



# NEWS RELEASE

Le Comité sénatorial permanent des peuples autochtones

## **Create independent body to monitor First Nations elections and appeals says report by Senate Aboriginal Peoples Committee**

**Ottawa (May 13, 2010)** – Immediate steps to create a First Nations Electoral and Appeals Commission should be undertaken by the Department of Indian Affairs and Northern Development says a report by the Standing Senate Committee on Aboriginal Peoples. The report suggests that the existing two-year term of office imposed on First Nations by the *Indian Act* is too short to provide political and economic stability, often creating deep divisions in communities.

According to the committee, establishing an independent body empowered to hear First Nations elections appeals, replacing the current cumbersome and costly process managed by the Department, could strengthen and promote increased electoral capacity for First Nations and help develop effective, transparent, and accountable First Nations governments and election practices.

The report entitled "[\*First Nations Elections: The Choice is Inherently Theirs\*](#)" calls for a firm commitment by the Department of Indian Affairs to assist First Nations who currently hold elections under the *Indian Act* to revert to "customary" or community-based codes. The committee believes that enabling First Nations to design and affirm the details of their self-governance regime is the best way to achieve lasting solutions.

"Our Committee acknowledges that governing is increasingly a complex and challenging task, which is why we believe greater support must be made available to First Nations to assist in the development of effective management and administrative practices" says Senator Gerry St. Germain, P.C., Chair of the committee. "A First Nations Electoral and Appeals Commission could assist in developing capacity in terms of governance and professional services."

The report outlines the need for clear targets and timelines for the reversion to community-codes and underscores that sufficient funding be made available for First Nations currently under the customary method of leadership selection to update their codes to be consistent with Canadian law and effective governance practices.

The committee also calls on First Nations Leadership to ensure appropriate consultation mechanisms are used to make certain all community members can meaningfully contribute to the development and implementation of community-based codes.

“First Nations community members must be able to actively participate, as appropriate, in the decision-making processes of their governments,” says Senator Lillian Dyck, Deputy Chair of the committee. “Political accountability of Chief and Council to community members needs to be strengthened.”

In addition, the committee recommends the Department of Indian Affairs and Northern Development, in collaboration with interested regional First Nations organizations, establish pilot projects to develop and implement First Nations-led electoral initiatives and to guide policy or legislative development in this area.

The report “*First Nations Elections: The Choice is Inherently Theirs*” is based on testimony to the Committee during public hearings in British Columbia, Manitoba and Ottawa and is informed by the need to give meaningful expression to the inherent right of self-government.

To read the full report and list of recommendations, please visit the committee website: [www.senate-senat.ca/abor-autoch.asp](http://www.senate-senat.ca/abor-autoch.asp)

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## Recommendations

### Recommendation 1

**That the Department of Indian Affairs and Northern Development firmly commit to assisting all First Nations who currently hold elections pursuant to the *Indian Act* in moving to community-based codes;**

**That the Department of Indian Affairs and Northern Development, in consultation with the Assembly of First Nations and other affected First Nations organizations, establish clear targets and timelines for the reversion to community-based codes for all First Nations who currently hold elections pursuant to the *Indian Act*;**

**That the Department of Indian Affairs and Northern Development dedicate sufficient funds to assist First Nations in developing and ratifying community-based codes for those First Nations which currently hold elections pursuant to the *Indian Act*; and that such funding be adequate to meet the agreed upon targets and timelines for the reversion to community-designed codes;**

**That the Department of Indian Affairs and Northern Development ensure that sufficient funding also be made available for First Nations currently under the customary method of leadership selection to update their codes in accordance with standards of procedural fairness, consistency with Canadian law and with effective governance practices;**

**That Department of Indian Affairs and Northern Development undertake a review of the Band Support Funding Program to ensure that First Nations elections, whether conducted by custom or pursuant to the *Indian Act*, are appropriately resourced; and that adequate funding for elections continue to be made available to First Nations once they revert to a community-designed leadership selection process; and**

**That the Department of Indian Affairs and Northern Development provide an annual progress report to the Standing Senate Committee on Aboriginal Peoples at the end of each fiscal year on the number of First Nations that have reverted to community-based codes in that year and the amount of money the Department has transferred to First Nations to assist them in moving to community-based codes.**

Recommendation 2

**That First Nations Leadership establish appropriate consultation mechanisms to ensure the meaningful participation of all community members in the development, implementation, and future amendment(s) of community-based codes.**

Recommendation 3

**That the Department of Indian Affairs and Northern Development, in collaboration and consultation with the appropriate First Nations and/or Treaty Organizations, take immediate steps to establish a First Nations Electoral and Appeals Commission, operating on a national and/or regional basis, empowered to hear appeals arising from First Nations elections and to promote and strengthen First Nations electoral capacity.**

Recommendation 4

**That the Department of Indian Affairs and Northern Development, in collaboration with interested regional First Nations organizations, establish pilot projects to develop and implement First Nations-led electoral initiatives and to guide policy and/or legislative development in this area.**