

**Department of Indian Affairs and Northern Development
Departmental Audit and Evaluation Branch**

Prepared by:

**André Côté
Departmental Audit and Evaluation Branch
and
T. K. Gussman Associates Inc.**

**Evaluation of DIAND's
Tribal Council Policy**

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Executive Summary

In 1984, Cabinet approved a policy that established the principles and the conditions for funding Tribal Councils. For the purpose of the policy, Tribal Councils are institutions established as "*a grouping of bands with common interests who voluntarily join together to provide advisory and/or program services to member bands.*"

This evaluation was carried out to fulfil the department's need to know whether or not the Tribal Council Policy, as enunciated by Cabinet, is operating as designed, taking into account the current fiscal framework and the recent policy developments. It examined the implementation of the policy, including aspects of the delivery of both advisory services and core services and programs. It covered the relations between the Tribal Councils and affiliated First Nations as well as DIAND. However, the evaluation did not assess the adequacy of the funding level or the formula. The main issues defined in these terms of reference, as approved by the responsible Assistant Deputy Minister in June 1995, were: whether or not there is a continued rationale for the policy; the extent to which DIAND objectives are being met; the impacts of the policy; and the lessons learned and potential alternatives and improvements to that policy.

Methodology

The evaluation utilized four main lines of evidence: 1) telephone interviews with selected Tribal Councils and some of their affiliated First Nations; 2) three case studies of Tribal Councils; 3) interviews with departmental officials in three regions and at headquarters; and 4) files and document reviews. In total, 48 representatives from 32 Tribal Councils and 53 representatives from 45 First Nations and 15 departmental officials were interviewed. In addition, a number of files and documents coming from Tribal Councils and the department were reviewed.

Evaluation Findings

Rationale of the Tribal Council Policy. The initial rationale for the policy was primarily related to the move toward self-government. Secondly, the policy was used to support the devolution of services and the reduction of departmental staff. The evaluation found that the general purpose of this policy, namely, to provide a medium for the transfer of services to First Nations and to establish a formula funding regime for this transfer, remains relevant. However, the current formulation of the policy is outdated, primarily because the context in which it was developed no longer exists.

Achievement of Departmental Objectives. The evaluation noted that departmental officials all had similar views on the main objective, namely to encourage First Nations having common interests to regroup to take over certain services. The evaluation found that this objective has been largely achieved. In 1995-1996, there were 81 Tribal Councils which regrouped more than 80% of the bands and communities in Canada.

Intended and Unintended Impacts of the Policy. The implementation of the policy has resulted in a number of impacts, although they cannot all be related to the policy itself. The are indications of the anticipated impact on management performance: economies of scale, efficient service delivery, and access to a wider range of quality services. First Nations are generally satisfied with the services received and have the sentiment to remain in control of their Tribal Councils. However, it is not clear whether Tribal Councils are always able to tailor their programs and services to meet variable needs. Among the unintended positive impacts, it was found that many councils pursue activities beyond programs and services funded by the department. Negative unintended impacts relate to the perception that the policy was imposed on First Nations, and dissatisfaction with funding levels and reporting requirements.

Alternatives and Potential Improvements. The evaluation found that the option of funding First Nations directly, and letting them decide whether or not to fund Tribal Councils, was rejected by the majority of First Nations and Tribal Council respondents. Many supported the idea but thought it would be premature. This means there is a need for a continuing presence of the department, at least as a funding agent. This departmental presence requires some kind of policy to govern both the eligibility of recipients and the type of funding. Improvements were suggested in relation to consultation, advisory services, and funding levels and mechanisms.

Lessons Learned

The evaluation draws three main lessons: 1) The Tribal Council Policy was instrumental in extending the Tribal Council structure to many First Nations; 2) Many Tribal Councils now carry out responsibilities that are broader than what the department funds; 3) Tribal Councils have allowed the devolution of services to First Nations that the department is no longer capable to deliver.

Conclusions and Recommendations

The evaluation reaches five main conclusions: 1) Despite changes in the environment, there continues to be a rationale for a Tribal Council Policy and a role for the department; 2) There is continued broad-based support for the existence of Tribal Councils, and also support for a Tribal Council Policy; 3) The concept of "advisory services" as currently defined is ambiguous. However, the need for advisory services remains; 4) A perception prevails that the funding is insufficient and the funding formula is deficient; 5) The accountability and reporting requirements of the existing policy are rather difficult to implement.

The evaluation makes three recommendations:

1. The current Tribal Council Policy should be modified to enable Tribal Councils to better meet the priorities of their member First Nations. In particular, Tribal Council eligibility for funding and the definition of and the conditions applicable to advisory services should be reassessed.
2. Taking into account the current fiscal framework, the department should undertake an examination of the funding and the formula applicable to Tribal Council advisory services.
3. The department, in consultation with Tribal Councils and First Nations, should revise the current accountability and reporting requirements applicable to Tribal Councils, taking into account the recent developments with regard to funding arrangements.

Purpose of the Report

This report outlines the results of the Department of Indian Affairs and Northern Development (DIAND) evaluation of the Tribal Council Policy, based on terms of reference approved by the Departmental Audit and Evaluation Committee (DAEC) in July 1995. The report is divided in four parts. Part one contains the introduction, part two the evaluation issues, scope, approach and methodology, part three the evaluation findings by evaluation issue and, finally, part four presents the lessons learned, conclusions and recommendations based on these findings.

Purpose of the Evaluation

The evaluation was carried out to fulfil the department's need to know whether or not the Tribal Council Policy, as enunciated by Cabinet, is operating as designed, taking into account the current fiscal framework and recent government-approved policy developments, such as inherent right. As the department continues its transformation from a direct service delivery agency into a funding agency, any additional responsibilities which Tribal Councils may assume, if they elect to do so, will likely be in statutory areas such as lands management, or local government responsibilities. Although self-government efforts are directed primarily toward First Nations, tribal rather than community governments could be formed.

Tribal Council Policy Background

Historical evidence indicates that various forms of tribal co-operation were used extensively by Indian groups as a means of making decisions, establishing territorial jurisdiction, and furthering the well-being of tribal members long before European contact. Since the early 1970s, tribal groupings have re-emerged as a form of co-operation between First Nations communities.

In 1984, Cabinet approved a policy that established the conditions for funding Tribal Councils, the principle of First Nation control of Tribal Councils, and allowed the transfer of specified advisory services from DIAND to Tribal Councils' administration. For the purpose of the policy, Tribal Councils are institutions established as "a grouping of bands with common interests who voluntarily join together to provide advisory and/or program services to member bands."¹

¹ DIAND, Program Procedure 20-2 Vol. 1, Part 7, Chapter 3, p.2-3.

Many of the Tribal Councils which have formed are based on cultural, religious or geographical affinity. In other cases, bands in a given district or areas wishing to effect a transfer of administrative responsibilities from the federal government to Indian-controlled groups have formed Tribal Councils.

Policy Statement²

The policy, which authorizes funding to Tribal Councils, is founded on the principle that they should be afforded the maximum possible flexibility to manage consistent with the Minister's responsibility to account for the use of public funds.

In addition, Tribal Councils should be accountable primarily to councils of member First Nations, who should be represented on the tribal board of directors and have an opportunity to review plans, programs, budgets, and audit reports.

The department has supported the funding of Tribal Councils as being consistent with the Government's policy of devolving federal responsibilities to Indian people. Certain services were considered more amenable to delivery by Tribal Councils on behalf of a number of member bands, rather than by each band on an individual basis. This was particularly applicable to the advisory services provided by the department. While the band Council remains the primary unit of Indian government, the policy also allows the department, at the request of Indian Bands, to provide funds directly to Tribal Councils to enable them to provide specified levels of service to and on behalf of member bands. Therefore, Tribal Councils may receive funding in four categories: (1) Organizational Development; (2) Management and Administration; (3) Advisory Services; and (4) Service and Program Delivery.

² The current statement of departmental policy governing the provision of funding to tribal councils for advisory services and administrative support to program delivery is contained in Program Directives 20-1 Volume 1, Chapter 7 (Band Management), Program Directive 7.3 Tribal Councils dated January 10, 1991. The directive is supported by Program Procedures 20-2 Volume 1, Part 7 (Band Management), Chapter 3 (Tribal Councils), also dated January 10, 1991.

Evaluation Issues, Scope, Approach and Methodology

Issues

This evaluation was conducted in accordance with the terms of reference approved by the responsible Assistant Deputy Minister in June 1995. The main issues defined in these terms of reference are: whether or not there is a continued rationale for the policy as currently defined; the extent to which DIAND objectives are being met; the impacts of the policy; and the lessons learned and potential alternatives and improvements to that policy. A copy of the Terms of Reference is found in the appendix to this evaluation report.

Scope

The evaluation examined the implementation of the policy, including aspects relating to the delivery of both advisory services and core services and programs. It covered the relations between the Tribal Councils and affiliated First Nations as well as DIAND. It covers all DIAND regions. The evaluation did not, however, assess the results of any specific advisory services or programs nor the adequacy of funding level or formula. Also, the evaluation excluded any detailed examination of services and programs, and related funding, that Tribal Councils administer on behalf of, or receive from, other departments or agencies, other levels of government or the private sector (including business type activities).

Approach

This evaluation is the result of a cooperative effort. The Departmental Audit and Evaluation Branch (DAEB) developed the methodology used to collect the data (notably the interview questionnaires), maintained contacts with departmental, Tribal Councils and First Nations officials, and cleared the project reports. Three consulting firms were hired to collect the information. During that phase, and project reporting, the evaluation benefited from the excellent cooperation extended by Tribal Councils, First Nations and departmental officials. Also, the evaluation profited from the input of an advisory committee composed of two representatives from Tribal Councils and three DIAND representatives, two from regions and one from headquarters.

