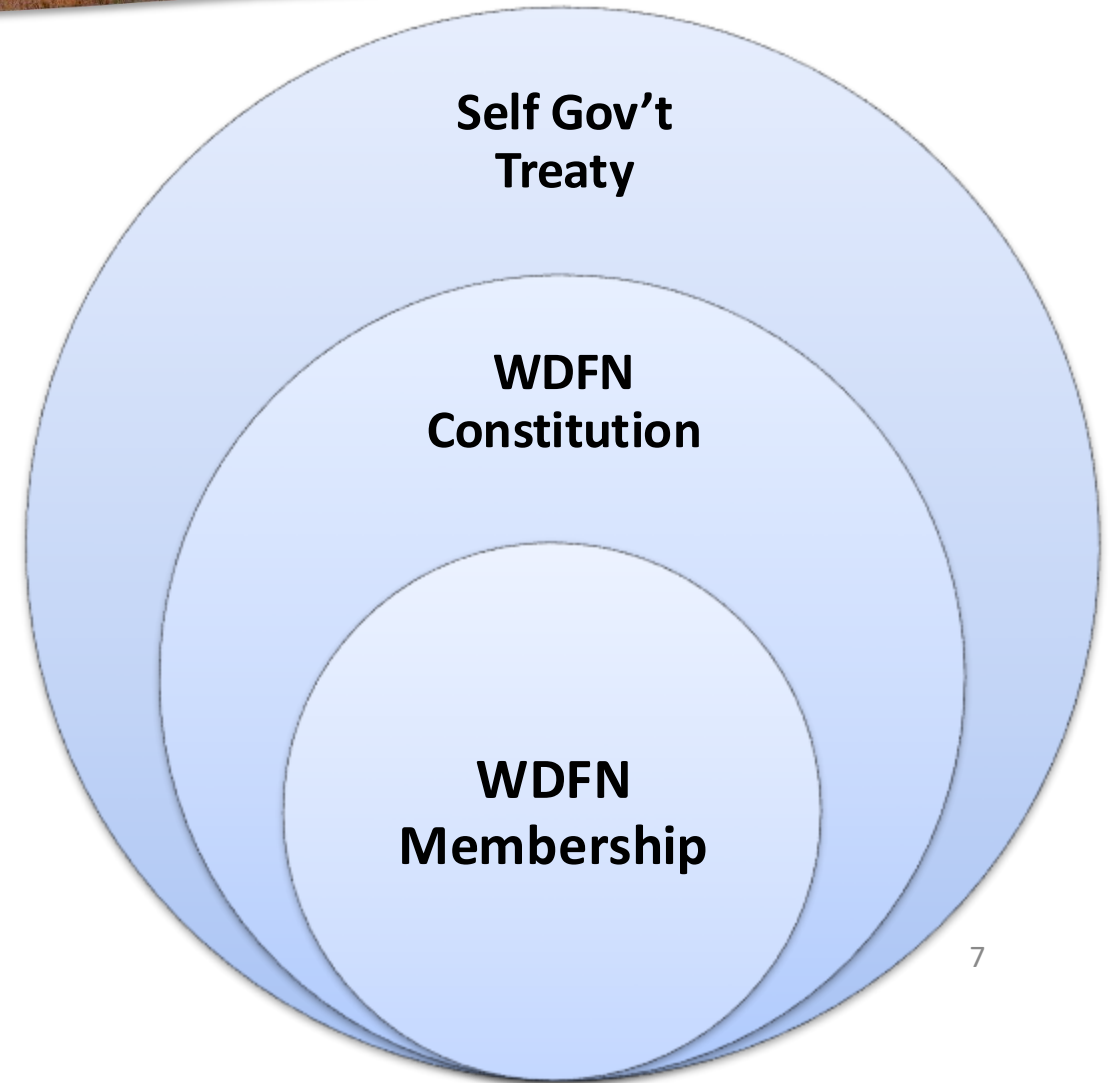
- ☞ What is the source for FN authority for governing themselves?
- ☞ What is the role of Treaty?

