

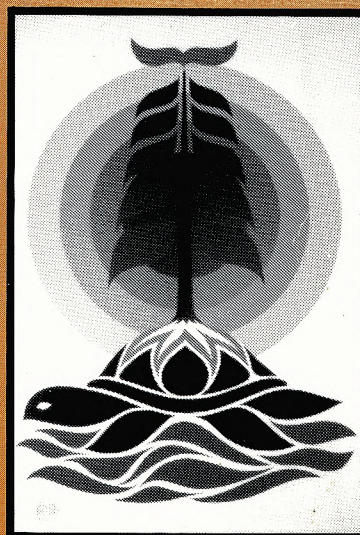
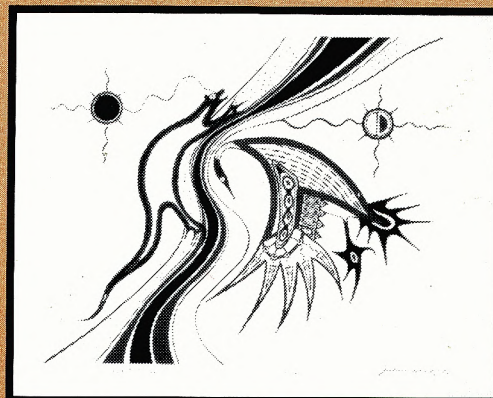
**Appendices to the evaluation of the Self-government
Negotiations Process**

/ prepared by Daniel J. Caron and T. K. Gussman Inc.,
assisted by Terry Hunt and Paula Isaak.

[Ottawa] : Indian and Northern Affairs Canada, 1990

This report contains appendices dealing with Self-Government negotiations,
results of interviews with departmental staff and file reviews, survey of bands
and case studies for the evaluation of Self-Government

E92
E821
c.2



APPENDICES

to the

Evaluation of the

Self-Government Negotiations Process

Summary Report

About the Illustrations

The Westcoasters

(Bottom)

The Indians who now live along the west coast of Canada are direct descendants of skillful mariners who navigated the open ocean of the North Pacific in hand-hewn cedar canoes long before the arrival of the European. To attain their livelihood these people daily braved the perils of an area frequently referred to as the "Graveyard of the Pacific." The "Westcoasters" is a graphic visual tribute to the courageous and indomitable spirit of the west coast people.

Creation

(Middle)

To use the artist's words "... meaningful traditions are governed by the works of the Creator, and are believed to be sacred. It is from nature that the Native peoples adopt symbolism." Thus the "Creation" became the first of his Iroquois paintings. It is a work that portrays in physical symbols a vision of ancient Iroquoian spiritual concepts: the Turtle Island — the Earth, the Great Tree of Peace — Brotherhood and Unity, the Guardian Eagle — the Creator's watch-care, and the Sun — our Elder Brother.

The Goose and the Mink

(Top right)

The Northern Goose and Mink serve as a vivid portrayal symbolizing the unending and universal struggle between good and evil, the forces of life and death. In both the animate and the inanimate creation — in the prey and in its predator and in the variations between the lightened and the darkened suns — we see an emphasis on the continuing conflict between these forces and the pathway of division between them.

and the Artists ...

Roy Henry Vickers

Roy Vickers is a Coast Tsimshian who spent his early youth at Kitkatla, an ancient Indian village on an Island at the mouth of the Skeena River, British Columbia. Later his family settled in the Victoria area. While there, in art classes at school he was unable to relate to the European painters and the "great masters" and turned instead to the art of his Tsimshian heritage; it was here that he found himself.

It wasn't long before his artwork showed considerable promise and he was admitted to the Gitanmax School of Northwest Coast Indian Art at Ksan in Hazelton, B.C. In two years of intense study at Gitanmax, Roy matured into a highly skilled artist with a marked ability to sensitively blend traditionalist and contemporary forms. (Roy's other talents include University lecturing and television acting.) His carvings and paintings may be found in major public and private collections in Canada, the United States and Japan.

Arnold Jacobs

Arnold Jacobs is a Six Nations' Iroquois artist who is emerging as a visual interpreter and historian of the rich culture of his people. After studying in the Special Arts Program at Toronto's Central Technical School, Arnold went on to develop his distinctive techniques through thirteen years of experience in the commercial arts field. His works have brought him international recognition.

Central to Arnold's creative expression are symbols of the earth and sky — such as the waters, the four winds, thunder and the sun. For him these supporters of life are also spiritual forces that should inspire within us true thankfulness to the Creator.

Jackson Beardy

Jackson Beardy was born as the fifth son of a family of 13 in the isolated Indian community of Island Lake, about 600 kilometres north of Winnipeg, Manitoba. Deprived of his home and language at the age of 7, he spent 12 disorienting and traumatic years in residential school life. Thus Jackson's early manhood found him in the struggle to reconcile the two worlds of white and Indian society. It was at this time that he returned north in a quest to again learn the ways and teachings of his people.

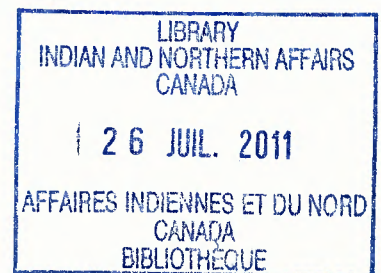
Later, unrecognized and being unaware of any other Indian artists in Canada, he began to pioneer his own art form — one portraying traditional legends and nature in uniquely colourful, creative and symbolic images. In time his paintings have found their place in established collections throughout North America and Europe. His recent death in December of 1984 was lamented as a great loss to Canada.

E92 E821 C.2

(CHR#)
N.23)

**EVALUATION DIRECTORATE
INDIAN AND NORTHERN AFFAIRS CANADA**

JANUARY 1991



APPENDICES

**to the
Evaluation of the
Self-Government Negotiations Process**

Summary Report

Prepared by
Daniel J. Caron
Senior Evaluation Manager
Evaluation Directorate

and

T.K. Gussman Inc.
Ottawa, Ontario

Assisted by

Terry Hunt
Paula Isaac

Layout by
Sonia Vaillancourt

Table of Contents

Appendix I	Self-Government Organizational Structure and Process by Region
Appendix II	Results of Interviews with Departmental Staff and File Reviews
Appendix III	Survey of Bands/Communities
Appendix IV	Whitefish Bay Indian Band: A Case Study for the Evaluation of Self-Government Process
Appendix V	Alexander Band: A Case Study for the Evaluation of Self-Government Process
Appendix VI	Southeast Resource Development Council: A Case Study for the Evaluation of Self-Government Process
Appendix VII	Tobique Indian Band: A Case Study for the Evaluation of Self-Government Process

APPENDIX I

Self-Government Organizational Structure and Process by Region

INTRODUCTION

This appendix provides a description of the organizational structure and the Self-Government Negotiations process based on information provided through interviews with personnel and file reviews conducted at Headquarters and in the regions. The chart following each section serves as an illustrative summary of the SGN process in each region.

Headquarters

The *Self-Government Directorate* at SGNB HQ is headed by a Director who reports to the Director General, Self-Government. The staff is composed of a Director, Negotiators, and Assistant Negotiators. The Directorate is responsible for federal community negotiations up to the start of the Framework Negotiations stage. This includes handling the negotiating sessions, preparing all documents (including the Discussion Papers), and analyzing the impact or potential impact of Band Framework Proposals.