Methodology

The evaluation utilized four main lines of evidence: 1) telephone interviews with selected Tribal Councils and some of their affiliated First Nations; 2) case studies of Tribal Councils; 3) interviews with departmental officials in three regions and at headquarters; and 4) files and document reviews. In total, 48 representatives from 32 Tribal Councils and 53 representatives from 45 First Nations were interviewed over the phone or in person. Also, 15 departmental officials from three regions and headquarters were interviewed. In addition, a number of files and documents coming from Tribal Councils and the department were reviewed. The sections below provide additional details on the methodology and its reliability with regard to the findings.

Telephone interviews

In order to ensure an appropriate selection of Tribal Councils, i.e. a cross-section of various situations, several factors were considered, including: the range of services and programs delivered, the type of funding arrangement, geographic location, the number and size of affiliated First Nations, and the funding received from DIAND in 1995-1996. This last factor was used to divide the 81 Tribal Councils into five categories. In making the selection, efforts were made to ensure that Tribal Councils were taken from each category and from every region.

The telephone interviews were carried out in two phases. Initially, 33 Tribal Councils were invited to participate. After a few Tribal Councils declined, 29 (or 88% of the original sample) participated. Of these, 27 were completed via telephone and two councils submitted written responses. Tribal Council interviews took place between April and July 1996. In the second phase, between one and four First Nations were sampled for each participating Tribal Council. This selection was discussed with and agreed to by each Tribal Council. As the interviewing progressed, it proved difficult to contact some First Nations and the emphasis shifted from completing the maximum possible number of interviews with First Nations to ensuring that each participating Tribal Council had at least one member First Nation represented. Overall, 39 First Nations interviews were completed, with only two Tribal Councils having no affiliated First Nations representation. These interviews took place between May and August 1996. Table 1 illustrates the position of the people interviewed at Tribal Councils and First Nations level.

Table 1

Telephone Interviews - Profile of Participants

Position	Tribal Councils		Position	First Nations	
	No.	Pct.		No.	Pct.
Exec. Director Administrator	23	79	Band Manager Administrator	19	49
Advisor	6	21	Chief	13	33
			Vice-Chief/Councillor	4	10
			Director of Operations	3	8
TOTALS	29	100%	TOTALS	39	100%

The interviews were carried out using two standard questionnaires: one for the Tribal Councils and one for their affiliated First Nations. In both cases, the questions were developed with a view to cover the issues and questions raised in the evaluation, and, where applicable, to compare the responses obtained from Tribal Councils and from First Nations. When requested, the questionnaires were communicated in advance to the participants. The vast majority of the interviewees provided frank and thoughtful answers to the questions. All the answers were analysed and a report containing the findings based on this line of evidence was drafted.

Case Studies

Three case studies were carried out in three different regions. Two additional Tribal Councils were approached to take part in a fourth case study, but both declined to participate. The purpose of each case study was to collect more detailed information on the evaluation issues and questions from the perspective of a single Tribal Council given its political, social and geographic environment.

Each case study was carried out on site during a 3 to 5 day visit to the Tribal Council office and some affiliated First Nations. The information was collected through interviews with council's and First Nations' political and administrative officials. In addition, interviews took place at the regional office with officials responsible for each council. Table 2 lists the number and position of the people interviewed as part of the case studies. All such interviews were carried out in person using standard questionnaires designed for that purpose and covering evaluation issues and questions. The evaluation teams carrying out these case studies reported very good cooperation from all the officials interviewed. Finally, files and documents made available by each council were also reviewed. A report was drafted on each case study and, in order to ensure its accuracy, each report was submitted to the council for review and comments. The three reports have been accepted by the respective Tribal Councils.

Table 2

Tribal Council Case Study Interviews

DIAND	Region 1	Region 2	Region 3
FSO of Tribal Council	1	1	1
Officer	-	1	-
Tribal Councils			
Executive Director	1	1	1
Office Manager	1	1	-
Program Staff	7	3	2
Support	1	1	-
Affiliated First Nations			
Chief	-	1	2
Band Manager	2	1	2
Administrator	1	3	2
TOTAL	14	13	10

Interviews with Departmental Staff

Interviews were carried out with DIAND staff involved with Tribal Councils in three regions and at headquarters. In total 12 officials (excluding those involved in case studies) were interviewed using standard questionnaires. Table 3 describes the positions and the number of officials interviewed. Three separate reports containing the observations made at the regional level were drafted and sent to regions for review and comments. These reports were cleared by regions.

Table 3

Departmental Officials Interviewed

Position	Region 1	Region 2	Region 3
Director Funding Services	1	1	1
Manager	-	1	1
Funding Service Officers	4	2	-
Officers	1	1	-
TOTAL	6	5	2

File and Document Reviews

Departmental files concerning Tribal Councils were reviewed in each of the regions visited and at headquarters. This review included the current files on program and funding issues, including data bases, and records of the evolution of the policy and its implementation. In particular, the Cabinet decision related to Tribal Councils and previous audits and evaluations were reviewed.

Evaluation Findings

This part of the report deals with each of the evaluation issues defined in the mandate: the rationale for the policy, the achievement of its objectives, its impacts, alternatives and possible improvements. It is divided in four sections, each dealing with a specific issue.

Rationale of the Tribal Council Policy

The first issue dealt with relates to the past and current rationale of the policy. In particular, it responds to the question whether there is a continued rationale for the Tribal Council Policy as currently defined. This section covers the initial rationale, its evolution, the understanding within and outside the department and its relevance to the current environment in which the policy takes place.

The initial rationale of the Tribal Council Policy was primarily related to the move toward self-government. Secondly, the policy was used in the context of devolution of services to First Nations and the reduction of departmental staff. Based on the evidence obtained during the evaluation, it can be observed that the general purpose of this policy, namely to provide a medium for the transfer of services to First Nations and to establish a formula funding regime for this transfer, remains relevant. Nevertheless, there is also a sense that the current formulation of the policy is outdated, primarily because the context in which it was developed no longer exist. As devolution of services has become a reality, however, there is an ongoing need for a structure to provide advice to First Nations and/or deliver services.

The initial rationale for the policy was primarily related to the move toward self-government. Secondly, the policy was used to support the devolution of services and the reduction of departmental staff.

Interviews with departmental officials and reviews of documents indicate that the initial rationale of the Tribal Council Policy, in 1984, was to support the administration, management and general development of First Nations. Programs and services administered at the Tribal Council level would allow First Nations to determine their own objectives, develop a sense of autonomy, and work more efficiently at the community level. Tribal Councils were particularly important in providing services that were not deemed to be economically and effectively transferable to individual bands, namely advisory services. Yet, these services were believed to be important in the development of First Nations as self-governing entities.

The policy has taken shape to respond to needs as they were perceived at the time. The Penner report had recommended self-government for First Nations and that bands be the basic political unit of these governments. Any political unit higher than bands would have to be created and funded by them. Therefore, the Government wanted to establish clear conditions for departmental funding in support of the principle of supremacy of First Nations governments. The policy contains a clear requirement that the Tribal Councils be created and controlled by bands to be eligible for departmental funding. Five broadly defined services, which were then provided by the department, were included in the Tribal Council Policy. The actual services provided by Tribal Councils, however, need not be the same as those provided by the department. There was an expectation that the level and quality of the services should be defined by First Nations, although service quality should be maintained.

In 1986, the existence of the Tribal Council Policy gave DIAND an opportunity to address another key goal: the devolution of services to First Nations. As part of the first formal Corporate Management Plan, the shifting of responsibilities to Tribal Councils provided the department a means to further reduce its staff. The closure of certain departmental district offices, which would not have been possible without the policy, led to the creation of many councils to take over the roles played by this departmental structure. From a devolution perspective, the Tribal Council Policy addressed one concern of the department: the advisory services it provided to First Nations. There was a perception that, by nature, these services could not be devolved to the band level. This level was not considered conducive to ensure economies of scale, maintain service quality and diversify the expertise available to First Nations. The existence of Tribal Councils, an intermediary level of administration between bands and the department, would allow the devolution of the programs and services and their take over by First Nations.

The reasons cited above explain in large part why the policy has largely maintained its form even to the present. On the “structure” side, there is a definition of what a Tribal Council is (an organisation of at least five bands, incorporated, mandated and controlled by bands). On the “service” side, there is specific Tribal Council funding for five broadly-defined advisory services and for administration. In addition, if and when bands decide to receive services from a Tribal Council instead of delivering them, the funding for regular programs is also available. In certain instances, Tribal Councils already existed, mostly in an advocacy role. The Tribal Council Policy provided an incentive to some of those councils to play an administrative and advisory role in addition to their advocacy function on behalf of member bands.

The rationale of the policy is generally well understood within the department and, to a lesser extent, outside it. However, there is a sentiment that the policy may not be well adapted to the current environment in which it is implemented.

Departmental officials generally tied the initial rationale of the policy to promoting self-government and devolution and allowing reduction of staff. There was also a consensus that the rationale for the Tribal Council Policy remains the same today as at its inception. However, they had divergent views on the question of whether the policy is adapted to the current environment. On the one hand, many feel that as the rationale outlined above remains current, the policy should continue. On the other hand, many non-departmental respondents believe that the role of Tribal Councils has evolved considerably in the past few years and that the policy is not adapted to today's reality. For instance, the focus of numerous First Nations has turned to "inherent right" and "self-government", concepts which did not enter the debate when the policy was initially developed. In addition, the department has developed new funding arrangements, such as AFA (Alternative Funding Arrangement) and FTA (Financial Transfer Arrangement), that provide flexibility to funding recipients in determining their priorities and gradually reduce the role of the department to that of a "funding agent".