WDN's Path Toward Self Governance



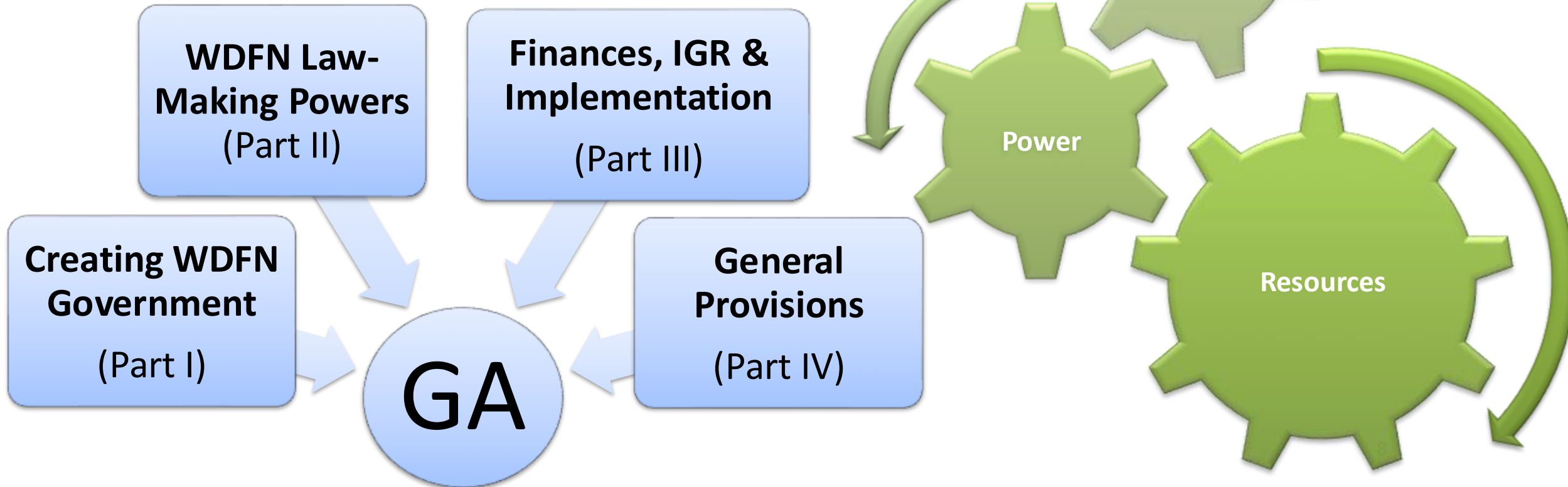


Achieving WDFN Governance





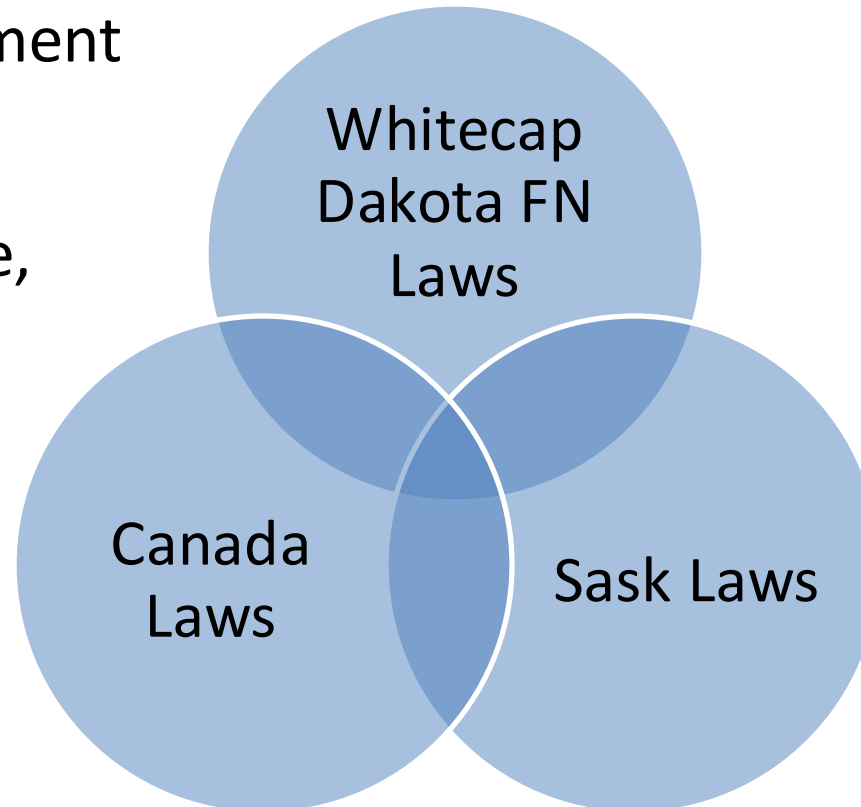
Governance Treaty – 4 Parts





A System of Laws Working Together

- SGT is a **bilateral** agreement
- Only Canada's laws will apply in some areas
 - e.g. Money, Defence, Criminal Code
- Some laws will operate side-by-side
- Some provincial laws may be adopted
- Canada and SK will also respect WDFN laws