The *Community Negotiations Directorate* at SGNB HQ is headed by a Director who reports to the Director-General, Self-Government Negotiations. The staff is composed of a Director, Negotiators, Assistant Negotiators, Policy Advisers, and a Secretary. The Directorate is responsible for the Framework and Substantive Negotiations with Indian Bands and communities. Duties include conducting and overseeing all aspects of negotiations, providing technical and logistical support for the negotiations, and providing all necessary research and analysis.

SGN PROCESS - HEADQUARTERS

Region
Bands

Preliminary and General Workshops

Band

Submits Framework Proposal-
Includes budget, process, priorities

HQ

Prepares Discussion Paper

HQ/Band/Region

Negotiation of Framework Agreement

HQ/Band

Enter Substantive Negotiations

Reach Agreement-In-Principle

Implementation

Yukon

In the Yukon, the SGN unit consists of a negotiator who reports jointly to the Director-General, Self-Government, at Headquarters and to the Chief Federal Negotiator for land claims. Self-Government negotiations in the Yukon are dealt with outside the comprehensive claims process, although the Agreement-in-Principle contains negotiated elements for local government. The SGN process in the Yukon appears to be more abbreviated than in other regions. The process has evolved from a more advanced starting point in this region, given that all 14 communities in the Council of Yukon Indians have had their comprehensive claims accepted for negotiation. Accordingly, there has not been much developmental work in SGN. It was suggested that some communities would benefit from more involvement in the preliminary stages of the SGN process.

SGN in the Yukon is a tripartite process, with the Territorial Government being fully involved. The primary tool used in the process is a "rolling draft final agreement", which serves as a working model for eventual enabling agreements. Although several Yukon Bands are considered to be in the "Substantive Negotiations" stage, no band final agreements or constitutions have been tabled officially to date.

The SGN Process in the Yukon Region

Communities

Approach Federal Government
re: Land Claims

HQ (Claims)

Ruling on claim
admissibility

Loan to communities
to fund negotiations

HQ Claims
Negotiators

Initiate
Discussions with Communities

Given mandate including
matters of local government

Yukon Govt.
Fed. Depts.

Ongoing negotiations
with C.Y.I.(Council of Yukon Indians)

Fed. Govt.
Yukon Govt.
C.Y.I.

Agreement in Principle
(AIP) with Self-Government
sub-agreement

Minister
Yukon Premier
C. Y. I.

Sign AIP

All parties

Negotiate umbrella final
agreement on Land Claims
with Self-Government in separate
legislation

British Columbia

In British Columbia, the SGN Unit Director's responsibilities extend beyond Self-Government into comprehensive claims, federal-provincial relations, community negotiations, fisheries policy, Sechelt implementation and consultation. As well the Director is on the RDG's Regional Senior Management Committee.

The SGN Unit is composed of Self-Government Officers responsible for policy, community negotiations and research.

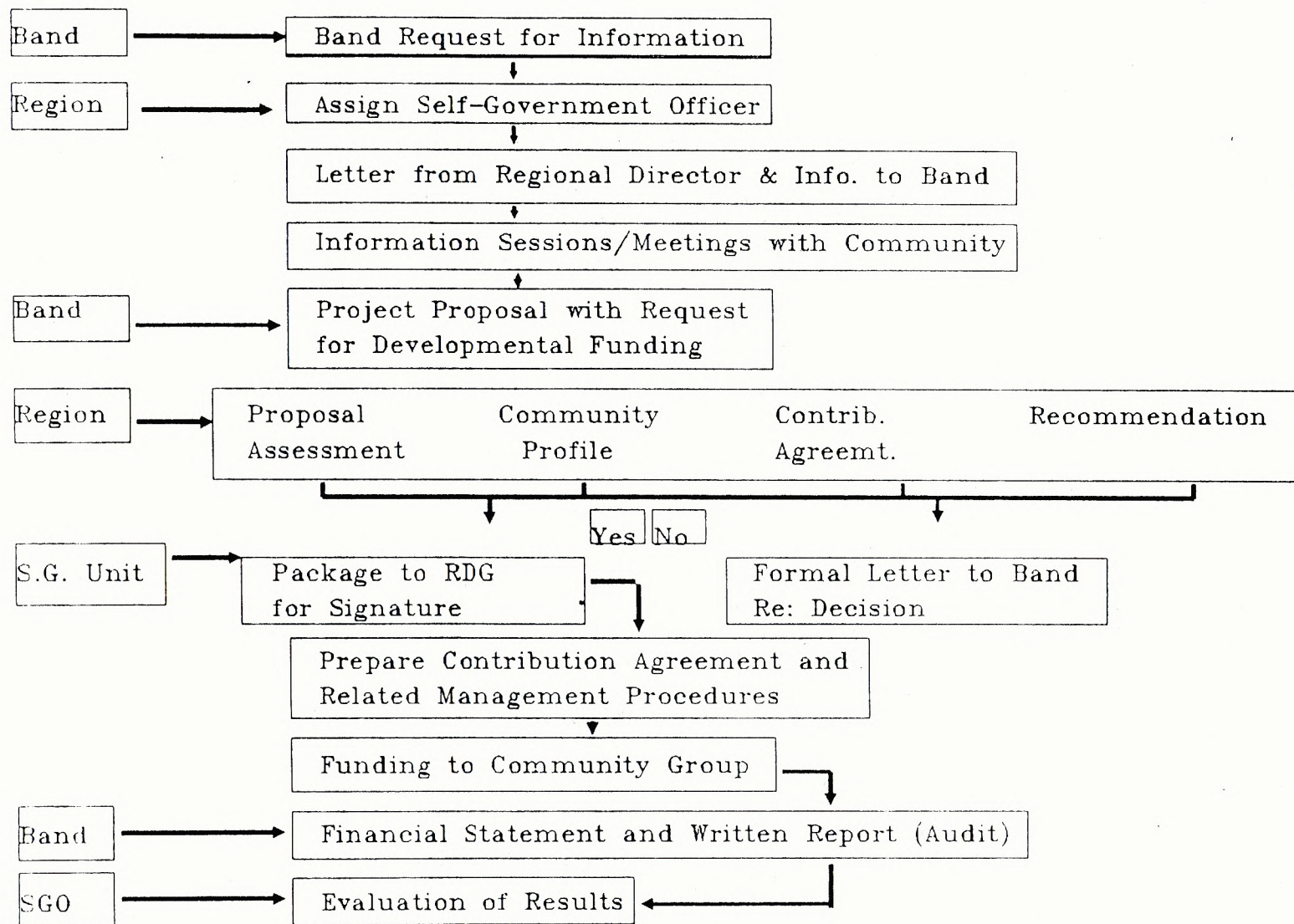
SGN in British Columbia follows a consistent process. The Regional office responds to requests with an information package, assigns a Self-Government Officer, attends meetings to explain the SGN process, and generally plays an active role throughout the developmental phases. The evidence suggests that the region's role becomes much less obvious once Headquarters SGN staff and negotiators become involved in the process.

All cases supported by the region appear to have well-documented Community Assessments on file, and there has been strict monitoring of progress in Developmental work, through the inclusion of milestones in the Contribution Agreements.

One unique feature of the region is the active involvement of the academic community. The files refer to a training manual prepared by the University of British Columbia's School of Regional Planning for a course on "Planning for First Nations Self-Government" and a UBC Faculty of Law Self-Government Conference with a series of workshops in May 1988. The Region and Headquarters units were involved throughout in planning and funding.

