Building Relationships with First Nations

A Distinctions-Based Guide for Members and Constituency Offices

Purpose

This guide supports Members of the Legislative Assembly and constituency office staff in developing and strengthening ongoing relationships with the First Nations whose territories overlap their constituencies.

There is no single approach that will work for every Nation. Each First Nation has its own history, culture, governance, laws, priorities, protocols, and relationship with the Crown. This guide provides a starting point for Members and their staff to learn about the First Nations connected to their constituency, understand important distinctions, and build respectful, ongoing relationships.

Background

The Legislative Assembly released its first Reconciliation Action Plan (RAP) on May 8, 2024. This plan outlines the commitments and actions the Legislative Assembly will undertake to contribute to reconciliation with Indigenous Peoples. The RAP was approved through the Legislative Assembly Management Committee (LAMC). This guide supports the implementation of the Reconciliation Action Plan's Commitment #2: *"We will provide educational opportunities and resources to Members and staff to enhance understanding of Indigenous history and contemporary issues."*

Why This Matters

Members represent provincial electoral constituencies, but constituency boundaries do not define First Nations' territories, rights, governance, or relationships to land and water. A constituency may overlap with the territories of one or several First Nations. Those Nations may also have relationships with lands, waters, communities, and places beyond the constituency's electoral boundaries.

Members regularly encounter provincial issues that may affect First Nations and their communities, including matters related to land and water, housing, health, education, infrastructure, economic development, public safety, and access to government services. Taking time to learn, listen, and maintain relationships creates a foundation for working together and helps Members understand local priorities, perspectives, and concerns.

First Nations hold constitutionally recognized and affirmed Aboriginal and treaty rights, although the nature and exercise of those rights are Nation- and context-specific. Building relationships helps ensure that Members understand local context and are aware of the issues of most concern for First Nations.

Begin With Place

To build collective knowledge, Members and their staff can begin by identifying the First Nations whose reserve lands and traditional territories overlap with, or are connected to, their constituency. Members may wish to learn each Nation's name, pronunciation, language group, leadership and administrative structure, community offices, public priorities, and shared history.

Additionally, reserve lands, treaty lands, and traditional territories are not the same thing. A First Nation's relationship to its territory is not limited to reserve boundaries, and lands outside a reserve may still be connected to a Nation's rights, responsibilities, cultural places, harvesting practices, waters, or governance interests.

Distinctions:

- **Indian Reserves**: Specific lands set aside for the use and benefit of a First Nation.
- **Treaty Lands:** Specific land parcels governed by formal agreements established between the First Nation and the Crown. These lands are under the ownership and jurisdiction of the First Nation.
- **Traditional Territories:** This term refers more broadly to lands and waters with which a Nation has longstanding relationships, responsibilities, histories, and governance connections.

Some constituencies will include one First Nation, while others will include several. The presence of multiple Nations does not mean that one Nation can speak for another; engagement with each Nation is unique.

A Distinctions-Based Approach

A distinctions-based approach means recognizing that First Nations are distinct peoples with their own governance structures, legal and political relationships, histories, cultures, protocols, and priorities. It means avoiding broad or interchangeable language that treats all First Nations as though they share the same experiences or needs.

Some Nations may have elected Chief and Council, hereditary leadership, or both. Some may be modern treaty Nations, some may be involved in treaty negotiations, and some may pursue governance and jurisdiction outside the treaty process. These differences shape how a Nation makes decisions, who should be contacted, what engagement process may already be in place, and how it may wish to work with external governments and representatives.

Governance Structures:

- **Hereditary Leaders**: Leaders whose authority comes from a First Nation's traditional governance system and is typically passed through a family, clan, house group, or lineage according to that Nation's customs and laws. Hereditary leadership predates the *Indian Act* and the elected band council system.
- **Elected First Nation Governments:** Elected representatives, such as Chief and Council, are elected by enfranchised members of a particular Indian Band. Membership in a band is defined by the rules of that band. *Indian Act* band membership is determined by those listed on a Federal Band List. Membership is determined by the *Indian Act*. Some Bands however are "Section 10 Bands" which means the band itself determines who is a member—be it by descent, community acceptance or otherwise. Finally, some bands have moved to "self government," with citizenship under their own constitution or citizenship law.