First Nation representatives expressed similar views. From their perspective, the policy was designed to transfer advisory services from the department to Tribal Councils - concerns which were part of an era since passed. Some maintained that, with its five advisory services, the policy lacks the flexibility to meet the growing expectations and the demands that follow an expanded Tribal Council role. Others are concerned that DIAND's evolution towards the role of a funding agent has been - and will continue to be - characterized by even greater responsibility for Tribal Councils coupled with the development of new or modified accountability mechanisms. Only one-fifth of the Tribal Councils pointed out the link between Tribal Councils and the transfer of departmental responsibilities and services.

There is continued broad-based support for the existence of Tribal Councils. There is also support for a Tribal Council Policy, but not necessarily in its current form.

The reasons that led to the creation or extension of Tribal Councils as an administrative structure continue to exist. The need to seek economies of scale in the delivery of services, improve service delivery and diversify the expertise available to First Nations all remain as relevant today, and perhaps even more, than they were when the policy was first adopted. Furthermore, Tribal Councils have taken on additional roles, administrative and political, to respond to the evolving needs of their member First Nations.

A clear majority of those participating in the study indicated that there is a need for a Tribal Council Policy into the future. The telephone interviews, for example, found that 62% of Tribal Councils and 77% of First Nations representatives support, as a principle, the existence of a policy. Some view the policy as a necessary framework to guide the devolution process, and Tribal Councils as the vehicle to overseeing its implementation. Others maintained that one of the Policy's strengths is that it benefits smaller First Nations. Similarly, case study participants and regional staff interviewed generally believed that the policy provides a foundation for the existence of the Tribal Council as a structure.

One of the strongest indications of support for a Tribal Council Policy comes from the desire to have DIAND as a direct source of funds. Some 86% of Tribal Council respondents and 79% of First Nations' would oppose the possibility of move by DIAND to stop funding Tribal Councils and replace it by a mechanism to fund First Nations directly. That scenario would have the First Nations then decide whether or not to fund their Tribal Councils, at what level and for what services. The most typical reason given to reject such a possibility was that once the funds were transferred to First Nations, it was questionable as to whether they would in turn allocate funds to the Tribal Council. As a consequence, many believed the existence of Tribal Councils would be in jeopardy. However, approximately one-third of the First Nations representatives who said "no" to the proposal added "not yet". This group felt that it was a good idea in principle and that they would be prepared to consider the option in a few years. A small group of Tribal Councils and First Nations indicated their support for direct funding to First Nations. Two Tribal Councils in two regions and six First Nations in five regions supported the idea of direct funding.

If the department is to continue to include Tribal Councils as direct recipients of funds, there remains a need for definitions of this category of recipients and of funding conditions. The control and protection of public funds would also reinforce the need for a Tribal Council Policy.

As devolution of many services has become a reality and there is a desire on the part of the government and First Nations to carry on with this process, there is an ongoing need for a structure to provide advice to bands and/or deliver services.

The rationale behind the creation of advisory services to support the development of Band government and administrative services remains. However, the evaluation found that the current definition of advisory services and the evolution in the needs for advice at Band level point to a reexamination of the advisory services aspect of the policy. First, many respondents, from all sources, indicated that the definition of advisory services contained in the policy is outdated. The five services defined in 1984 are too narrow to cover the needs that have emerged since then. The needs for advice have expanded as a result of new transfers of services and reduced availability of departmental staff. Advice in the sectors of education, social policy and particularly in legal services, were the most frequently mentioned by respondents in all categories. Second, the current definition is not very precise and is difficult to implement. The audit of this policy pointed to management problems, both for the department and Tribal Councils, directly related to the definition of services, particularly with regard to the requirement to establish service standards. Finally, the definition would seem to contradict the desire to have First Nations control their Tribal Councils. Many respondents pointed to the fact that the definition of services by the department limits the flexibility of First Nations to tailor the services to meet their needs.

Achievement of Departmental Objectives

The second issue addresses the question of whether the departmental objectives set for the Tribal Council Policy are being achieved. In particular, it deals with the current objectives, how they have evolved, whether they are well understood, and to what extent they are met.

The evaluation noted that there is no official statement of the objectives. Departmental officials, however, all had similar views on one main objective, namely to encourage First Nations having common interests to regroup to take over certain services. This objective is not well understood outside the department. The evaluation found that the objectives of encouraging First Nations to regroup, and of reducing departmental staff in the same process, have been largely achieved.

Departmental officers interviewed have consistent views on the current objectives of the Tribal Council Policy. These objectives seem to have remained constant since the inception of the policy.

One written statement of the departmental policy objective is “to provide funding to Tribal Councils to assist them in providing advisory services to their member bands and delivering other programs when given a mandate to do so by their member bands.”³ Regional officials mentioned that the key objective of the policy is to encourage First Nations communities having common interests to regroup in order to take over certain services and have access to financial and human resources. A variation of this statement is that the objectives underlying the Tribal Council Policy are to encourage First Nations to join forces and combine their resources to obtain access to qualified and diversified resources corresponding to their needs. These statements do not significantly differ from the general intent found in the documents developed in the mid-1980s. The evaluation also noted that the means to achieve departmental objectives is to a large extent limited to the provision of funding.

For the most part, current departmental objectives are not well-understood by Tribal Councils and First Nations.

³ DIAND, Information Binder, Undated. This statement is consistent with the Tribal Council Policy directive which governs “...the provision of funding to Tribal Councils...”.

Approximately two in five Tribal Council representatives stated that either they could not identify DIAND's current objectives for the policy because they are unclear (21%) or that they were not sure or did not know (another 17%). Those who said they were unclear about the Policy's objectives often cited what they felt were conflicting signals from the department. In addition, 49% of the First Nations interviewed were not aware of the policy and could not provide any interpretation of what its objectives were. Of the 51% who are aware of the policy, 30% knew too little to comment about its objectives. When comments on objectives were offered, the evaluation found varying interpretations, especially between Tribal Councils and First Nations. For instance, 38% of Tribal Council representatives saw DIAND's primary objective for Tribal Council Policy as dictating how the transfer process will take place and becoming more, rather than less, intrusive in day-to-day operations; no First Nations respondent made this observation. However, 55% of First Nation representatives aware of the policy maintained that the Policy's aim is to continue the transfer of responsibilities, while 21% of Tribal Councils made the same observation.

The objective of encouraging First Nations to regroup and take over certain programs and services has been achieved to a large extent. In 1995-1996, there were 81 Tribal Councils regrouping more than 80% of the bands and communities in Canada. These councils received over \$285 million in funding from the department for programs and services.

The first basic result expected with the policy was the creation of Tribal Councils grouping First Nations. As indicated in table 4, there were 81 Tribal Councils in 1995-1996. These councils regrouped 528 of the 640 bands and communities in existence (83%), leaving 112 bands and communities (17%) unaffiliated with any council. The bands and communities affiliated with Tribal Councils represented 266,393 on-reserve members, or 82% of the 325,453 on-reserve population. These rates of affiliation are on the high side of the expectations expressed at the time the policy was approved by Cabinet.

Table 4

**Number of Tribal Councils, Affiliated Member Bands, Members Living On-Reserve,
and
Unaffiliated Bands, by Region - 1995-1996**

	Tribal Councils	Affiliated Bands/ Communities	Affiliated Band Members Living on Reserve	Unaffiliated Bands/ Communities
Atlantic	5	28	10,876	6
Quebec	6	22	18,065	8
Ontario	15	102	40,912	28
Manitoba	7	52	46,470	11
Saskatchewan	8	68	42,344	16
Alberta	8	48	47,092	4
British Columbia	24	168	44,887	32
Yukon	3	11	2,775	7
NWT	5	29	12,972	0
National Total	81	528	266,393	112

Source: Band Government Database, July 1995

Table 5 reveals that in 1995-1996, the Tribal Councils received over \$285 million from the department to administer programs and services. Of this amount, about \$46 million is for advisory services. For most First Nations members of Tribal Councils, under the current policy, being member of a council is the only way to have access to these funds and services. The rest of the funding received by Tribal Councils is largely for programs and services for which member bands have decided to join together in order to receive these programs and services from Tribal Councils. In these cases, at the bands' request the departmental funds go to Tribal Councils instead of bands. The evaluation noted, however, that a large portion of the total funding, outside advisory services, is provided to a small number of large Tribal Councils. For example, two Tribal Councils receive one quarter of the funds for program delivery.

Table 5

DIAND Actual Funding to Tribal Councils for Management & Administration, Advisory Services, and Program Delivery, by Region - 1995-1996

	Management & Administration Funding	Advisory Services Funding	Program Delivery Funding	Total Funding
Atlantic	59,859	1,853,602	3,037,687	4,957,148
Quebec	68,400	2,519,135	17,021,030	19,608,565
Ontario	347,713	8,997,525	20,980,438	30,325,676
Manitoba	118,850	6,242,198	20,679,622	27,040,670
Saskatchewan	558,551	6,073,495	38,661,564	45,293,610
Alberta	2,652,723	5,430,593	51,690,450	59,773,766
British Columbia	4,065,563	12,163,533	78,423,485	94,652,581
Yukon	5,073	862,094	136,151	1,003,318
NWT	57,352	2,357,082	696,141	3,110,575
NATIONAL TOTAL	\$7,394,084	\$46,499,257	\$231,326,568	\$285,765,909

Source: Transfer Payment Management System (TPMS).