The SGN process in the B.C. region is illustrated in the chart on the following page. This process applies to Developmental Funding. It stops when a community submits a Framework Proposal. According to the Regional office, this process does not require a commitment from the community or Headquarters. That process is still evolving.

SGN PROCESS IN THE B.C. REGION



Source: B.C. regional interviews

Alberta

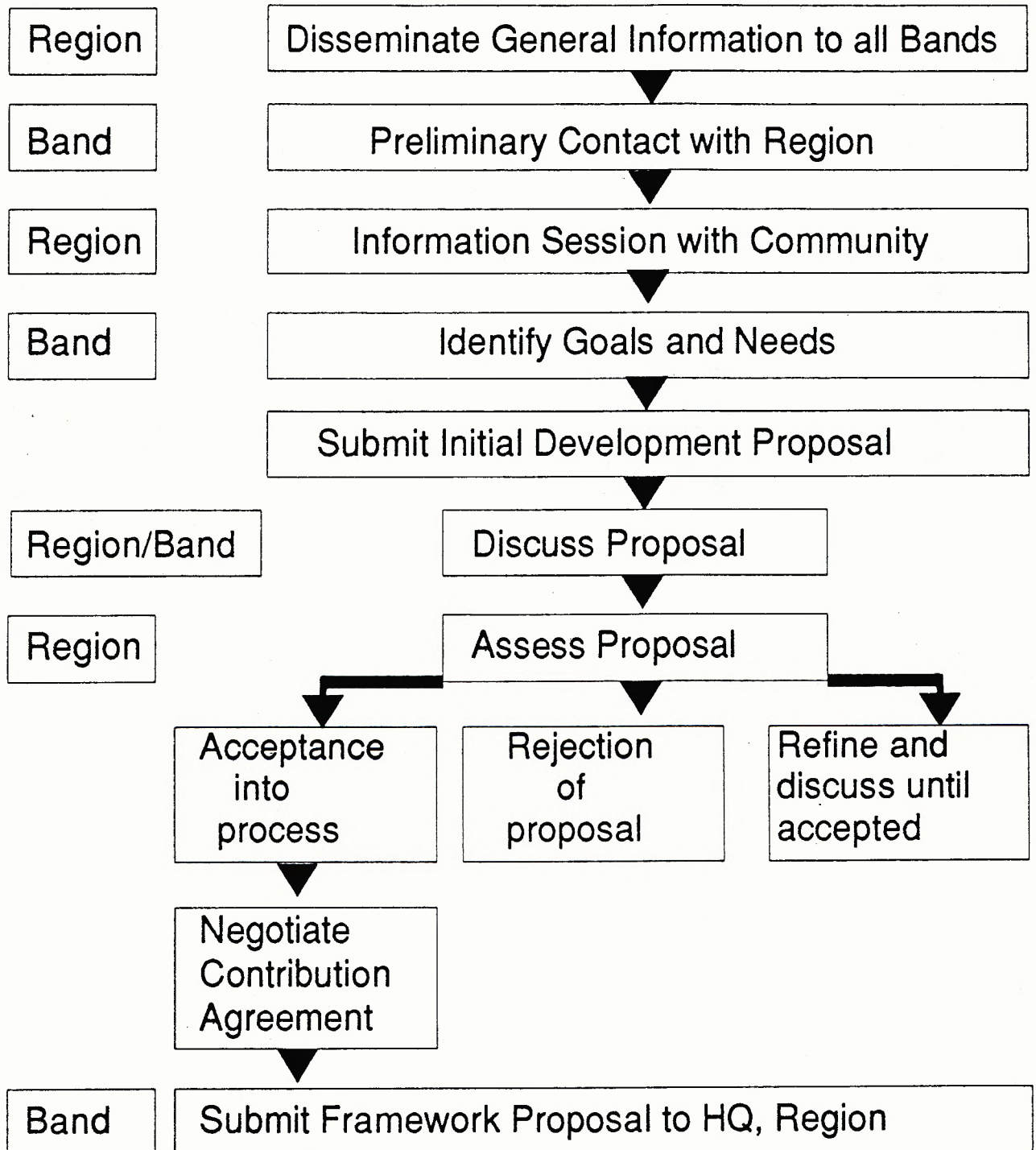
The SGN process appears to have evolved substantially in Alberta. One band (Alexander) has reached the substantive negotiations stage of SGN while another (Sawridge) is very close to signing a Framework Agreement.

In the Regional Developmental stage of SGN in Alberta, there is evidence that the Regional SGNB office has facilitated the community's identification process in most cases. However, there are also instances where Headquarters has served as the facilitator in identification. There is evidence of a formal departmental review process of a community's Initial Development Proposal which involves both the Regional SGNB office and Headquarters.

Within the Framework Negotiations activity, there is no indication on file that DIAND specifies a format for the Framework Proposal. For the two Discussion Papers prepared to date, input was received from the Bands, the region, program managers, legal services and other Departments according to the subject matter. The Alexander Band's Framework Agreement was signed on May 23, 1989. The Sawridge Band's Framework Agreement has been prepared, but had not been signed as of July 31, 1989.

Additional information on the Alberta region's organizational structure and process chart to be provided by the Evaluation Directorate.

SGN PROCESS IN THE ALBERTA REGION



Saskatchewan

The Self-Government Directorate in Saskatchewan is headed by a Director who reports to the Regional Director-General. The Self-Government Directorate is part of the DIAND Executive Secretariat and is composed of a Director and Senior Advisers. Given that Self-Government is in its early stages in Saskatchewan, the unit's activities involve primarily information dissemination and the sponsoring of workshops for interested bands and communities. As more bands become involved, the unit will handle all dealings with communities through the developmental stage of the process. To date, no band or Tribal Council in the Saskatchewan Region has submitted a Framework Proposal.

It has taken some time to define the lines of responsibility between Headquarters and the Region. An operational accord was drafted in May 1988 and a Memorandum of Understanding was signed in the summer of 1989. Prior to this, the SGN process appeared to be Headquarters-driven, with little regional involvement. This has changed so that now the region will take the lead role in facilitating the developmental stage of the process, while the principal departmental responsibility for progressing through the Framework and Negotiations phases continues to rest with Headquarters.

The SGN Process in the Saskatchewan Region

RDG

Letter sent to all Chiefs-in-Council,
informing interested communities of
SGN program

Basic Information Kit sent to Communities

Bands

Preparatory Work - hold Workshops

Region

Initial Meetings,
Workshops held with Community

Band

Submit Initial Development Proposal

Region

Assess Initial Development Proposal

RDG gives initial approval to Proposal-
Submits to HQ for final approval

Drafts Contribution Agreement
to develop Framework Proposal

Manitoba

In the Manitoba Region, AFA and SGN form a combined directorate composed of a Director and officers or advisers, negotiators, a financial officer and a clerk. The Director is responsible for the administration of both programs and reports directly to the Regional Director-General. The SGN officer is responsible for liaison between the community and the Region, advises bands on process and status, and interacts with other program managers within the Department.

Of the twenty-three bands and tribal councils in Manitoba that have indicated interest in the Self-Government process, ten have pursued developmental activities. Files indicate that six Framework documents have been submitted. There are, however, no signed agreements to date.

Some time was taken to define the respective responsibilities of Headquarters and the Region. The Region's increasing involvement in the developmental phases of the process appears to have evolved from a principally Headquarters driven program. The principal departmental responsibility for progressing through the Framework and Negotiations phases continues to rest with Headquarters.

The chart that follows depicts the current SGN process in the Manitoba Region.