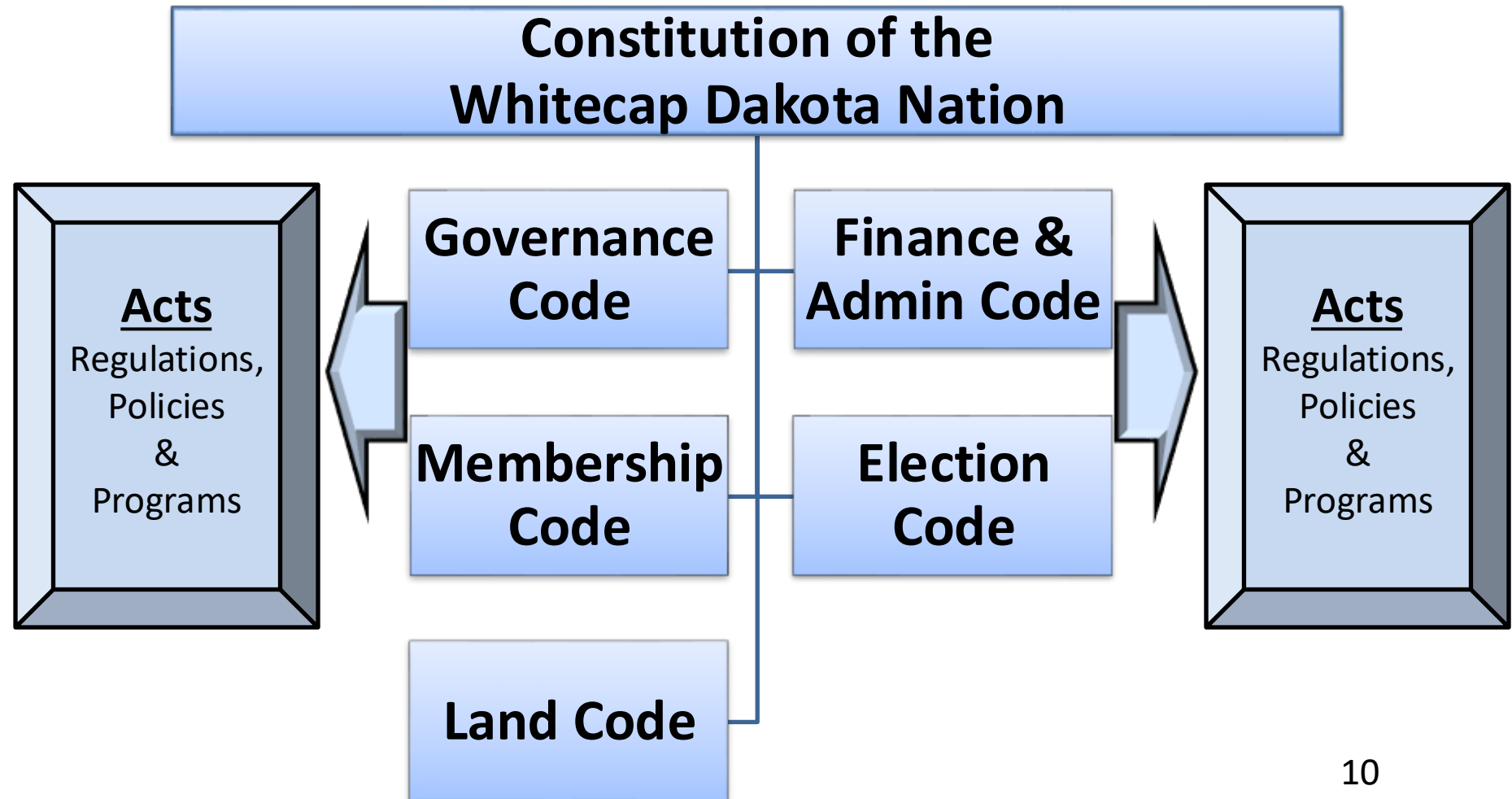
Areas where the Indian Act Remains in SGT

- Indian Status / Status Cards (s. 5-7)
- Access to Health Benefits (Non-insured Health Benefits-NIHB)
- Protection of Whitecap Reserve Lands (s. 3)
- Tax Exemption (s. 87)



Levels of WDFN Law and Policy

1. Constitution
2. Codes
3. Acts
4. Supporting Regulations, Policies & Programs





The Path to SG - Gaining Control / Building Capacity

1979 – Moose Woods Election Act

1989 – Moose Woods adopts **Custom Election Code**

2004 – WDFN passes **Land Code** (First Nation Land Management Act)

2008 – WDFN Community Improvement Fee (**FNGST**)

2011 – WDFN approves **Membership Code** (Custom Code)

2012 – **Framework Agreement** to begin
Self-Governance Negotiations

2018 – WDFN **Environmental Law** passed partnership with Province of SK

2022 – Community ratification of **Constitution** and **SG Agreement** (92%/60%)

2023 – Community ratification of **SG Treaty** (100%)

2023 – Community ratification of **Governance Code** and **Finance Code**

I AM VOTING YES!