The evaluation found strong indications that the formation of Tribal Councils and their subsequent direction results from the initiative of member First Nations.

All lines of evidence suggested that most affiliated First Nations are in control of the direction and activities undertaken by their Tribal Council. The three case studies provide insight into the context surrounding the formation of Tribal Councils. Due to philosophical differences, two of the Tribal Councils were created by groups of smaller bands which felt that access to services and their communities' development were more important than political activities. The third Tribal Council had been formed by affiliated First Nations prior to the Tribal Council Policy, principally for political purposes. Case study participants stated that First Nations are in control of Tribal Councils. As well, it was agreed that First Nations' needs are served and that councils are generally accountable to their affiliates. In each instance, it was mentioned that the Tribal Council Policy is viewed as a mechanism by which First Nations can access funds for their development.

From the telephone interviews, the large majority of representatives (approximately 90% of respondents from both groups) indicated that either "member bands, all equally" and/or the "board of directors" control Tribal Councils. However, a small group of First Nations representatives held alternative views regarding Tribal Council control. It was suggested in some cases that the elected leaders did little more than "rubber-stamp" the goals pursued by their Tribal Council's administrators, while others felt that the department controls the Tribal Council because it is responsible for both the policy and guidelines.

Tribal Councils have been mandated by the councils of member First Nations to deliver the advisory services for which funding is provided. In some cases, not all five services are provided.

One of the objectives of the policy was to transfer to Tribal Councils the advisory services provided by the department. Five services were defined and all five had to be provided. However, just knowing whether or not a particular service is provided seems to be difficult primarily because the definitions are extremely broad and open to interpretation. Without clear parameters, a wide range of activities can be included under the headings 'band government', 'financial management', 'community planning', 'technical services' and 'economic development'.

The telephone interviews found that majorities of Tribal Council (72%) and affiliated First Nations representatives (74%) acknowledged all five of the core advisory services are delivered or received. However, over one quarter of representatives from both samples believed at least one of the services was not being provided. The most oft-cited reason was that the Tribal Council had not yet filled the position upon an incumbent's departure. Other reasons include: First Nations receiving from Tribal Councils their share of the funds associated with a service (for each who mentioned this, technical services was the service in question); or, advisory services being administered at the First Nation level because their size enables them or due to geographic constraints.

Departmental respondents reflected a similar level of variability within their respective regions. One group of participants stated that all Tribal Councils in their region offer the five core services, but that two of the services are often offered by both levels in order to meet community needs. Another group of officials maintained that due to the ambiguity in the policy they are unable to evaluate the extent to which their Tribal Councils provide the five core services, but then pointed out that there are "serious doubts" about one council. In the third region, three representatives interviewed said their Tribal Councils do not provide all five services, noting that capital and community planning and technical services are usually needed only sporadically and that the cost of full-time staff is too high. The above observations were corroborated by case study participants, who emphasized the variable nature of demand for some services over others. They also pointed to accountability difficulties (discussed later).

DIAND does still continue to provide some advice to First Nations regarding the five advisory services, but such activities are continually being reduced.

The existence of Tribal Councils providing advice to member bands does not mean that the department has withdrawn entirely from the provision of advice. Although the department no longer has the advisory capability it used to have, it may happen that the department provides advice at the request of First Nations or Tribal Councils. For some Tribal Council representatives, this creates “competition” for advice, as First Nations can go to various potential sources, and undermines the effectiveness of Tribal Councils. The department may also become involved in reacting to special and exceptional circumstances, such as debt recovery plans. However, in the regions visited, officials indicated that the requests for advice are decreasing and that some of these requests are redirected back to the Tribal Council with which the band is affiliated or to another Tribal Council that may have the expertise being sought. The evaluation has not assessed whether the services provided by the department are in the same areas as the five core advisory services.

Intended and Unintended Impacts of the Policy

The third evaluation issue addresses the question of the impacts of the Tribal Council Policy. In particular, it deals with the intended impacts of the policy, with the unintended impacts, both positive and negative, whether there are elements of the policy that led to negative impacts and the overall achievements of the policy. The evaluation took the position that departmental objectives relate to the creation of the structural elements of the policy. These were discussed in the previous section. The impacts deal with what happens once the structure is in operation. That is the purpose of this section. The impacts are found more in First Nations communities and Tribal Councils than within the department.

The implementation of the policy has resulted in a number of impacts, although they cannot all be related to the policy itself. The widespread acceptance of the Tribal Council has had its anticipated impact on management performance: there are indications of economies of scale, of efficient service delivery, and of access to a wider range of quality services. First Nations are generally satisfied with the services received and have the sentiment to remain in control of their Tribal Councils. However, it is not clear whether Tribal Councils are always able to tailor their programs and services to meet variable needs. Among the unintended positive impacts, the evaluation found that many councils pursue activities beyond what was envisioned by the department. The negative unintended impacts relate to the perception that the policy was imposed on First Nations, and dissatisfaction with funding, accountability requirements and reporting, leading to some implementation problems.

The evaluation found indications that the policy has had some influence on Tribal Councils beyond the financial incentive for First Nations to regroup.

Tribal Council and First Nations representatives participating in the telephone interviews and case studies were split on the perceived influence of Tribal Council Policy on their current objectives. Some 44% of the Tribal Councils and 49% of the First Nations said that the Tribal Council Policy influence the objectives of their council. A number of those added a qualification such as: "we do what is mandatory"; "somewhat"; "negatively"; or "less and less". As one respondent explained, "with the funding, there are strings attached to what we can do. The policy has influenced our mission statement in ways that we didn't want it to; we've basically become an administrator and that's it." A number of respondents shared this sentiment. When the policy is tied to programs and services, its influence increases as expressed by about 60% of Tribal Council and First Nations respondents.

However, 48% of the Tribal Council and 28% of the First Nations representatives said it had no influence, with 8% of the councils and 23% of the First Nations ignoring the extent of the policy influence. Among those Tribal Council representatives who said that the policy does not influence their key objectives in any way, some emphasized that their First Nations, not DIAND, are the client. Others stated the policy had an impact on their decision-making at the outset, but that it no longer does.

Departmental officials in one region indicated that the Tribal Council Policy had little impact on how some Tribal Councils supplied programs to their affiliate bands. In many cases, they said the Tribal Councils do not consider the terms and provisions of the departmental policy concerning the management of the programs for which they are responsible. In some other cases, this is due to the fact that Tribal Councils have been formed for political reasons and remain primarily oriented toward that initial *raison d'être*. For these officials, no method has yet been found under the current policy to give member communities a structure for the common provision of advisory services.

There are various reasons for First Nations to join forces in a Tribal Council. There are also many different objectives being pursued by Tribal Councils.

Nearly one-quarter (24%) of Tribal Council and 41% of First Nations representatives interviewed pointed out that there is "strength in numbers". All case study participants made the same point. These respondents felt that bringing together several smaller communities to deal with any external political concern, such as land claims, fishing or resource rights, has enhanced the prospects to benefit all involved. Those who spoke about this advantage implied that shared external political concerns - mainly in their dealings with other levels of government - would continue to motivate unity amongst member First Nations and that the Tribal Council is a focal point for such activity.

Others cited culture, geography or comparable community sizes as reasons to link efforts. This was particularly evident in one case study where these three elements had an influence. But, in general, respondents did not suggest these variables should lead to mobilizing for external political reasons; rather, they provided the impetus to share resources and deal with similar internal political issues. Regional officials also felt that Tribal Councils have led to a stronger voice, and have been particularly beneficial for small, remote First Nations. For example, Tribal Councils have provided a better bargaining position for members in their negotiations with the provinces in the areas of education and social assistance. Two of the regions noted that many Tribal Councils had a political function before they took on their administrative responsibilities. As a result, most of these have adapted to the policy while trying to maintain their previous activities.

Telephone respondents provided many examples of the key objectives and activities which have been and continue to be pursued by their Tribal Councils. For instance, nearly two-fifths of Tribal Council respondents (38%) stated that the current key objectives of their Tribal Councils revolve around assisting in the continued development and integration of the communities they serve. Examples included overseeing infrastructure plans, taking on new program areas such as education, health or social services, or ensuring that First Nations are aware of best practices and able to communicate easily with each other and with the Tribal Council. Approximately another three-in-ten (28%) indicated that creating economic opportunities is a priority, and this usually referred to managing and developing training programs, overseeing natural resources and other business interests or raising capital. Departmental officials confirmed that these are the types of activities being pursued by an increasing number of Tribal Councils in their regions.

First Nations are generally satisfied with the advisory services they receive, but the quality of these services is difficult to assess. There are indications that the quality of staff is critical in this regard.

The evaluation did not assess the quality of the advisory services provided. This would be a difficult task particularly because, as mentioned before, there is no uniform definition of services. The evaluation attempted, however, to assess the degree of satisfaction of First Nations with the services received from their councils as an indication of the service quality. It was found that a third of the First Nations interviewed over the phone are “very satisfied” with advisory services, with another 50% being “somewhat satisfied”. About 20% of the First Nations indicated that they are not satisfied with the services. Among the sources of dissatisfaction, some First Nations representatives cited a lack of experience by service providers as the primary problem. Other First Nations representatives, however, felt that services and other information were not being adequately conveyed to them. Departmental officials sometimes receive complaints related to these matters but feel that mechanisms to intervene are limited under the current policy.