The SGN Process in the Manitoba Region

Band

Request for Information

Region

Letter from Regional Director-
Send basic information kitInformation sessions/meetings with
community/Tribal Council

Band

Identify goals and needs-
Submit Initial Development Proposal

Region

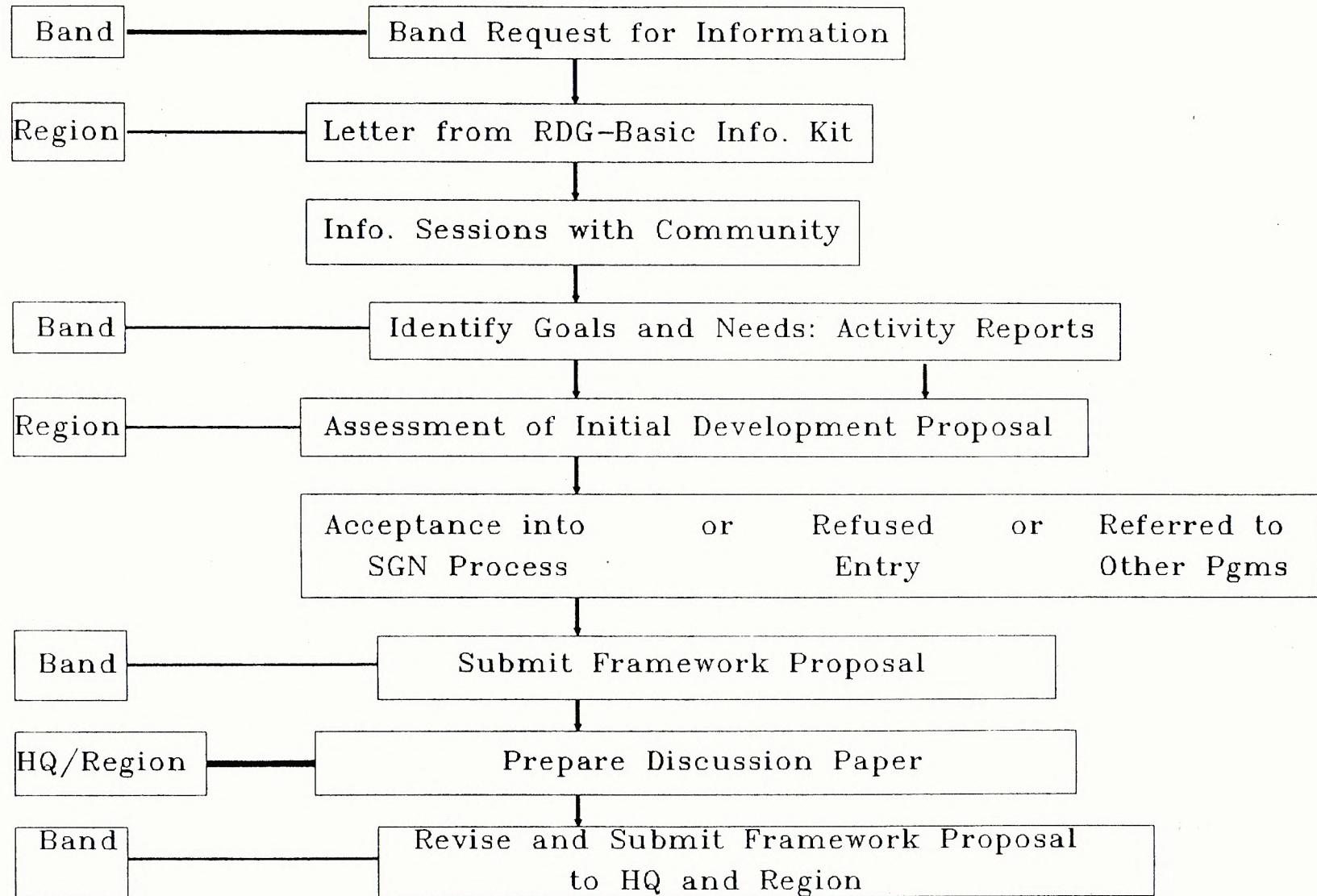
Assessment of Initial Proposal

Approves acceptance or Refused or Referred
into SGN process entry to other
programs

Band

Submit Framework Proposal

SGN PROCESS IN THE MANITOBA REGION



Source: Interviews, Manitoba SGNB

Ontario

The Indian Self-Government Branch at the Ontario Regional office is headed by a Director, who reports to the Ontario Regional Director-General. The Branch has officers and advisers responsible for working on the Tripartite process (a dispute resolution mechanism), AFA and Community Negotiations. In addition, the Branch is responsible for preparation and co-ordination of information and communications material and services.

Prior to submitting an Initial Development Proposal, bands and communities are provided with significant information from three sources: DIAND HQ, the Ontario Regional office, and the United Indian Council of the Mississauga and Chippewa Nations. Through both the information and the workshop, strong efforts are made to identify and state the intention of the policy, what can be negotiated, what cannot be negotiated, the process to be followed, and the requirements at the various stages.

Once admitted to the SGN process, bands submit their Framework proposals. Although certain mandatory criteria are clearly identified at different stages throughout the process, the files suggest that these proposals are usually incomplete and are returned to the Bands for completion and resubmission. Discussion papers are prepared identifying the implications, strengths and weaknesses of the proposals. Suggested revisions are then made by the band.

The SGN Process in the Ontario Region is illustrated in the following chart. To date, there has been no experience beyond the Framework stage.

The SGN Process in the Ontario Region

Bands

Identify Self-Government goals

Region

Workshop is held

Community

Initial Development Proposal

Region/District

Preliminary Assessment

Bands

Additional Development work (if necessary)

RDG

Approves acceptance or Refused or Referred
 into SGN process entry to other
 programs

Bands

Submit Framework Proposal

HQ

Prepares Discussion Paper - circulate to HQ
programs, Regional and District officials

Band

May have to revise Framework Proposal

HQ

Draft Framework Agreement

Minister

Signature

Band

Ratification

Quebec

The Québec region does not designate specific positions for the SGN process. The Secretariat unit is composed of a Director and officers who are assigned a variety of responsibilities that include, in addition to Self-Government Negotiations, comprehensive claims, federal-provincial relations, land base negotiations, and departmental liaison activities with the bands. This unit also works closely with other federal departments and agencies and their provincial counterparts. The Director reports to the Regional Director-General, who is involved in most issues.

The SGN process in Quebec has evolved slowly. There is significant tripartite interaction between Headquarters, the regional office and the Indian communities. It has taken some time to define the lines of responsibility between Headquarters and the regional office.

The two bands that have moved furthest along in the SGN process are the Kahnawake Band and the Rivière Desert Band (Maniwaki). Evidence on file indicates that HQ and the regional office are trying to maintain a certain pace in the process and are supplying adequate information to these bands. Much effort is expended on holding the bands within the parameters of SGN.

The following chart summarizes the SGN process in the Quebec Region.