FOR OUR WDFN CONSTITUTION
& SELF-GOVERNMENT AGREEMENT

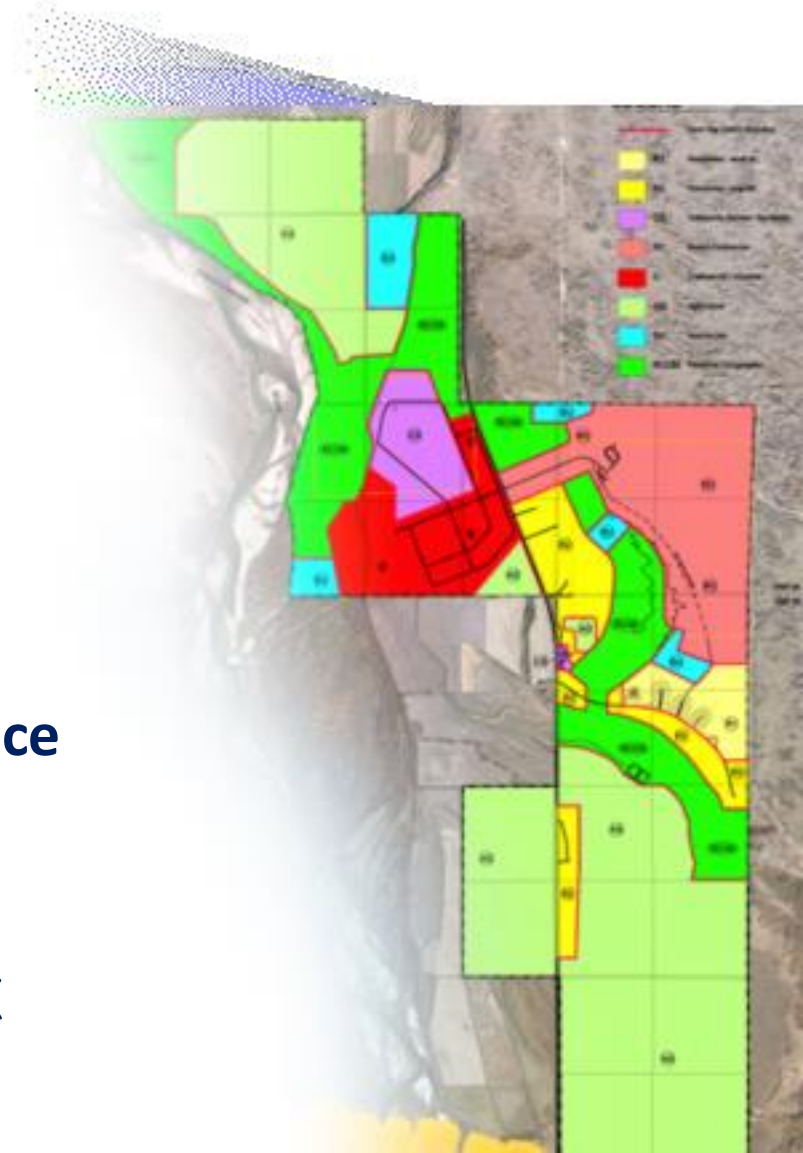


COMMUNITY APPROVAL VOTE
OCTOBER 6 & 7, 2022



WDFN Land Code

- Land Use Planning & Zoning
- Development Standards
- Leasehold Interests
 - Up to 99 year commercial and residential leases
 - Lease renewal option formula
 - Enables CMHC mortgage insurance
- Lots legally surveyed and registered with First Nations Land Registry
- Property Tax assessment through SK Assessment Management Agency





Whitecap Dakota Treaty Negotiations

WDFN's Case for a Treaty

- 1) Dakota Presence in Canada
- 2) Dakota-British Crown Alliance
 - 1787 Treaty
 - War of 1812 broken promises
- 3) Dakota should not have been denied Treaty Adhesion
 - "British Indians"
- 4) Dakota Reconciliation

How did we overcome Canada's "Policy Inertia?"



from your...
Merrill Jackson is killed at in their
Papers as the instrument of vengeance
if so I shall to the latest period of my
Life, bewail the hapless destiny of these
devoted Nations who listening to our
solicitations and confiding in our
promises faithfully adhered to us during
the War, but found the Peace which
promised security to them and to their
Country only lead to their utter ruin and
annihilation. —
Shaw or
(Signed) Robt. McDonald
Lt. Colonel



The Self-Government Treaty Agreement:

- **Recognizes WDFN as aboriginal peoples with s.35 and s.25 constitutional rights**
- **Whitecap's Self-Self-Government Agreement will be fully protected as a Treaty**
- **Commits to future treaty work to deal with Aboriginal rights (lands, title, etc), and strengthens WDFN's position in these negotiations**



LESSONS LEARNED

- Evolutionary process
- Build Capacity
 - Land Code Experience
- Be practical
- Partnerships including SK engagement
- Strong, stable, dedicated, patient & persevering Leadership
- Active, Healthy & Unified Community





QUESTIONS?

<https://www.whitecapdakota.com/en/our-government/self-government-resources.aspx>