All First Nations contacted as part of the case studies, however, indicated a high degree of satisfaction with the advisory services received. For them, the satisfaction with their Tribal Council comes notably from the provision of quality services that respond to their needs. They also mentioned having a sense of control and ownership on what their Tribal Council does. This seems to be a contributing factor to their high level of satisfaction. In one case study, for instance, timeliness and band satisfaction with the services were used to measure the advisory services' performance. For the member bands, the Tribal Council was considered as instrumental to their prosperity; the usefulness of the council was undeniable. In their view, no other firm providing advisory services could share Native philosophy better than their council.⁴ Staff efficiency, professionalism, fast response time and accessibility are some of the qualities that bands interviewed have mentioned. In another case study, member bands see their council as "indispensable" for the proper functioning of their community. Advantages are access to diversified human resources at a lower cost, and the development of a broader expertise in all the member communities, including in the Tribal Council itself. Sharing resources, ideas, solutions to common problems and establishing a partnership are all benefits identified by some respondents. In the context of self-government or inherent right, Tribal Councils are expected by many to play a larger role than what is currently covered by the policy (i.e. five advisory services). In the third case study, the satisfaction was determined through informal mechanisms. Responsiveness was key in that regard. As one respondent put it: "Any time we want help from the Tribal Council, we get it."

The quality of staff at the Tribal Council level is key in satisfying the needs of member bands. One of the key common elements between the three case studies, which may explain the high degree of satisfaction, was the professionalism of the staff and the trust built between them and the member bands. In one case study in particular, the stability of administrator and staff was considered very important. Professionalism helps to build confidence between a Tribal Council and its member First Nations.

There is a widespread view that many of the positive impacts predicted have been achieved. Among other things, the Tribal Council Policy has led to economies of scale, and the pooling of funds has provided access to qualified and "neutral" expert resources.

Most participants made observations concerning the financial savings incurred. For example, 38% of Tribal Council and 51% of First Nations representatives believed members benefitted through the economies of scale which accompany the pooling of financial and human resources. These advantages were mentioned frequently by respondents from the other lines of evidence. The evaluation, however, did not measure these benefits nor assess how this could be done.

⁴ A similar view was also expressed in the other case studies.

Other Tribal Council officials (28%) believed the quality and efficiency of the service they provide was a benefit which member bands and individual band members would recognize. Nearly one-fifth (17%) suggested that their Tribal Council's continued presence and availability was a plus in the eyes of the people they serve, while an equal-sized group stated that it was advantageous to have administrators in the office who are capable of speaking the mother-tongue of those in the communities. Tribal Council officials in the three case studies noted that the sense of program ownership through having their own people - rather than an external agency such as DIAND - deliver programs and services has led to the provision of better services. They also emphasized the improved efficiency and effectiveness result from receiving on-going feedback from their affiliates.

Officials from all DIAND regions also spoke about administrative efficiency and effectiveness from their perspective. With the advent of the policy, it is much easier to deal with a limited number of Tribal Councils as opposed to each First Nation individually.

There is a perception that Tribal Councils are more “neutral” in the provision of services because administrators are more independent vis-a-vis politically motivated interventions. In one region, for example, officials indicated that for some programs managed by Tribal Councils, notably education, there seems to be a fairer approach in deciding who is going to receive financial assistance.

Mechanisms have been found by Tribal Councils and member First Nations to ensure that the latter remain in control of the former. However, some communication problems seem to exist.

The large majority of Tribal Council and First Nations representatives (approximately 90% of respondents from both groups) indicated that control of the Tribal Council resides with "member First Nations, all equally" and/or the "board of directors". For 87% of First Nations, their influence in determining the objectives of the Tribal Councils is “very” or “somewhat” significant. This is also in general agreement with the level of First Nations’ influence as perceived by the Tribal Council. The evaluation found that mechanisms have been developed by Tribal Councils and their member bands to ensure that First Nations remain in control. The main accountability mechanisms are the annual meetings, annual reports and regular board meeting. Financial audit is the next most important mechanism. Accountability is considered very or somewhat adequate by over 90% of First Nations and Tribal Councils who participated in the telephone interviews.

In one of the case studies, annual meetings with bands, work plan, budget discussions and presentation of an annual report are used to ensure that the priorities expressed by the bands are carried out by the council. Each advisor submits at an annual assembly a work plan, an activity report or an overview of projects to the board for discussion. The budget is also presented. A semi-annual assembly is also held, where the board is invited along with member band managers and program representatives. These meetings are more focused on membership information and consultation. Ten other meetings with member Chiefs are also organized for a total number of twelve meetings yearly. Therefore, each month, this council is connected to its membership. This on-going contact ensures that, in terms of services, the Tribal Council priorities are dictated by members. The other two case studies presented a similar control structure focussed on monthly meeting of their governing boards and annual general meetings of and reports to members.

Despite this degree of First Nations control, there seem to exist some communication problems between Tribal Councils and their member First Nations. Many Tribal Councils claimed that they provide at least one extra advisory service, but it appears that affiliated First Nations are not always aware. For example, when telephone respondents were asked whether or not the Tribal Council provides any additional advisory services beyond the core five, the result was a noteworthy difference in the levels of awareness regarding the provision of other advisory services between Tribal Council and First Nation respondents. While just under half (48%) of Tribal Council representatives stated that there are no extra advisory services provided, a much larger proportion (80%) of affiliated First Nations representatives believed this to be the case. In the health sector, five Tribal Council representatives noted that they have begun providing advisory services in this area, while only one affiliated First Nation representative mentioned the same service. A similar pattern emerged with respect to Child and Family Services and training and management. However, legal services and education produced equal numbers.

The views are mixed on whether Tribal Councils have provided the ability to tailor programs to meet specific community needs, due in part to proximity to member bands, and whether interests of member bands are always common.

It was expected that the creation of Tribal Councils would have the dual benefit of overcoming feelings of isolation by moving administrative functions closer to communities while allowing programs to be tailored to meet specific needs.

There is reason to believe that the impacts have been positive for many in these respects. First, nearly half of First Nations indicated that programs delivered by their Tribal Councils have advantages associated with proximity - that is, they can share in the planning while receiving services compatible with their unique circumstances, language and culture. Second, about one-third of Tribal Council and one-half of First Nations representatives also stated there are no disadvantages to being a member of their Tribal Council. These officials often conceded that there are problems, but chose not to detail them, instead insisting that overall the Tribal Council has been beneficial.

Nonetheless, some communities may be too small and isolated to overcome these factors. One-third of Tribal Council respondents and over 40% of First Nation representatives in the telephone interviews said that the distance between communities remains a disadvantage. Although most felt that the Tribal Council was better located than a local DIAND office to provide similar services, it confronts the same geographic and human resource constraints, which often lead to time delays, a lack of responsiveness, or poor communications with First Nations.

Some see as a disadvantage of membership in the Tribal Council the fact that interests cannot be accommodated all the time. One of the most frequent observations was that it is difficult to balance the interests of larger and smaller First Nations. Smaller First Nations often spoke about "trying to catch-up" while larger ones felt that their smaller counterparts are either "already getting a good deal" or are "impeding our progress." One case study Tribal Council resolved that dilemma by adopting the principle that decision-making for band-specific issues should reside with the individual bands. The focus of that council is on issues that affect the entire membership.

Many Tribal Councils pursue activities above and beyond the provision of advisory and program services funded by DIAND. This variety of situations reflects the fact that many Tribal Councils are relatively new and the diversity of First Nations across the country.

Many Tribal Councils have multiple roles, having taken on responsibilities above and beyond the implementation of DIAND-funded advisory services and programs. Telephone interviews revealed that 97% of the sampled Tribal Councils provide some -if not all - advisory services and 62% deliver programs funded by DIAND. The interviews also disclosed that 55% have a political function; and, 31% have affiliated business interests such as hotels, resource management companies, or casinos. Nearly one quarter (24%) of Tribal Council representatives indicated involvement in all four major activities. From another perspective, during telephone interviews, 31% of Tribal Council and 26% of First Nations participants indicated that their Tribal Council is currently involved only in the delivery of programs and advisory services. In looking at these numbers, it should be remembered that Tribal Councils are still relatively new as service delivery organizations. Some councils have evolved very quickly while other have developed more slowly. Many have not yet achieved their full potential.

With regard to funding, 25 of the 29 Tribal Councils interviewed mentioned having access to sources of funds other than DIAND. A majority of Tribal Councils rely on DIAND for over 80% of their total funds. More than one-third indicated that between 90 and 100% of their budgets are composed of DIAND funds, while approximately one in five said that 80-89% came from the department. Ten per cent of Tribal Councils (3) claimed to rely on DIAND for less than 50% of their annual funding. Of the 25 Tribal Councils with other sources of funds, three-fifths said that MSB (Medical Services Branch, Health Canada) is an additional source of revenues. Forty-four per cent made reference to another federal government department (typically HRDC, Solicitor General, or Justice) and just over one-quarter indicated that they receive provincial funding.

The profile of the three case studies also reflected a wide diversity of activities. For example, one case study Tribal Council indicated it has signed various protocols with governmental agencies other than DIAND to deliver a wide range of services and program. These include housing, forestry, community health services, community rights and economic development. These are funded by agencies and department other than DIAND with the result that in three years the proportion of DIAND funding has gone from 89% to about 75% of total funding. In another case study, the intentions of the member communities were related to sharing of resources, culturally relevant services, access to specialized human resources and economy of scale. For the member bands, the council plays a complementary role to band councils as opposed to a program administration role. The advisory services, however, are not limited to those defined in the policy but include education, social assistance, housing, legal, and some political representation, reflecting the diversity of programs that member bands administer. In the third case study, DIAND funding has significantly increased over the last 10 years while the proportion of this funding has declined to about 42% of the total. This reflects the wide variety of activities funded by other federal departments or the province.