The SGN Process in the Quebec Region

HQ/Region	General Information sent to Bands
Band	Interested Bands request entry into Process
Region	Assign Self-Government Officer (SGO) to file
Bands	Hold Workshops to identify goals
Region	Evaluation by SGO- Assess Band Proposal
Region RDG & HQ	Protracted written communication and negotiation
Region	Assessment of Band Proposal
	Package to RDG & HQ for Funding Approval
HQ	Notification to Band re: decision to proceed
Region	Prepare Contribution Agreement
HQ	Provide funding to band
Band	Commence work and consultation - Prepare Initial Development Proposal
SGO	Evaluation of Band reports

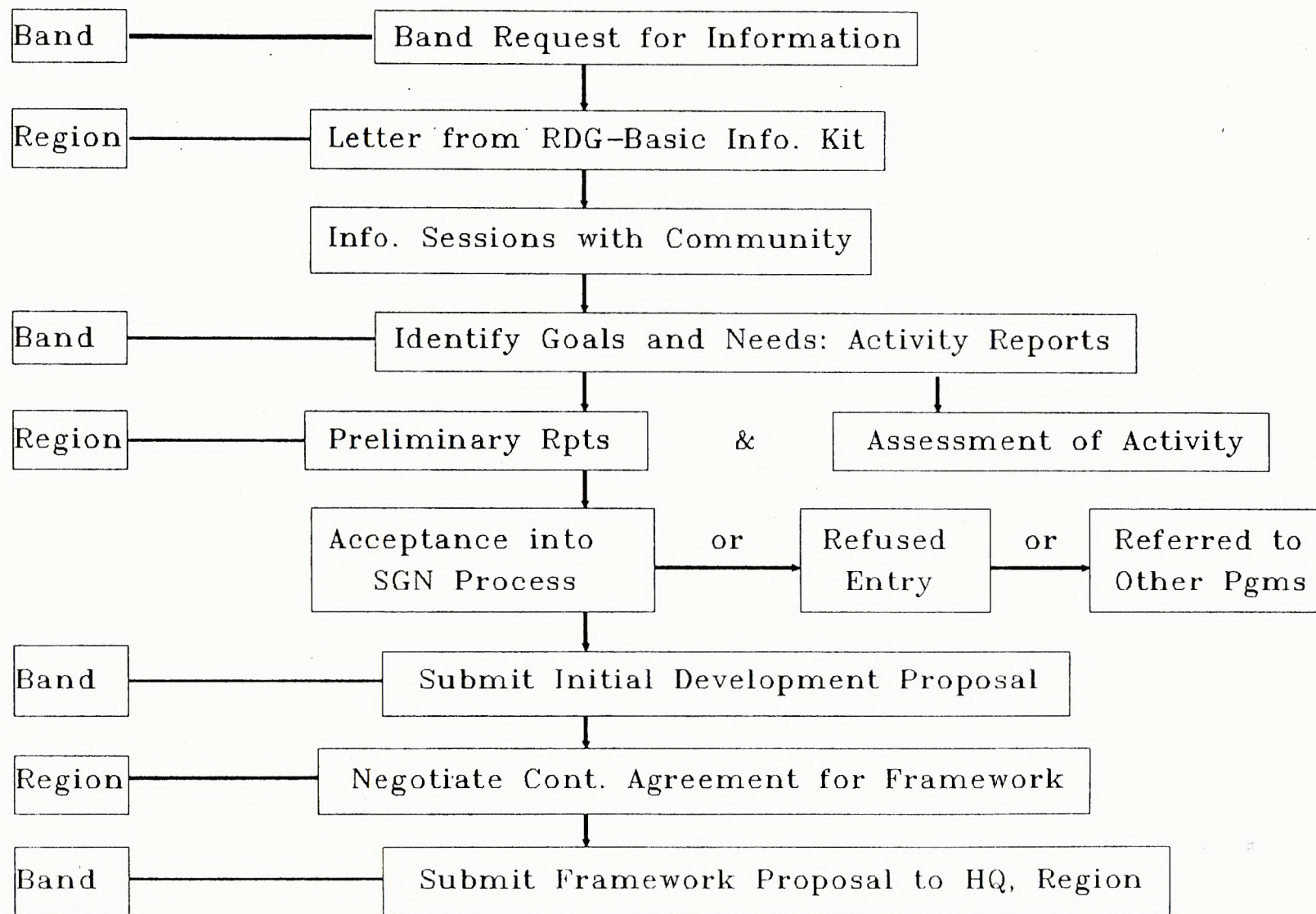
Atlantic

The SGN unit in the Atlantic Region is headed by a Director who administers the program and is responsible for most of the liaison duties between the Bands/Tribal Councils and the Department. A fieldwork officer acts as a resource person for the community, and a clerk is responsible for all secretarial and clerical duties.

In the Atlantic Region, thirteen Bands and Tribal Councils have shown some interest in SGN. However, some of these communities have interpreted self-government for sovereignty or registration issues. The files indicate that contribution agreements have been signed with only four of these communities for regional developmental activities. Two other communities (Tobique and Kingsclear) have progressed to the Framework Negotiations stage.

There is evidence that the Atlantic SGNB office has facilitated the communities' identification process. The Region has been generally involved with the early developmental stages and is in the process of organizing a steering committee to conduct assessments of Preliminary Proposals. The Atlantic Regional Developmental Stage of the SGN process spans approximately two years or more, while the Framework Negotiations phase is projected to take up to two years.

SGN PROCESS IN THE ATLANTIC REGION



Source: Interviews, Atlantic SGNB

The SGN Process in the Atlantic Region

Band	Band request for Information
Region	Letter from Regional Director-Basic Info. Kit Information sessions/meetings with community/Tribal Council
Band	Identify goals and needs-Submit Activity Rpts.
Region	Preliminary Assessment of Activity Reports
	Approves acceptance or Refused or Referred into SGN process entry to other programs
Band	Initial Development Proposal
Region	Negotiate Contribution Agreement- Development of Framework Proposal
Band	Submit Framework Proposal
HQ	Prepares Discussion Paper -circulate to HQ programs, Regional and District officials
Band	Revise Framework Proposal (if necessary)

APPENDIX II

Results of Interviews with Departmental Staff and File Reviews

INTRODUCTION

Following the methodology for the analysis of the Self-Government Negotiations Program, interviews were conducted with:

- 1) Senior Management at Headquarters;
- 2) Regional Directors-General;
- 3) SGN Program Managers at Headquarters and in all regions;
- 4) SGN staff in those regions where a detailed file review or case study was conducted; and
- 5) representatives of the Land Claims Branch at Headquarters.

Table 1 presents a breakdown of officials interviewed. In total, 26 interviews have been completed and one is expected to be completed soon. It may be possible to conduct additional interviews with regional staff(during the Alberta field visit for the Alexander case study) and with some federal negotiators.

Table 2 contains a tabulation of percentage results for questions that were amenable to a yes/no answer.

File reviews were conducted in five locations: Headquarters, British Columbia, Manitoba, Ontario and Quebec. The results of these file reviews have been integrated into the analysis of the information obtained through the interview process.

Table 1 Breakdown of People Interviewed and File Reviews										
Interviews Conducted	Yuk.	B.C.	Alta.	Sask.	Man.	Ont.	Que.	Atl.	HQ	Total
SGN HQ Sr. Mgmt.									4	4
Land Claims Br.									1	1
Regional DGs	1	2	IP	1	2	1		1		9
SGN Regional Dir. & Staff	1	3	1	1	2	1	3	1		13
File Reviews		1			1	1	1		1	5
Total	2	6	2	2	5	3	4	2	6	32

ANALYSIS OF RESULTS

This section reports responses from the interviews conducted at Headquarters and in the Regions. Most of the statements reported here are corroborated by information from the file reviews. Headquarters senior management and RDGs were interviewed using similar, general questionnaires on the SGN process and its strengths and weaknesses. More detailed questionnaires, with questions on progress at each step of the process, were used to interview SGN Headquarters and regional program managers as well as regional SGN staff. To maintain respondent confidentiality, the results have been aggregated. The answers reported here reflect the overall opinion of SGN staff, including DIAND senior management.