**For more information on our Self-Governance
processes, scan the QR code or visit
whitecapdakota.com**

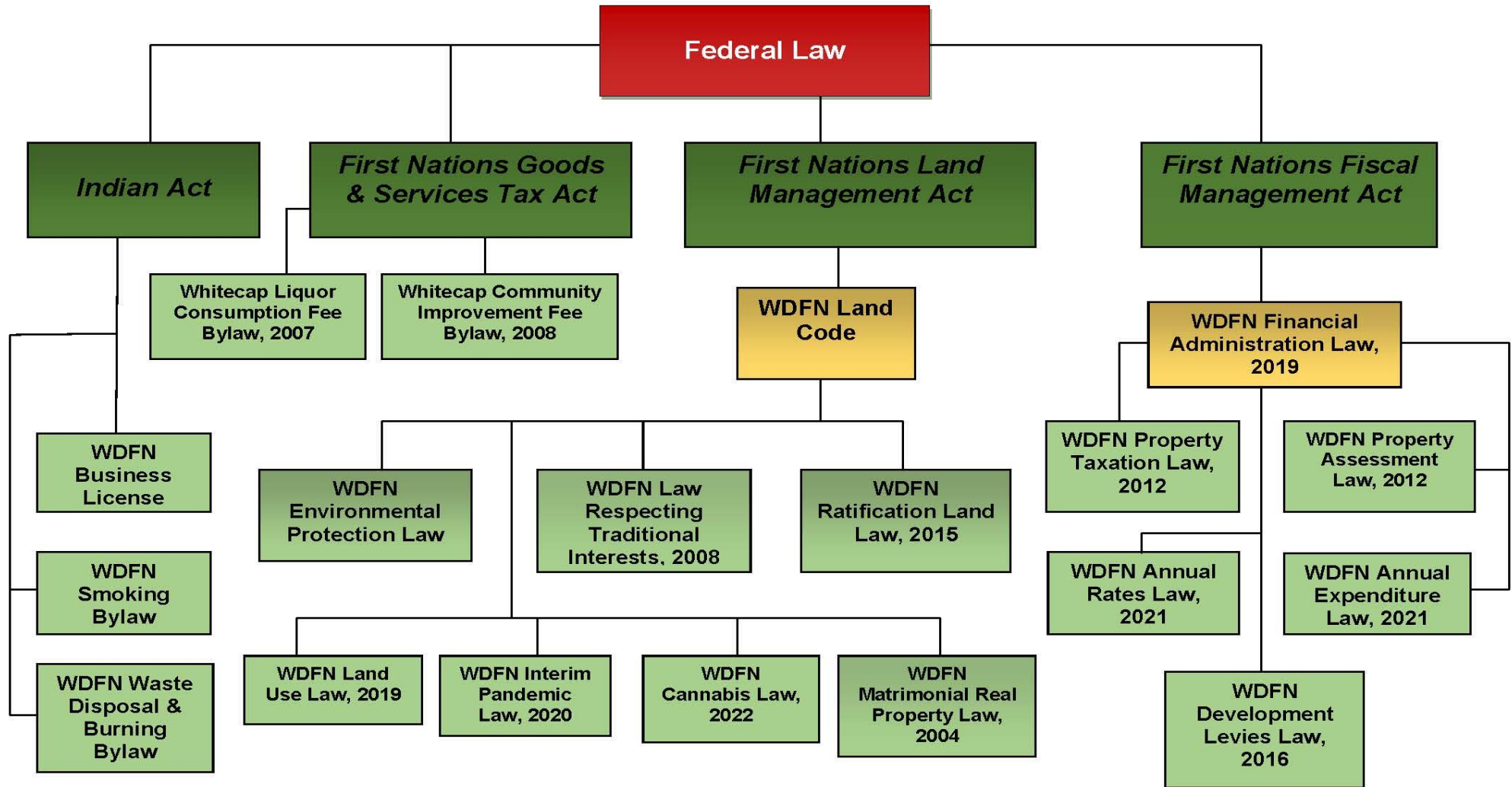




SELF GOVERNANCE PROCESSES AND AGREEMENT

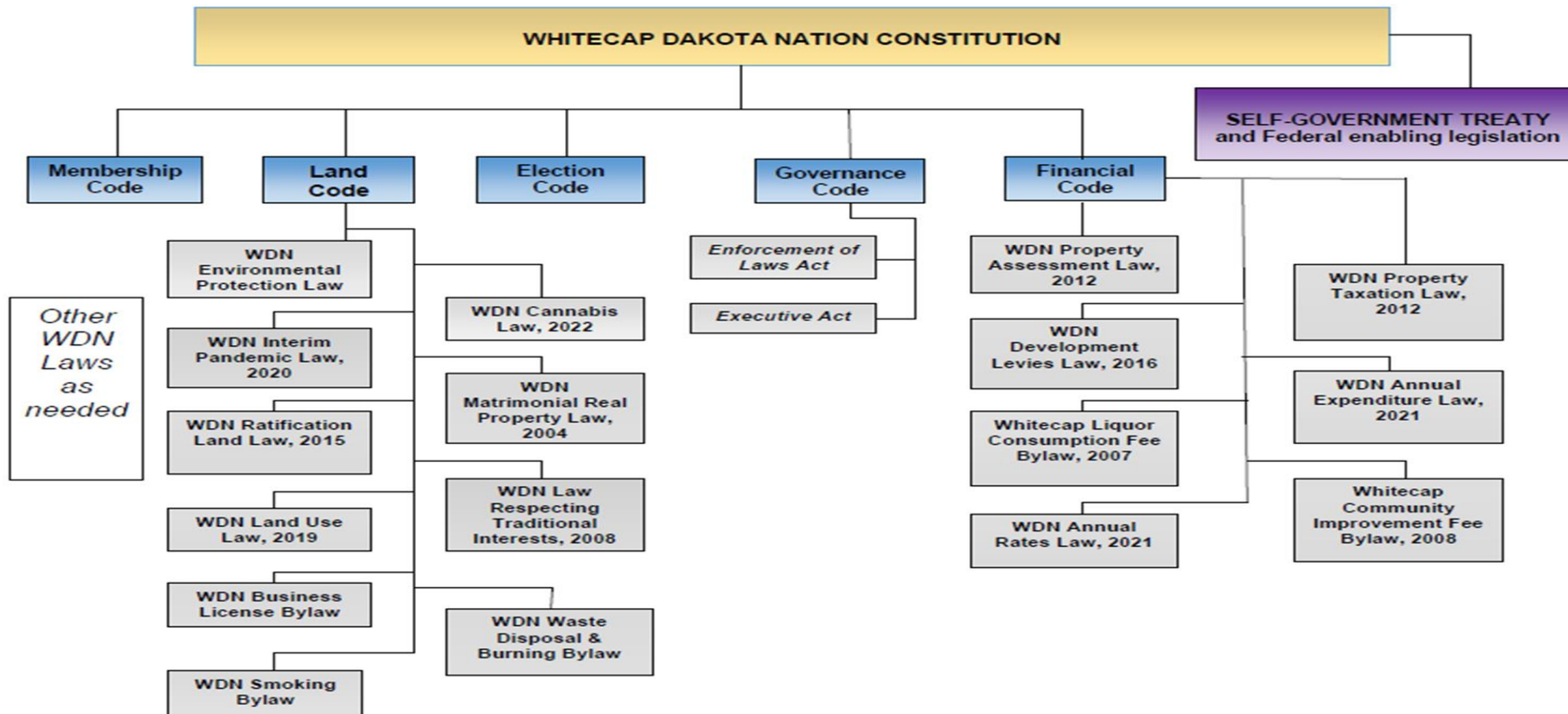


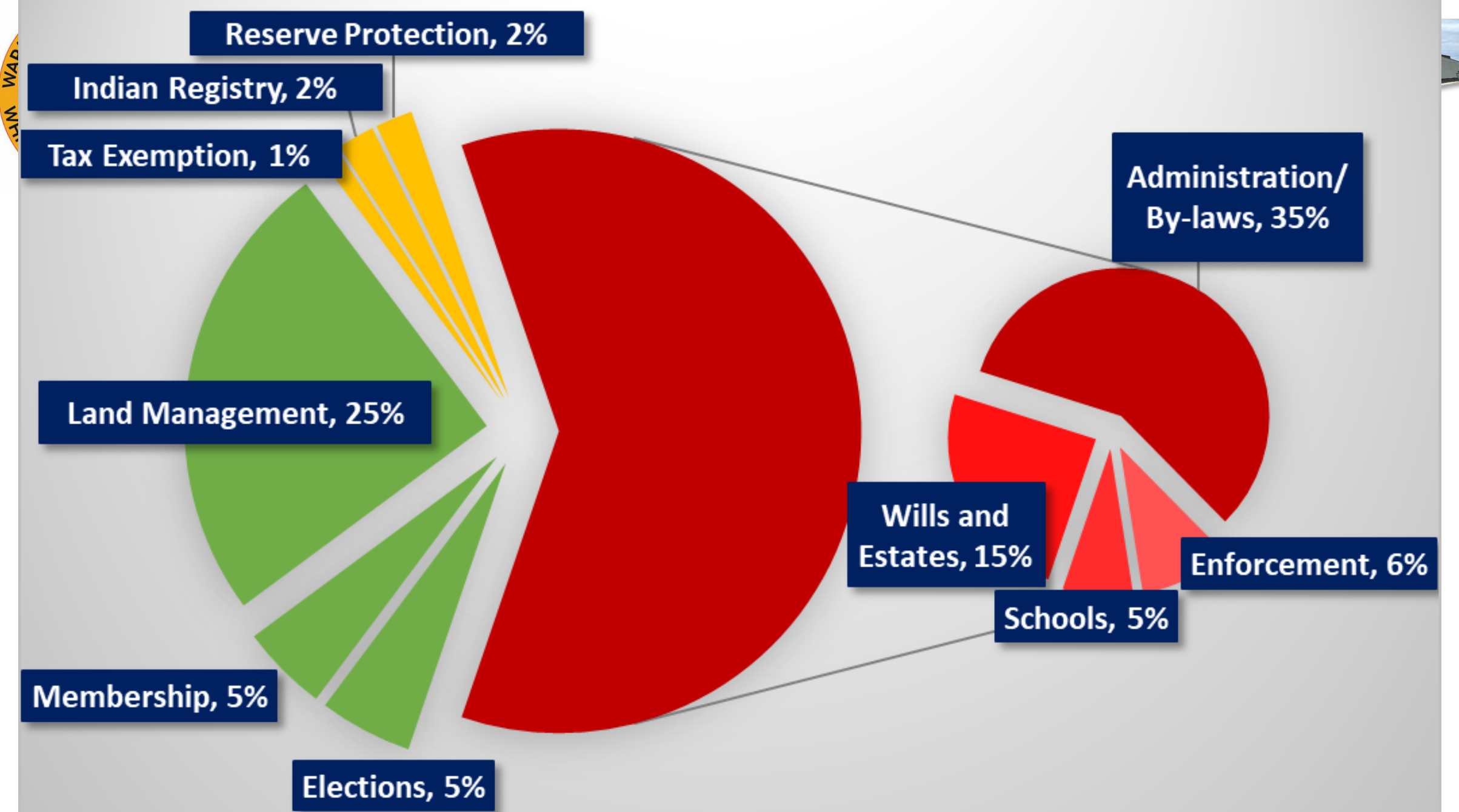
WDFN Structure of Laws - BEFORE





WDN Structure of Laws - SG







FISCAL ARRANGEMENTS

- Band support funding currently 365k, increases to \$3.6M
- Funding agreements with other Federal Departments (CMHC, Heritage Canada, Public Safety Canada, etc)
- Moratorium Own Source Revenues (OSR): WCIF, Business profits, taxation, land lease revenues
- WDFN will participate **in Fiscal Collaboration Process** with 25 other Self-Governing Indigenous Nations to define our true **Expenditure Needs** in areas including :
 - Health and Social Development
 - Education
 - Culture and Language
 - Economic Development
 - Infrastructure/Public Works

Currently Own Source Revenues are supporting underfunded programs and capital

New Fiscal Arrangements will enable WDFN to repurpose these resources to community projects

CFP

The CFP “addresses the fiscal relationship between Canada and self-governing Indigenous Governments”.