Some Tribal Councils provide services to bands that are not members. One of the case study Tribal Councils experiences significant demands from non-member bands for its technical services. In one region, this practice is actively encouraged by the regional office so that all the expertise available in Tribal Councils can potentially be accessible by all the bands in the region.

Other positive unintended advantages have been associated with Tribal Councils, notably better communications amongst First Nations.

All sources of evidence pointed to the enhanced level of communications amongst First Nations and between Tribal Councils as a positive outcome. Departmental officials and case study participants noted the frequency with which best practices are being shared among First Nations. Numerous First Nations representatives viewed the increased networking (46%) and the benefits derived for small businesses (21%) as advantages to Tribal Council membership. In one case study, however, the evaluation was reminded that stability on the surface does not necessarily mean that everything is fine.

The evaluation found a few negative unintended impacts that relate to particular elements of the policy: the perception that the policy was imposed on First Nations and dissatisfaction with the funding level and formula.

Limitations on consultation with First Nations about the Tribal Council Policy left many feeling that it was imposed upon them. Tribal Councils and First Nations find themselves in a position where they have to reconcile their obligation to comply with a policy (about which they maintain there was insufficient consultation) with what they view as the end objective of the same policy - self-determination. This paradox has resulted in a dual message that appears to have surfaced throughout the evaluation: "we will do what is necessary to secure funding, but what we really want to do is up to us."

DIAND officials from one region noted that Tribal Councils had been, first and foremost, political organizations, and that the department had imposed an administrative function on top of them. Many respondents stated that the mandate of Tribal Councils was determined without the input of First Nations, and what was transferred was not necessarily what bands wanted. In addition, a perception prevails that the current funding level is inadequate. Among the main causes of this perception are: the level of funding available for advisory services is considered to be lower than the funds the department had when it was delivering them, and the definition of advisory services created difficulties for delivery and reporting that had impacts on costs.

The regional officials, case study participants and (nearly two-fifths of) Tribal Councils who believed that funding arrangements are too inflexible - formula-driven - can be divided into three groups. The first group maintained that there is no mechanism in the formula to recognize underdeveloped areas or to allow for the negotiation of funds based on Tribal Council needs. That is, funds are distributed without considering the current level of development and comparative advancement of various areas. Case study participants who mentioned this possibility wondered how "needs" would be defined and by whom they would be assessed. Nonetheless, as long as funding does not factor in relative needs, it appears that those with the worst conditions may be unable to end the cycle.

Second, others said that the current funding formula penalizes smaller communities. On this front, some Tribal Councils argued that the formula fails to take into account population growth. Regional officials pointed out that it does not adequately weight population size with distance from the Tribal Council. Relatedly, one of the Tribal Councils in a case study felt that the funding formula puts them at a disadvantage compared with larger or less isolated Tribal Councils.

A third group thought that the current inflexibility in funding provides little incentive for Tribal Councils to excel in any area. These respondents held that locked-in long-term funding levels provide First Nations with a false sense of security, as funding usually covers only core services and there is little opportunity for innovation. This appears to contradict other officials who were concerned with the instability of funds and the uncertainty of multi-year arrangements. In the latter case, the concern seems to focus on growing expectations from DIAND over the term of a multi-year agreement and the strong likelihood that funds will not be sufficient.

The way in which the policy was developed and implemented has, in some cases, led to compliance difficulties.

The policy was designed to ensure funds are spent on providing certain services, but those who have chosen to allocate these resources elsewhere have not been penalized. Indeed, the implementation and enforcement of advisory services is a prime example of how Tribal Councils can follow their own agenda. In 1984, the department had a clear idea of the services it was transferring to Tribal Councils. Advisory services were "neatly compartmentalized". In practice, they have not turned out to be quite so clear.

The departmental policy document defining the concept of "advisory services" appears to have led to different interpretations. For example, Tribal Councils are mandated by member First Nations to deliver services for which funding is provided by DIAND. Everyone seems aware of this requirement, but the question is, precisely which attributes make each of the core services unique? Where exactly does economic development begin and community development end?

The definition of the five advisory services may be too ambiguous. This has allowed Tribal Councils to allocate resources according to local demand rather than policy directives. The ambiguity has worked in the favour of Tribal Councils: regional officers stated that they had never attempted to apply drastic measures such as withholding funding from a Tribal Council which is known not to provide all five advisory services. Many maintain that there are no mechanisms for them to do so anyway. The result is that some services appear to be receiving attention at the expense of others, thereby creating the impression that fewer than the five services are being provided. When the varying and competing needs of member First Nations and/or the availability of resources are considered, it is not surprising that some Tribal Councils neither provide nor appear to be providing each of the five advisory services.

Given this problem of definition, it is also not surprising to find that two other service-related requirements are apparently not being met. The department's desire to ensure service standards and the objective to undertake periodic reviews of those services have both been broadly interpreted. The "loose" departmental definition of advisory services was to be compensated by more specific standards defined at the Tribal Council level, consistent with the concept of band control of the Tribal Council and/or Tribal Councils being responsive to bands' needs. The requirement to develop service standards has proven to be very difficult to meet. The three case study Tribal Councils experienced difficulties with defining their service standards in such a precise way as to satisfy departmental requirements and yet continue to be responsive to bands' requests. Tribal Council officials interviewed as part of a case study noted that their council has the ambiguous responsibility of answering to an infinite range of insistent needs coming from bands, while having to delimit its intervention in a standardized way, and to establish assorted levels of performance, in order to be strictly in compliance with DIAND policy.

Other evidence indicates that both Tribal Council and DIAND representatives are aware of these expectations. In some cases, Tribal Councils have attempted to develop the necessary mechanisms, while in others they have adopted alternatives such as tying services more closely to bands' needs as opposed to trying to meet a standard definition. The issue is often viewed in either or terms: either the Tribal Council complies with the Policy's objectives or it serves the membership first. The evaluation did not encounter any opinion which recognized explicitly that the two may not be at cross-purposes - that it is possible to serve First Nations while proceeding within the framework of the policy. Many of the departmental officials interviewed were of the view that a strict definition of advisory services may not be relevant in a context where First Nations are expected to decide what the Tribal Councils should do to meet their needs.

The accountability of Tribal Councils to the department is unclear. There is also a widespread view that reporting requirements are too numerous and tedious.

In principle, departmental officials should at least obtain from Tribal Councils evidence that they are directed by and accountable to their member First Nations, that all five advisory services are provided and that standards exist. In practice, officials are not in a strong position to request that information as this appears to go against the autonomy of First Nations and of their control over Tribal Councils. In addition, apart from withdrawing funding (and, perhaps, persuasion), there are no mechanisms to ensure compliance with this departmental policy. Furthermore, when Tribal Councils are involved in activities that are not funded by DIAND, the right of access is limited. As a result, departmental staff tend to rely on informal contacts to obtain some information on the relations between Tribal Councils and First Nations. The functioning of this mechanism, however, is impeded by the fact that in recent years departmental staff are making fewer visits to First Nations and Tribal Councils.

Respondents from Tribal Councils mentioned that reporting requirements are too numerous and tedious, and that these mechanisms can be construed as another example of DIAND's intrusiveness in First Nations' affairs. In the same breath, many of these respondents said that departmental representatives send out contradictory messages when interpreting the funding policy, adding further confusion and frustration to the process and resulting in less efficient resource utilization. Some are wondering why the reporting to DIAND should be significantly different from reporting to member First Nations. The evaluation noted, however, that there seems to be some confusion between reporting required as part of the Tribal Council Policy and reporting required as part of regular program funding. For departmental officials, the problem is referred to as not having specifications on the elements that should be included in the reports required from Tribal Councils. While the evaluation was being conducted, the department was also undertaking a review of program data requirements that First Nations must provide under funding arrangements. The results of this exercise will be incorporated in the First Nations Reporting Guide for 1997-1998.

Alternatives and Potential Improvements

The fourth and last evaluation issue addresses the question of whether there are viable alternatives to the policy and, if not, what improvements could be made to the current policy to improve the achievement of objectives, and its positive impacts, or to mitigate the negative impacts found. This section is mostly based on the interviews carried with First Nations, Tribal Councils and departmental officials.

In raising the question of alternatives, the evaluation found that the option of funding First Nations directly, and letting them decide whether or not to fund Tribal Councils, was rejected by the majority of First Nations and Tribal Council respondents. This means a continuing presence of the department, at least as a funding agent. The continuation of a departmental funding involvement with Tribal Council requires some kind of policy to govern both the eligibility of recipients and the type of funding. Improvements were suggested in relation to consultation, advisory services, and funding mechanisms. Some suggestions also relate to the internal functioning of Tribal Councils.

Most evaluation participants rejected the idea of direct funding to First Nations as an alternative to departmental funding to Tribal Councils.

Some 86% of Tribal Council respondents and 79% of First Nations' would oppose direct funding to bands. Most regional officials and all case study participants also opposed direct funding. It should be noted, however, that approximately one-third of the First Nations representatives who said "no" to the proposal added "not yet". Of those who did not favour the idea, the most typical reason given was that once the funds were transferred to First Nations, there was question as to how much they would in turn allocate to the Tribal Council. This group felt that it was a good idea in principle, and that in their own cases, they would be prepared to consider the option more seriously in a few years. As a consequence, many believed the existence of Tribal Councils would be in jeopardy if this option were introduced too soon.