Summary

Departmental staff made several suggestions for improving the SGN process and the various steps that have been prescribed. The consensus was that the process is evolving and that there is a departmental learning curve which will lead to more successes as time goes on. Officials were almost unanimous in identifying the community-driven nature of the process and heightened awareness within aboriginal communities as strengths, but they also identified several areas as requiring improvement. This latter group includes communication (within HQ, HQ to Regions, and to communities), definition of roles within the Department, funding, timeframes allocated for various stages, and the complexity of the process itself.

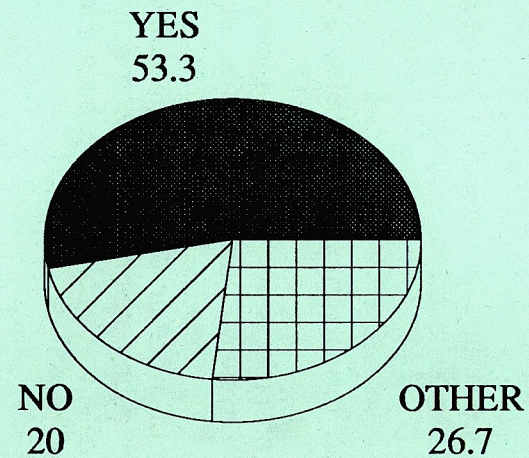
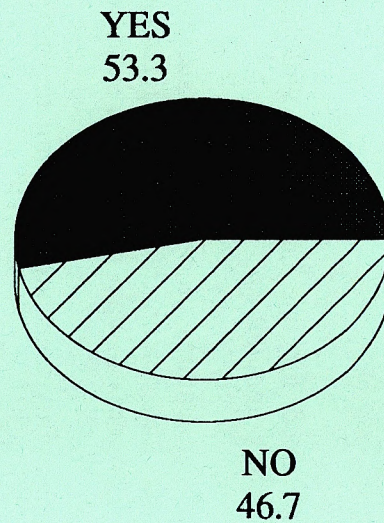
General Observations

- ◆ There is a need for more flexibility in lines of authority between HQ and the regions.
- ◆ Better written information from HQ and improved communication within HQ are required.
- ◆ Indian communities would benefit from initial presentational material that is less complex, more oriented to special needs.
- ◆ Presentational material would be greatly improved if it were made more lively, e.g., through the use of videos.
- ◆ Important issues such as land base, political process, and insufficient involvement of the provinces are major impediments to communities working to achieve self-government.
- ◆ Many communities do not fully understand the objectives of Self-Government process or arrangement.

- ◆ The majority of Indian communities have arrived at SGN as a solution to longstanding concerns.
- ◆ The scope and objectives of communities' proposals are very different and reflect varied perceptions of and approaches to self-government.
- ◆ The process for submitting proposals is not well defined. Proposals enter the system differently; some to the region, some to Headquarters, and others directly to the Minister.
- ◆ Most proposals call for authorities not currently available under the Indian Act.
- ◆ There is a lack of process with respect to proposals, in that some are advanced while others are delayed with little feedback to the band.
- ◆ There is evidence of a certain degree of frustration at the Regional level in working with a Band, encouraging submission of a proposal and supporting a funding request to Headquarters, only to be told that the budget will not permit full funding of the particular proposal.
- ◆ The SGN process is achieving its stated objectives, but slowly and in a narrow sense, given the limited number of successes.
- ◆ Communities learn by doing as far as the awareness and understanding of the SGN process is concerned.
- ◆ The Department appears to be pushing the pace of the SGN process.
- ◆ Regional involvement diminishes once the Framework Negotiations Stage has been reached.
- ◆ Legislation produced for one community will be relevant for the self-government purposes of other communities.
- ◆ The distinguishing features of communities successful in SGN are strong leadership, high motivation, and demonstrated financial responsibility. Other attributes include confidence, willingness to take risks, and a solid economic base.
- ◆ Existing accountability mechanisms within the process are satisfactory.
- ◆ Opinions on ministerial accountability under Self-Government Arrangements were mixed, with comments ranging from "annual audits would be sufficient" to "the Minister should not be accountable for a transfer between governments".
- ◆ The anachronistic nature of the Indian Act is seen to be an obstacle to self-government

OVERALL PROCESS

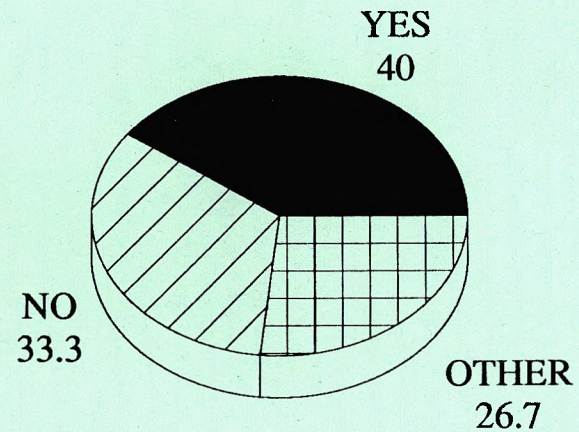
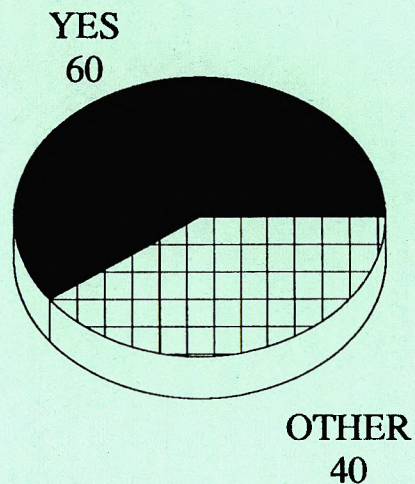
IS THE PROCESS FLEXIBLE ENOUGH TO PROVIDE
EFFECTIVE RESPONSES TO COMMUNITY'S NEEDS?



ARE ATTEMPTS MADE TO RE-ACTIVATE BANDS
THAT ARE DEFERRED?

IMPACT AND ACCOUNTABILITY

ARE ACCOUNTABILITY MECHANISMS SUFFICIENT
TO ENSURE MINISTERIAL ACCOUNTABILITY?



HAS SGN INCREASED ACCOUNTABILITY OF
COMMUNITY MANAGERS TO THEIR MEMBERS?