– *Canada’s Collaborative Self-government Fiscal Policy*

Collaborative development:

- Policy development is centered on collaboration and transparency with Canada’s commitment to reconciliation

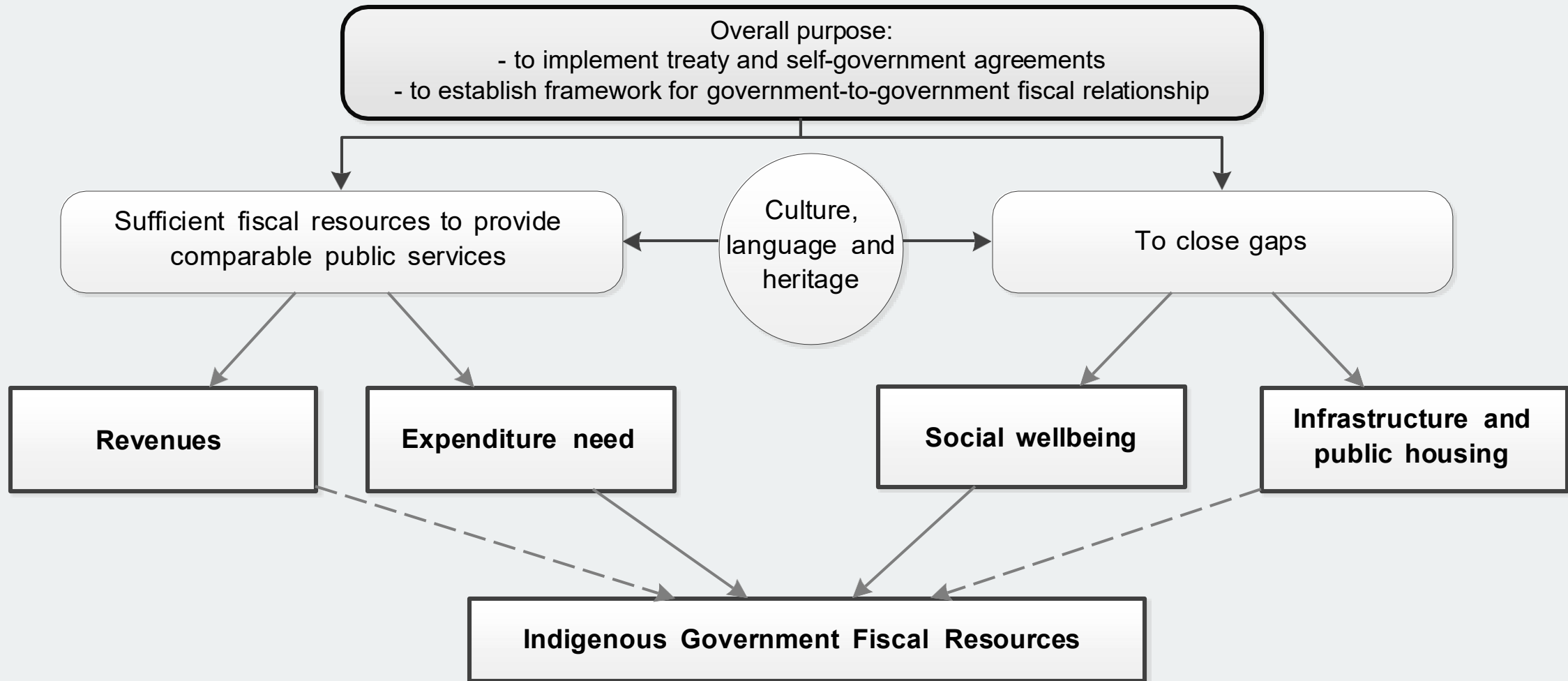
Fiscal relationship:

- Policy addresses fiscal relationship between Canada and Self-governing Indigenous governments (SGIGs)
- Funding is based on each SGIG’s “expenditure need”

Sustained and consistent process:

- Process initiated May 2016
- Policy co-developed with 25 SGIGs – released in August 2019
- Monthly “in-person” meetings & key working groups ongoing

Aspects of CFP: Fiscal Policy Model



Expenditure Need

“ Expenditure need is a measure of the estimated cost of performing a set of services, functions or activities to meet a set of responsibilities, based on comparative measures or standards. ”

*- Canada's Collaborative
Self-government Fiscal Policy*

Addressing Expenditure Need

- Methodology for Governance and Administration completed in 2019
- Expenditure need utilizes benchmarks or comparative measures, and considers each SGIG's culture and heritage
- Calculations provide basis of funding amounts – SGIGs have discretion over the allocation of those funds to programs, services and community priorities

Expenditure Need Work

Completed

- Governance and Administration
- Principles to guide the development of culture, language and heritage expenditure need

Current work

- Culture, Language and Heritage
- Lands & Resource / Treaty Management
- Infrastructure
- Social Well-Being and Gaps-Closing

Future work

- Economic Development
- Housing
- Health
- Education
- Social Development (including Child and Family Services)



Effective Governing Institutions

- stable institutions and policies
- fair and effective dispute resolution
- separation of politics from business management
- a competent/professional bureaucracy
- cultural match