Interviewees in one case study felt that if funding were channelled through bands, within a short period their Tribal Council would not exist. Bands would concentrate on short-term issues at the expense of the 'bigger picture', despite their support of the Tribal Council. Some saw this as a subversive way, on the part of government, to eliminate funding for Tribal Councils. In the words of one interviewee, "By changing the method of funding Tribal Councils it would disrupt something that is working as efficiently as it can given its resources".

A small group of First Nations (6) strongly believed that this funding proposal is a good idea either because they feel they - as a First Nation - are ready, they will develop a greater sense of autonomy, or because their Tribal Council does not act in their best interest. The two Tribal Council representatives who agreed indicated that they were already well on the way to being a flow-through to bands.

In that context, most Tribal Council (62%) and First Nations (77%) representatives believe there is a need for a Tribal Council Policy. Respondents support the current policy for a variety of reasons. Some view the policy as a necessary framework to guide the devolution process, and Tribal Councils as the vehicle to overseeing its implementation. Others claim that one of the strengths of the policy is that it benefits smaller First Nations. Of those who said there was no need for the policy, some felt that it maintains too many levels of bureaucracy. They argued that Tribal Councils remain too remote from First Nations and cannot provide personalized services or that the funds spent to maintain an additional structure above First Nations should be spent on services to individual members.

Many respondents did not provide suggestions for improvements. One of the suggestions made, as a principle, was better consultation with First Nations.

Approximately two-fifths of respondents from Tribal Councils and First Nations participating in telephone interviews indicated that either there is nothing the department can do or they did not know what it could do to better assist Tribal Councils. Others provided suggestions. Two-fifths of Tribal Council and a further three-quarters of First Nations representatives suggested that they should be included in all stages of the re-formulation or modification of any policy. Many of these officials felt they have not been consulted adequately in the past, or alternatively, that DIAND already had its agenda in place prior to any consultations.

Throughout the evaluation, one of the most frequently encountered themes regarding improvements to the Tribal Council Policy was the desire of First Nations and Tribal Councils to be treated like governments, and by implication, equals, in their dealings with DIAND. Whether the issue is funding arrangements, consultations, organizational set-up, or reporting requirements, almost all respondents stressed the importance of "genuine inclusion" in decision-making, i.e., partnerships on a government-to-government level. To varying degrees, many proposed pieces of what one person articulated: "I would consult with the people from the First Nations in any given region, with their Chiefs and Council, and with Tribal Council representatives to see what they'd like to see a Tribal Council do for them. From there, I would consult DIAND to see their perspective and would put together a policy that captures as much of the positive direction as possible. And I would make it specific enough so that the parties will adhere to it." A few Tribal Council representatives felt the department should re-examine the current eligibility criteria, arguing they are too inflexible and do not concentrate on the development of First Nations. The funding for organizational development purpose was a case in point.

The main suggestions regarding improvements to the current Tribal Council Policy relate to advisory services. These suggestions vary from better definition of services to increased flexibility and expansion in services.

Many respondents suggested that clearer definitions of the nature of advisory services may help First Nations develop a better understanding of what to expect and to set standards. At the Tribal Council level, for example, some advisors admit they do not know precisely what their task is.

On the other side, some respondents proposed to allow Tribal Councils to control the mix of the five advisory services that they provide at any time to communities. In addition to the current mix of services, First Nations should have access to advisory services in all sectors for which programs are transferred to them. In many instances this would mean including community health, education, environment, legal, membership, O&M, and social services.

Many complaints against the department were related to the funding and reporting mechanisms. Improvements in these areas were suggested.

Two-thirds of respondents from Tribal Councils and First Nations suggested improvements in relation to funding. Some of these officials commented on the lack of flexibility and "strings attached" to the funds they receive. Among the suggestions made are: to amend the funding formula and to reclassify Tribal Council funding as a grant, leaving Tribal Councils and their member First Nations to set their own priorities regarding the delivery of services. With regard to the funding formula, the suggestions vary. Some suggested that a minimum amount could be provided for each member First Nation and the remainder could be allocated on a per capita basis. Others proposed that funding should not be linked to population levels, but to development and infrastructure needs rather than the availability of core advisory services.

Also, it was suggested that the department should not change its policies and funding methods as frequently as it does. This practice, where regional, Tribal Council and First Nations staff learn to accept one way of doing business, only to have it changed, creates difficulties and confusion at all levels.

The evaluation highlighted two different perspectives with respect to Tribal Council reporting to DIAND. Some First Nations and Tribal Council respondents suggested that if the intention is to move towards a government-to-government relationship with First Nations, then the department should rely more on the reports Tribal Councils provide to their member First Nations, including financial statements. This would minimize reporting work. Alternatively, some regional officials suggested that headquarters provides guidelines to regions with regard to reporting requirements. One way of doing this would be to develop a precise model with clear examples to be distributed to regions to ensure that all the relevant information is included within the documentation.

Some of the suggestions related to the functioning of the Tribal Councils, notably on accountability.

Despite the generally high degree of satisfaction with Tribal Councils, as discussed earlier in the report, suggestions were made to improve the accountability relationships between Tribal Councils and First Nations. Among those suggestions are: to hold meetings regularly (e.g., every quarter) and at different locales so travelling is shared (to encourage Chiefs to monitor Tribal Council activities); appoint an executive director or senior level administrator to be responsible for Tribal Council activities; have internal policies approved by Chiefs.

It was also suggested that Tribal Councils should improve their networking capabilities regarding the collection and dissemination of information. The department could assist by providing such information as lists of contacts with expertise e.g., names/contacts for training purposes and computer information.

Lessons Learned, Conclusions and Recommendations

This last part of the evaluation addresses the lessons that can be drawn from the evaluation work and develops conclusions and recommendations. It uses the results and findings of the evaluation presented so far in the report to come to key recommendations that could improve the functioning of the policy.

Three main lessons are drawn: the Tribal Council Policy has allowed the extension of the Tribal Council structure, Tribal Councils carry out activities that are beyond the funding received from DIAND under the policy, and the existence of Tribal Councils has allowed additional devolution of services to First Nations. From all the material collected and presented in this report, the evaluation derives five broad conclusions: there continues to be a rationale for a Tribal Council Policy, there is support for such a policy, the need for advisory services remains, the funding level and formula are perceived as inadequate, and accountability to DIAND needs to be clarified. Three recommendations are made: the Tribal Council Policy should be revised, notably to reassess the eligibility criteria, the definition and the conditions applicable to advisory services; the funding level and formula should be examined in light of these proposed changes; and the accountability to the department and the related reporting should be revisited.

Lessons learned

In this section, the evaluation considers the “lessons learned” as permanent features of the environment with regard to Tribal Councils that were highlighted during the evaluation process. Those features cannot be changed through amendments to the policy but should be taken into account in any attempt to modify it.

The Tribal Council Policy was instrumental in extending the Tribal Council structure to many First Nations.

As historical evidence indicates, Tribal Councils existed as a structure long before the government developed its policy. However, the policy was instrumental in extending to more First Nations a structure that has worked for some of them, and led to the creation of a number of Tribal Councils that would most likely not have been created otherwise.

Many Tribal Councils now carry out activities that are broader than the programs and services funded by DIAND.

The evaluation found that many Tribal Councils are involved in activities beyond those funded by DIAND. For example, Tribal Councils are involved in businesses, are delivering services funded by other departments, and are serving First Nations in numerous ways not necessarily defined in the policy but responding to expressed needs.

The existence of Tribal Councils has allowed the devolution to First Nations of services that the department no longer has the capability to deliver.

The policy was developed on the premise that the nature of some services provided by the department would not make them fit for devolution to First Nations. Tribal Councils were instrumental in allowing further devolution. As indicated in this report, First Nations have generally expressed a high degree of satisfaction with the services provided by Tribal Councils. Although the department may at times provide some advice to First Nations, it no longer has the capability to replace the advice provided by or through Tribal Councils.

There is a widely held belief among First Nations, however, that there was not enough consultation between them and the department before the policy was introduced. Over time, the relationship between Tribal Councils and First Nations has evolved, but some still see Tribal Councils as an extension of the department. This may negatively affect the perceptions of Tribal Councils and the relations between them and their member First Nations.

Conclusions and Recommendations

The evaluation reaches five main conclusions leading to three recommendations.

Conclusion 1

Despite changes in the environment, there continues to be a rationale for a Tribal Council Policy and a role for the department.

The evidence collected by the evaluation indicates there is still a rationale for a Tribal Council Policy. There continues to be a need, especially for smaller First Nations, for a structure designed to promote their common interests and satisfy their program and service needs. As the option of direct funding to First Nations is generally rejected, there continues to be a role for the department, at least as a funding agent. However, the environment in which the current policy takes place has changed. As a result, the current content of the policy needs to be adjusted to take this new reality into account.

Conclusion 2

There is continued broad-based support for the existence of Tribal Councils. There is also support for a Tribal Council Policy.

The evaluation found broad-based support among Tribal Councils and First Nations for the continued existence of Tribal Councils and for a Tribal Council Policy. This support is also evident within the department. The devolution of responsibilities from DIAND has led to a sense of ownership of programs and services amongst many First Nations. However, the current policy does not receive the same support. Many now view the department as too intrusive, and wish to be treated on a government-to-government basis.