Process-Related Observations

Community Identification

Avg. completion
time is
6-12 months

Strengths

- community-driven process
- flexible
- a time to look inward
- a framework to which the community can equate

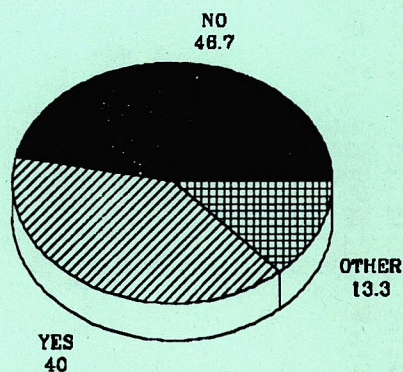
Weaknesses

- lack of experience and understanding make it difficult for region to help
- many bands lack sufficient resources to advance
- need for more criteria (e.g., more rigorous guide)

Areas for Improvement

- more rigorous financial criteria
- initial information could give overview of community circumstances
- perhaps cost of improvement does not warrant it

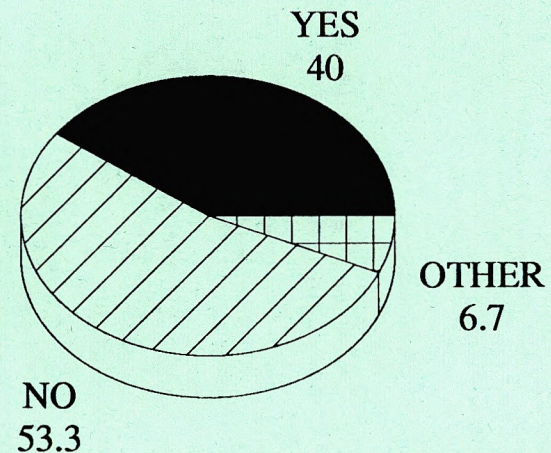
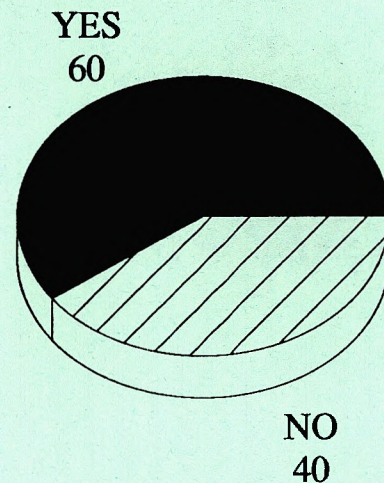
COMMUNITY IDENTIFICATION



IS THERE CLEAR UNDERSTANDING BY THE
COMMUNITY OF THE PROCESS AT THIS STEP ?

COMMUNITY IDENTIFICATION OF SGN GOALS

IS THE INFORMATION SUPPLIED TO THE
COMMUNITIES DURING THIS STEP ADEQUATE?



IS THE COMMUNITY'S CONTINUED
PARTICIPATION ASSESSED AT THIS STEP?

Workshops

Avg. completion
time is 2-3 days

Strengths

- interaction and synergy provides broad, community-directed exploration
- flexibility

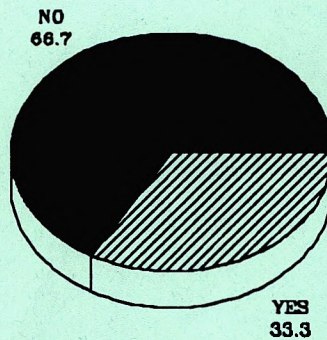
Weaknesses

- sometimes lack definition and focus
- quality of presentation varies greatly

Areas for Improvement

- determine agenda and objectives in advance
- standardize
- better communication from Department re: expectations

WORKSHOPS



ARE WORKSHOP RESPONSIBILITIES FOR BAND,
REGION AND HQ CLEARLY OUTLINED

Initial Development Proposal

Avg. completion time is 3-4 months

Strengths

- process long enough to permit communities to clarify what they want before proceeding
- identifies aspirations and sets agenda

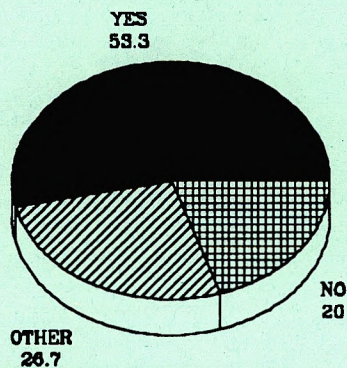
Weaknesses

- it is difficult to gauge whether proposal has grass-roots support
- limitations on discussions with Provinces
- sometimes DIAND tries to rush through this step

Areas for Improvement

- ensure consistency of information nationally and better co-ordination of information within the federal government
- need a mechanism to communicate with the Provinces
- more funding and more time

INITIAL DEVELOPMENT PROPOSAL



ARE THE MAJORITY OF BANDS ACCEPTED INTO THE PROCESS READY FOR SELF-GOVERNMENT

Preliminary Assessment

Strengths

- flexibility
- allows community time to check its support and motives
- a good time for assessment

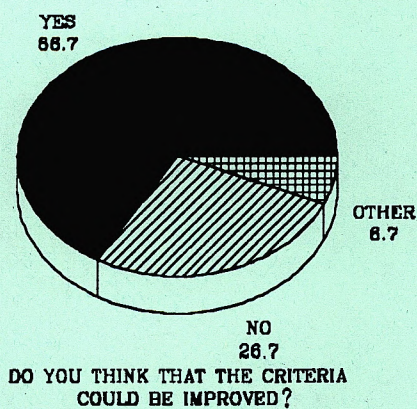
Weaknesses

- not standardized; rules keep changing
- no firm rule for applying criteria
- need more experience

Areas for Improvement

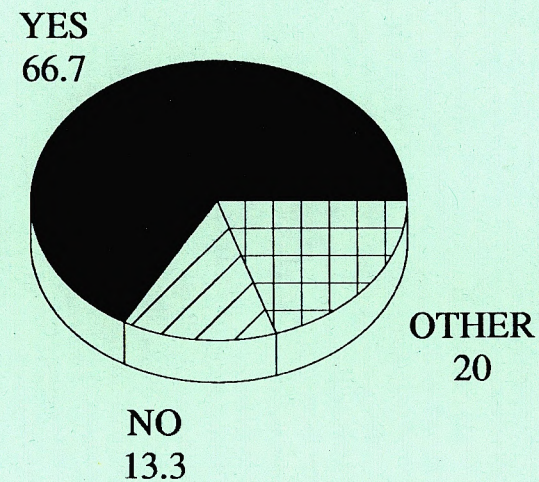
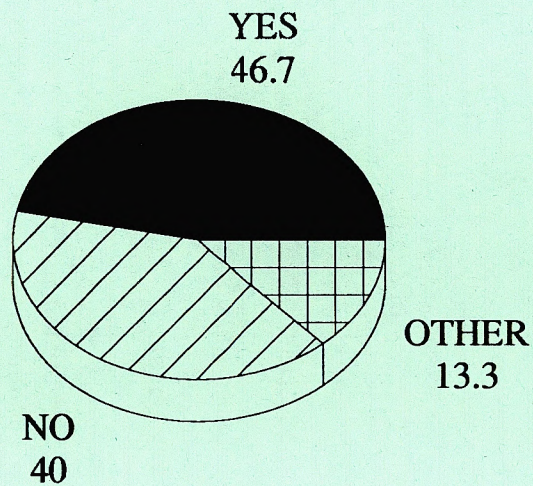
- should be more standardized
- don't use developmental findings to limit entry
- ensure more consistent application across regions

PRELIMINARY ASSESSMENT



PRELIMINARY ASSESSMENT

ARE MOST PROPOSALS COMPLETE?



ARE ALL PARTICIPANTS ASSESSED ON
THE SAME BASIS?

Framework Negotiations

Avg. completion time is
1.5 years

Strengths

- refinement of positions by both parties
- process becomes more precise at this stage
- consultation; sharing of ideas

Weaknesses

- region not integral part of negotiations
- Discussion Paper may be too long

Areas for Improvement

- ensure ratification can stand the test of challenge
- lead should be in the region
- stronger initial proposals would cut lost time

Substantive Negotiations

Avg. completion time is
1.5-2 years

Strengths

- better assurance of community support
- more precision
- recognition of a contract with the Minister

Weaknesses

- very complicated
- newness of program and time constraints
- benefits of regional knowledge and experience are missing

Areas for Improvement

- time limit should be reconsidered

Implementation

Strengths

- action as opposed to intention
- negotiated process
- community makes the decision

Weaknesses

- possible financial disincentives (cost-sharing)
- regional programs don't always accept this process smoothly

Table 2 Detailed Answers

Yes No Other**REGIONAL UNIT/ROLES AND RESPONSIBILITIES**

Are there clear lines of communication
between the Region and HQ?