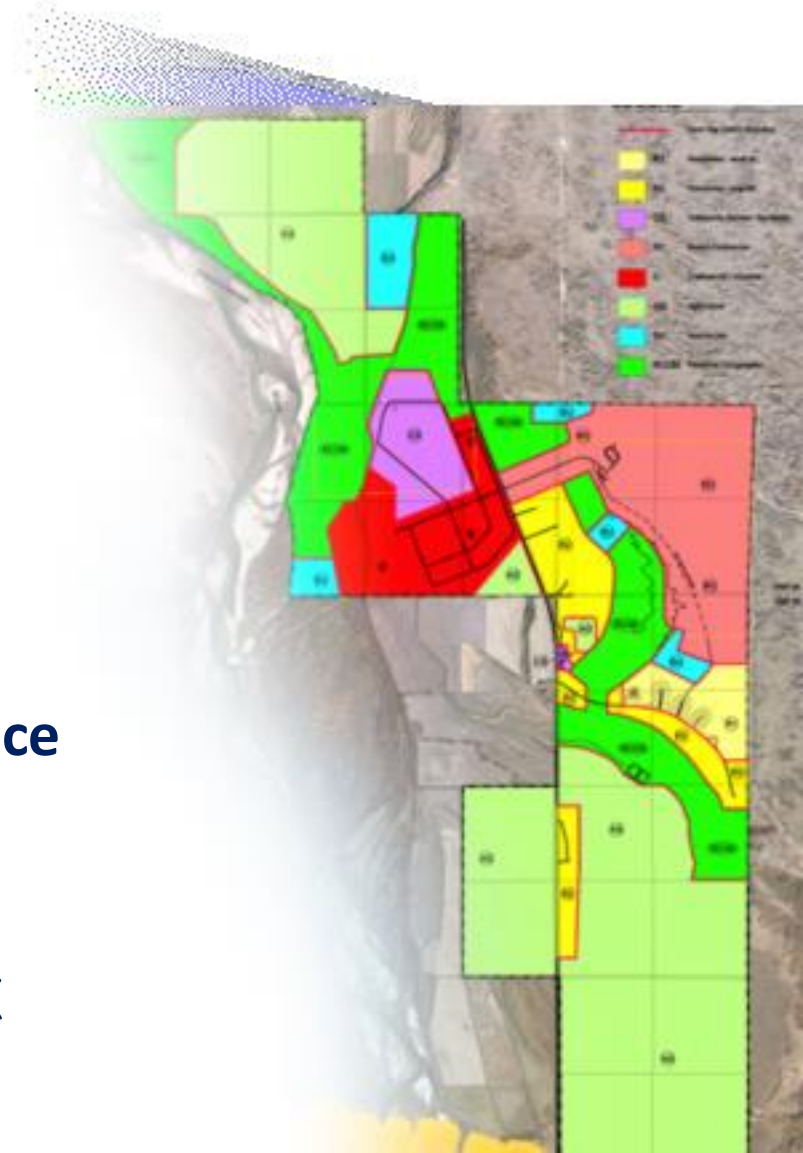
(Kalt and Cornell)





WDFN Land Code

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- Property Tax assessment through SK Assessment Management Agency





WDFN Environment Law – Partnership with SK

- **Incorporates SK's Environment Management & Protect Act by reference (pollution section)**
- **Agreement with province provides flexibility:**
 - **if national Indigenous Environment Law is developed in the future, can incorporate this into WDFN Laws**
- **Ensures polluter pays: no longer \$1000 max penalty under Indian Act**
- **Developed under the authority of the Land Code**



Enforcing First Nations Laws

- Policing and Public Safety
 - Start up of Community Safety Officer Program (April 2022)
 - Funding supported by Cda-SK FN Policing and LABRC
- Court Prosecution and Enforcement
 - SK Justices of the Peace appointed in consultation with FNs
 - Province amended Summary Offences Procedures Act-2023
- Results
 - Community-based policing / Safety for Residents and Visitors
 - Greater Investor confidence
 - Support of WDFN Self-Governance and future WDFN Laws





Improved Housing

- CMHC Section 95
- Private home ownership program (99-year residential leaseholds)
- FNLMA 49 lot subdivision
- Partnership with Sask Housing Corporation for multi-unit housing
- Land code amendment to access CMHC mortgages





Education

Memorandum of Agreement signed in September 2014 with Saskatoon Public Schools ending education disparity

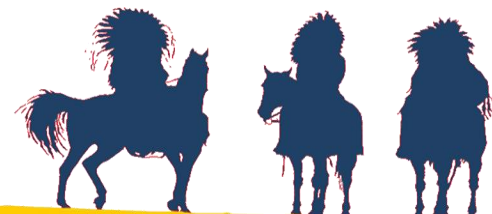
- **School Renovations \$1M**
- **School Addition – 2 Classrooms \$1.8M**
- **Stonebridge School \$2.7M**





Education – Early Learning Centre

- WDFN emerging as a regional employer
- Replacement of 22 seat daycare to 56 seats
- Open to members, other residents and non-residents
 - Breaking down the doors of segregation
- Federal, Provincial, Corporate capital support for construction - \$2M





Health

- Whitecap Primary Health Alliance Saskatoon Health Region
- Provincial Primary Health Care Innovation
 - Nurse Practitioner
 - Enhanced Services
- Health services open to the public

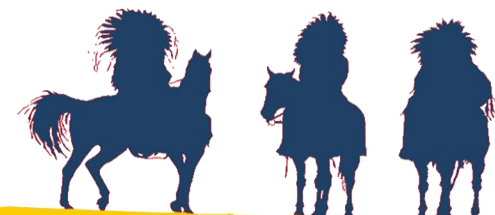




Taxation

Current Authorities through First Nations Financial Management Act (FNFMA) and FN GST Act

- Real Property Tax
- Whitecap Community Improvement Fee (WCIF)
- Whitecap Liquor Consumption Fee
- Provincial Fuel and Tobacco Tax Agreement
- Development Levies Law





Commercial and Community Infrastructure

- Water distribution
- Sewage collection
- Storm water collection
- Access/service roads
- Expanded natural gas
- Expanded telecommunications
- Three phase power
- High speed internet
- High speed fiber optic broadband capacity



Business Development Criteria

- Profitability
- Employment Creation
- Location
- Investment Requirements
- Community Impacts
- Financial Risk
- Management Capacity
- Partnership Potential