The evaluation noted that the perception of Tribal Councils is very often tied to their role as provider of advisory services. For example, one eligibility requirement for departmental funding is the provision of five broadly-defined advisory services. Although there might have been a need for this feature in 1984, the evaluation has not found evidence that this need is ongoing.

Conclusion 3

The concept of "advisory services" as currently defined is ambiguous. However, the need for this type of services remains.

The array of interpretations which have arisen suggests that the current definition of five advisory services is difficult to implement and may not correspond to the current needs of First Nations. The policy was developed in an era when the department was much more directive in its relations with First Nations. Over the 13 years since the policy was first implemented, First Nations have evolved towards more autonomy. The department has supported this evolution. The current definition of advisory services is outdated and difficult to apply as it seems to contradict the desire to have bands control their Tribal Councils. In addition, the need for advice at the band level has evolved. These facts point to a reexamination of the advisory services aspect of the policy. Furthermore, the audit of this policy pointed to management problems directly related to the definition of services and the requirement for service standards. As it stands, two service-related objectives are not being met. DIAND's desire to ensure service standards and the objective to undertake periodic reviews of those services have both been broadly interpreted.

On the other hand, the need for advisory services was clearly demonstrated. A majority of respondents from all groups indicated that advisory services can assist in the further development of First Nations governments. Although there is support for the services currently included in the policy, there are indications that these five services are not broad enough to cover the programs and services reality of many First Nations, particularly in legal, education and social services.

Recommendation 1: The current Tribal Council Policy should be modified to enable Tribal Councils to better meet the priorities of their member First Nations. In particular, Tribal Council eligibility for funding and the definition of and the conditions applicable to advisory services should be reassessed.

Conclusion 4

A perception prevails among Tribal Councils that the funding level is insufficient to provide needed advisory services and that the funding formula is deficient.

A perception prevails among respondents from Tribal Councils, and some First Nations, that the current funding level is insufficient to meet needs. This perception comes mostly from the fact that the level of funding available for advisory services is considered to be lower than the funds available to the department before the devolution of services, and that the definition of advisory services created difficulties for delivery and reporting that had impacts on costs. It should be noted, however, that the evaluation methodology did not allow an assessment on whether funding, and funding formula, discussed below, were indeed insufficient.

The deficiencies of the funding formula are tied to two main problems. First, some Tribal Councils argued that the formula fails to take into account population growth and that it does not adequately weight population size with distance from the Tribal Council. Relatedly, one of the Tribal Councils in a case study felt that the funding formula puts them at a disadvantage compared with larger or less isolated Tribal Councils. Second, it was mentioned that there is no mechanism in the formula to recognize under-developed areas or to allow for the negotiation of funds based on Tribal Council needs. As long as funding does not factor in relative needs, it appears that those with the worst conditions may be unable to end the cycle. However, it was also recognized that how "needs" would be defined and by whom they would be assessed are difficult issues to resolve.

Recommendations 2: Taking into account the current fiscal framework, the department should undertake an examination of the funding and the formula applicable to Tribal Council advisory services.

Conclusion 5

The accountability and reporting requirements of the existing policy are rather difficult to implement. Tribal Councils, First Nations and the department have had difficulty defining an acceptable process to report on Tribal Councils' results.

Under the current Tribal Council Policy, departmental officials must obtain from Tribal Councils evidence that they are directed by and accountable to their member First Nations, that service standards are in place and that the effectiveness of these services is measured. This has had repercussions on the reports that are requested from Tribal Councils, and has caused problems in attempting to define what was really required. It was suggested that one solution to this problem was for DIAND to base its reporting requirements on what First Nations obtain from their Tribal Councils. In that context, the ideal would be some form of results-based reporting that would combine accountability with the effectiveness of the advisory services. It was also mentioned that an appropriate accountability framework needs to be developed through a consultative process.

During the evaluation, the department undertook a complete review of the program data requirements that First Nations must provide under the funding arrangements. The results of this exercise are to be incorporated into the 1997-1998 First Nations Reporting guide.

Recommendation 3: The department, in consultation with Tribal Councils and First Nations, should revise the current accountability and reporting requirements applicable to Tribal Councils, taking into account the recent developments with regard to funding arrangements.

Terms of Reference

TERMS OF REFERENCE**Evaluation of the Tribal Council Policy**

BACKGROUND: Although Tribal Councils existed prior to 1984, it was the 1984 Cabinet decision that confirmed the conditions for funding, the transfer of specified advisory services from DIAND, and the principle of Band control. The decision also approved the concept of funding by formula. As of July 1994 there were 82 Tribal Councils serving 532 Bands and associated communities.

Tribal Councils can deliver any service or program for which DIAND has the authority to delegate funds to Bands. Tribal Council Policy allows government at the request of Indian Bands, to provide support directly to Tribal Councils to enable them to maintain a specified level of service. During the 1994-1995 year these Tribal Councils were administering \$172.7 million in DIAND funded programs. They were also in receipt of \$24.2 million for advisory services and \$21.1 million for administrative overhead.

Tribal Councils that meet the eligibility criteria and that have received the necessary mandate from member Bands may be funded in four categories: (1) organizational development; (2) management and administration; (3) advisory services for Band government, financial management, community planning, technical services and economic development; and (4) service for program delivery.

To receive funding for advisory services Tribal Councils must agree to take on responsibility for all five services listed in category (3) above.

The Audit of Tribal Council Funding recently completed found that many Tribal Councils are not in compliance with eligibility criteria for funding. The principal reason is lack of information regarding service standards, a main eligibility requirement of DIAND Program Directives. The audit also identified a lack of departmental monitoring of this and other requirements.

It is important that DIAND periodically confirm the eligibility of Tribal Councils for funding in order to confirm First Nations choices as to how funding and services will be delivered to them.

The extent of non-compliance to Tribal Council funding agreements suggests that policy directives and procedures may need to be reconsidered.

NEED: As the department is completing its transformation from a direct service delivery agency into a funding agency, any additional responsibilities which Tribal Councils may assume will likely be in statutory areas such as lands management, or local government responsibilities if tribal rather than community governments are formed. Since the policy, as enunciated by Cabinet, places an emphasis on Band control, and the primary accountability of Tribal Councils to their member Bands, the department needs to know whether or not this role is being fulfilled so far as DIAND funded programs are concerned. Such assurance is required to permit accountability of the Minister to Parliament regarding these expenditures.

The need for an evaluation of the Tribal Council Funding policy was identified and approved by the Departmental Audit and Evaluation Committee (DAEC) as part of the 1994-1995 Audit and Evaluation Plan.

SCOPE: The evaluation will focus on gathering information on the results achieved by the Tribal Councils and the achievement of departmental objectives. It will also identify areas for improvements within the current fiscal framework.

ISSUES: **Is there a continued rationale for the Tribal Council Policy as currently defined?**

Are the departmental objectives set for the Tribal Council Policy being achieved?

What are the impacts, both intended and unintended, of the Tribal Council Policy?

What are the alternatives to the Tribal Council Policy? What are the main lessons learned and the potential improvements to that policy?

APPROACH: The draft audit report is being completed at this time and the evaluation will use the audit findings to refine the issues to be evaluated. The evaluation will examine aspects relating to the delivery of both advisory services and core services and programs at the Tribal Councils and affiliated Bands as well as within DIAND. The evaluation will also gather information on the experiences of Bands not affiliated with Tribal Councils for the purposes of determining best practices and lessons learned.

The evaluation will use multiple lines of evidence. At this point, it is planned to use case studies, interviews with Tribal Council Management, First Nations political leaders and departmental employees in regions and districts and to carry out analyses of departmental data. The regions to be visited and the number of case studies and interviews will be determined during the planning phase. In addition, the evaluation will make use of an advisory committee composed of representatives from DIAND and Tribal Councils.

RESOURCES: The evaluation will be performed using contracted and DAEB resources and will be managed by DAEB. It is estimated that the total cost of the evaluation will be about \$90,000.

TIMEFRAME: The evaluation will begin in July 1995 and will be completed by March 1996.

APPROVED BY:

Alan Williams
Assistant Deputy Minister
Corporate Services
June 21, 1995

Action Plan

AUDIT AND EVALUATION / VÉRIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/23
DATE SENT / DATE D'ENVOI :
DATE DUE / ÉCHÉANCE :

PAGE : 1 OF / DE : 1

PROJECT TITLE / TITRE DU PROJET : Tribal Council Funding Evaluation

REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : Socio-Economic Policy and Programming Branch

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PRÉVUE DE MISE EN OEUVRE
1. The current Tribal Council Policy should be modified to enable Tribal Councils to better meet the priorities of their member First Nations. In particular, Tribal Council eligibility for funding and the definition of and the conditions applicable to advisory services should be reassessed.	33	A paper will be developed to address all three recommendations. This paper will also address the consequences of implementing these recommendations and will be shared with regional staff for their comments. The need for consultation with Tribal Councils and First Nations will be determined as part of this process. The paper will be submitted to Senior Policy Committee for consideration.	Director, Indian Programming and Funding Allocation	October 31, 1997
2. Taking into account the current fiscal framework, the department should undertake an examination of the funding and the formula applicable to Tribal Council advisory services.	34	Same as above.	Director, Indian Programming and Funding Allocation	October 31, 1997
3. The department, in consultation with Tribal Councils and First Nations, should revise the current accountability and reporting requirements applicable to Tribal Councils, taking into account the recent developments with regard to funding arrangements.	35	Same as above.	Director, Indian Programming and Funding Allocation	October 31, 1997