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# Self-government

Learn about Indigenous self-government in Canada.

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## Advancing Indigenous self-government

Indigenous peoples practiced their own forms of government for thousands of years before the arrival of European and other settlers in what is today Canada. These forms of government reflected the economic, social and geographic diversity of Indigenous peoples, as well as their cultural practices and spiritual beliefs.

Early partnerships between colonial governments with Indigenous nations were forged through treaties, trade and military alliances. Over many centuries, these relationships were eroded by successive laws, policies and decisions that were based on a colonial and paternalistic approach. This includes the *Indian Act*, which was passed in 1876 and continues to determine how most First Nations in Canada are governed to this day. The *Indian Act* imposed a colonial governance system on First Nation communities where authority rested with the federal Minister.

Canada has now embarked on a journey of reconciliation between Indigenous and non-Indigenous peoples. It is a necessary journey intended to address a long history of colonialism and the scars it has left. The goal is to renew the nation-to-nation, government-to-government, and Inuit-Crown relationships with Indigenous peoples.

The Government of Canada is working in partnership with Indigenous peoples to undo federally imposed systems of governance and administration in favour of Indigenous control and delivery. Canada is working with Indigenous peoples to support them in their work to rebuild and reconstitute their nations, advance self-determination and, for First

Nations, facilitate the transition away from the *Indian Act* and toward self-government.

Self-government negotiations are one way to work together in partnership toward this goal and advance Indigenous self-determination, which is a fundamental Indigenous right and principle of international law, as set out in the United Nations Declaration on the Rights of Indigenous Peoples.

## What is Indigenous self-government?

Canada recognizes that Indigenous peoples have an inherent right of self-government guaranteed in section 35 of the *Constitution Act, 1982*.

Canada's Inherent Right Policy was first launched in 1995 to guide self-government negotiations with Indigenous communities.

Negotiated agreements put decision-making power into the hands of Indigenous governments who make their own choices about how to deliver programs and services to their communities. This can include making decisions about how to better protect their culture and language, educate their students, manage their own lands and develop new business partnerships that create jobs and other benefits for their citizens.

Because communities have different goals, negotiations will not result in a single model of self-government. Arrangements take many forms based on the different historical, cultural, political and economic circumstances of the Indigenous governments, regions and communities involved. For example: Inuit land claim agreements have been signed in all four Inuit regions. These Inuit communities are pursuing their vision of self-determination under these agreements and in some cases through ongoing self-government negotiations. The Métis are also actively pursuing their own

vision of self-determination through ongoing engagement with their citizens and through dialogue at Recognition of Rights and Self-Determination discussion tables with Canada.

Self-government is part of the foundation for a renewed relationship and is a pathway to development and economic growth that generates benefits for Indigenous peoples.

## **The *Indian Act***

Unless they have negotiated self-government, most First Nations are currently governed by the *Indian Act*. They elect chiefs and councils to make decisions on their behalf and pass by-laws in a limited number of areas.

First Nations have been living under the *Indian Act* for over 140 years. The *Indian Act* establishes a limited form of local administration that does not take into account the specific circumstances of individual communities.

In contrast, self-governing First Nations can make their own laws and policies and have decision-making power in a broad range of matters. This includes matters internal to their communities and integral to their cultures and traditions. Under self-government, First Nations move out from under the *Indian Act* and chart their own course toward a brighter future.

## **How does self-government work?**

Negotiated agreements can set out law-making authority in many areas, including: governance, social and economic development, education, health, lands and more. It varies from group to group, depending on their unique needs and priorities and their vision of self-determination.

While there is no "one-size fits all" approach to Indigenous self-government, all of the agreements negotiated to date have some things in common. This includes:

- No self-government agreement is possible without the approval of the Indigenous people through a community vote.
- Self-government is negotiated within the Canadian constitutional framework and federal legislation is passed before the negotiated agreement takes effect.
- Under self-government, Indigenous laws operate in harmony with federal and provincial laws. Indigenous laws protecting culture and language generally take priority if there is a conflict among laws.
- However, the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act* and other general laws such as the Criminal Code continue to apply.
- Community members and non-member residents on Indigenous lands will have input into decisions that directly affect them.

## Self-government agreements

There are 25 self-government agreements across Canada involving 43 Indigenous communities. There are also two education agreements involving 35 Indigenous communities.

Consult [this map](#) (PDF version: 739 kb, 1 page) to learn about the self-government agreements signed to date across Canada and search the [Aboriginal and Treaty Rights Information System](#) to find out more about each agreement, including the full text of the agreement and summary information. Use the name of the Indigenous group, agreement name, or other term as a "keyword" search word and then click on the heading Treaties and Agreements above the search box to find the related records.

Different forms of governance or self-government have been negotiated in Canada. One example is the [Nunavut Agreement](#), a modern treaty (comprehensive land claim agreement) where the self-government

aspirations of Inuit are expressed through public government. This self-government agreement is unique due to the fact that the Nunavut government represents all the people residing in its territory.

Another form of self-government is where law-making power is negotiated with an Indigenous group in only one or two key areas such as the Education Agreement in Nova Scotia and the Anishinabek Nation Education Agreement in Ontario.

## Ongoing self-government negotiations

Currently there are about 50 self-government negotiation tables across the country. These tables are at various stages of the negotiation process and in many cases are being negotiated in conjunction with modern treaties.

Self-government agreements address (among other things) the following key aspects:

- the structure of the new government and its relationship with other governments
- new funding arrangements
- the relationship of laws between jurisdictions (such as how different laws will work together)
- how programs and services will be delivered to community members
- ways to promote improved community well-being (often with a focus on Indigenous languages, heritage and culture and socio-economic initiatives)
- preparations for when the agreement takes effect (such as implementation planning).

Consult Agreements under negotiations to learn about ongoing self-government negotiations.

# Other paths to greater self-determination

Indigenous groups are also pursuing greater self-determination, recognition of their rights and renewed relationships with other governments outside of self-government negotiations. This includes:

- exploring new ways of working together at Recognition of Indigenous Rights and Self-Determination discussion tables
- negotiating a number of collaborative agreements with the private sector to secure benefits from resource development for their communities as well as administrative agreements with provincial governments
- developing protocols with the federal and provincial or territorial governments to facilitate consultation and accommodation on development on their territories
- pursuing self-government arrangements that deal only with one subject area, such as greater control over the management of reserve lands
- creating a Comprehensive Community Plan that is initiated, designed and implemented by an Indigenous group for their community

## Funding for self-government

As part of self-government negotiations, joint work is done to lay the groundwork for moving forward together after a final agreement has been signed (implementation of the agreement). For example, the funding that will support the operation of the Indigenous government in the future, so it can effectively deliver programs and services to its members on an ongoing basis, is set out in an agreement called a Financial Transfer Agreement or Fiscal Financing Agreement.

This important agreement creates a new ongoing funding relationship between the Indigenous government, Canada and the provincial or territorial government. These funding arrangements generally have a 5 year term.

The Government of Canada is committed to renewing the relationship with Indigenous peoples based on respect, co-operation and partnership. Canada is working in full partnership with self-governing Indigenous governments to develop funding methodologies as described in [Canada's collaborative self-government fiscal policy](#). This will ensure they have the tools and resources they need to support the well-being of their communities.

## Related links

- [Canada's collaborative self-government fiscal policy](#)
- [The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government \(1995\)](#)
- [Taxation by Aboriginal governments](#)
- [Own-source revenue for self-governing groups](#)

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