A distinctions-based approach also means using the specific name of the Nation, while also ensuring it is the name that each Nation uses for itself. First Nations do not all use the same naming conventions, and the words used in an organization's legal or public name may vary. Some examples of common names may include:

- First Nation
- Indian Band
- Tribe or Tribes
- Tribal Council

In most cases, Members and their staff can find the Nation's full, preferred name on its official website or in its communications. Also note that a Tribal Council may represent multiple member Nations, rather than being the name of a single First Nation.

First Nations hold distinct rights arising from their laws, histories, treaties where applicable, and longstanding relationships with their lands and waters, as well as rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. These are collective rights held by particular Nations. They are not identical from Nation to Nation, and they should not be assumed to apply only on reserve lands.

Individual Members are not responsible for making legal determinations about Aboriginal rights, treaty rights, Aboriginal title, or the Crown's duty to consult. However, understanding the basic distinction between reserve lands, territories, and rights can help Members to recognize whether and why a Nation may have an interest in a provincial issue:

- **Reserve Lands:** Specific lands set aside for the use and benefit of a First Nation.
- **Traditional Territory:** This term refers more broadly to lands and waters with which a Nation has longstanding relationships, responsibilities, histories, and governance connections.
- **Aboriginal and Treaty Rights:** This reference may include Nation-specific rights and interests related to harvesting, fishing, hunting, cultural practices, land, water, governance, or other matters.
- **Treaty, Title, and Self-government Arrangements:** These differ across the province and should be understood in relation to the specific Nation.

When concerns arise, Members can help bring matters to the attention of the appropriate ministry, agency, or provincial decision-maker.

Relationship Building

Relationships with First Nations develop through repeated, respectful contact and an honest interest in understanding a Nation's priorities and preferred ways of engaging.

Members and staff can support this work by identifying appropriate contacts, including leadership and relevant administrative staff. A Nation's website, public directory, and office can help clarify the right point of contact for a particular matter. Taking time to contact the appropriate person shows respect for the Nation's governance and capacity.

Relationships with First Nations can be enhanced by:

- Listening before assuming what support or engagement is needed.
- Learning about the Nation's goals, priorities, public initiatives, and concerns.
- Maintaining communication beyond a single issue or event.
- Following through on commitments and providing updates when promised.
- Respecting the Nation's time, capacity, internal processes, and protocols.
- Recognizing that trust is built through consistency, not one-time outreach.

Showing Up Respectfully

Showing up matters and showing up in a good way can be achieved by learning each Nation's protocols. Members and staff should not assume that they are invited to all community events or meetings. When an event is publicly open, attending can be one way to learn and demonstrate support. Where attendance or participation is uncertain, it is appropriate to ask.

As relationships develop, there may be opportunities to attend events, acknowledge significant community occasions, invite Nations to participate in constituency events in ways they consider appropriate, and amplify public information or initiatives that Nations wish to share.

Members may also seek opportunities to support priorities identified by a Nation. This could include raising awareness of an issue, connecting a concern to the responsible ministry, recognizing a public achievement, or ensuring a Nation's perspective is not overlooked in constituency or provincial discussions.

Protocol and Communication

Protocol is Nation-specific. What is appropriate for one First Nation may not be appropriate for another. Members and staff should ask rather than assume.

This includes confirming:

- The appropriate person or office to contact.
- Preferred names, titles, and forms of address.
- Whether an event, acknowledgement, welcome, or correspondence requires particular protocol.
- How the Nation wishes to be acknowledged in constituency communications or events.

In some situations, Members may wish to provide territorial acknowledgements. When given, territorial acknowledgements should be accurate, specific, and used as part of a broader commitment to relationship-building. An acknowledgement builds on learning about the Nations whose territories are connected to the constituency and should complement efforts to strengthen relationships with them.

A Continuing Commitment

Every Member and constituency office will develop relationships differently based on the Nations connected to their constituency and the relationships already in place. Strong relationships often emerge when Members approach First Nations as governments and partners with their own priorities, authority, knowledge, and responsibilities, as well as with an openness to listening, learning, and communicating on an ongoing basis.