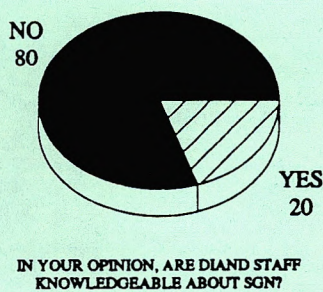
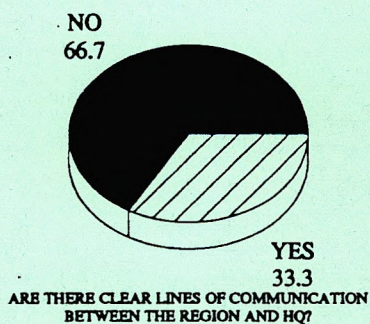
33.3% 66.7%

Are there clear areas of
authority/responsibility between
the Region and HQ?

53.3% 46.7%

In your opinion, are DIAND staff
knowledgeable about SGN?

20.0% 80.0%

REGIONAL ROLES AND RESPONSIBILITIES

COMMUNICATION/INFORMATION DISSEMINATION TO COMMUNITY

Who has been the main initiator of SGN?

The Department	<u>6.7%</u>
The Community	<u>80.0%</u>
Fifty-Fifty	<u>13.3%</u>

Yes No Other

Are bands approaching the Department regarding SGN to the extent that was initially anticipated?

46.7% 46.7% 6.6%

Do the communities think the Department is providing enough SGN information to them?

33.3% 46.7% 20.0%

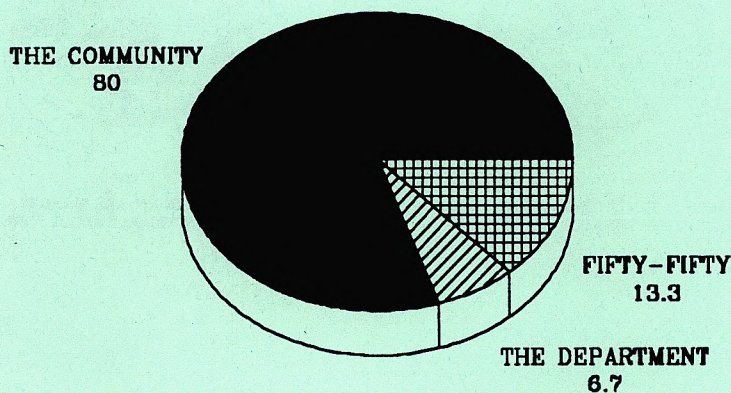
Is the information provided to the communities appropriate?

53.3% 33.3% 13.3%

In the area of communications/information dissemination, are there additional ways the Department could be assisting communities with SGN?

60.0% 20.0% 20.0%

SGN INFO DISSEMINATION TO COMMUNITY



WHO HAS BEEN THE MAIN INITIATOR OF SGN

SELF-GOVERNMENT INFORMATION DISSEMINATION TO THE COMMUNITY

DO THE COMMUNITIES THINK THE DEPARTMENT
PROVIDES ENOUGH SELF-GOVERNMENT NEGOTIATION
INFORMATION?

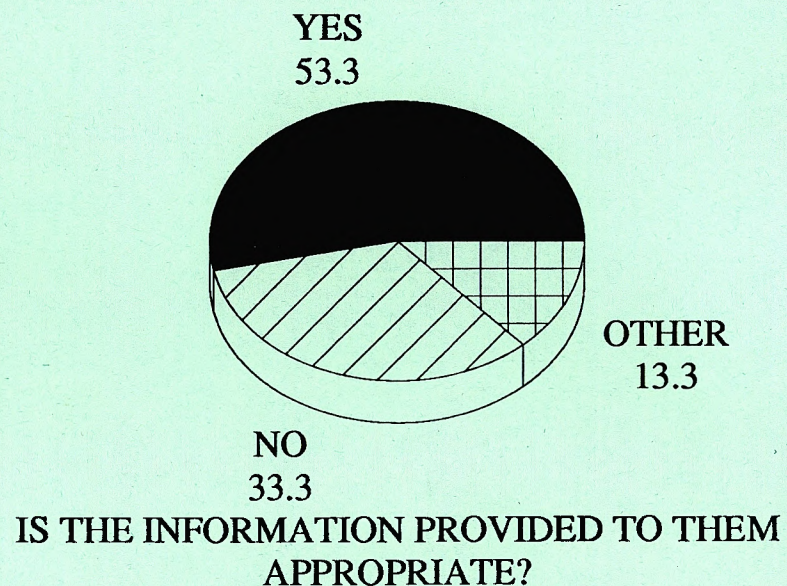
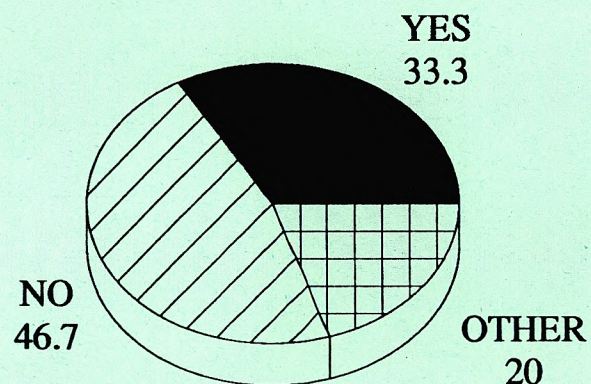


Table 2 cont'd: Detailed Answers

Yes No Other

COMMUNITY IDENTIFICATION OF SGN GOALS AND NEEDS

Who initiates involvement in this step?

The Community	<u>93.3%</u>
The Department	<u>0.0%</u>
Fifty-Fifty	<u>6.7%</u>

Is the information supplied to the community during this step adequate?

60.0% 40.0%

Are the responsibilities for the Community, Headquarters, and the Region clearly outlined?

80.0% 20.0%

Is the community assessed, at this step, as to whether they should be allowed to proceed in the process?

40.0% 53.3% 6.7%

Is there a clear understanding by the community of what the program is at this stage?

40.0% 46.7% 13.3%

Do you think that this step could be improved?

86.7% 13.3%

WORKSHOPS

Are the responsibilities of the Community, Region and HQ for Workshops clearly outlined?

33.3% 66.7%

Average timeframes involved in:

Workshop Preparation	3-4 months
Workshop Duration	2-3 days
Workshop Follow-up	Within the year

Table 2 cont'd:	Detailed Answers	<u>Yes</u>	<u>No</u>	<u>Other</u>
PREPARATION OF INITIAL DEVELOPMENT PROPOSAL				
Is the information supplied to the community at this step adequate?		66.6%	26.7%	6.7%
Do you feel that the majority of bands accepted into this step are ready for Self-Government?		53.3%	20.0%	26.7%
At this stage, do any negotiations take place regarding the proposed content of the framework agreement?		60.0%	33.3%	6.7%
PRELIMINARY ASSESSMENT				
In your view, are the criteria by which communities are accepted into the process appropriate and sufficient?		80.0%	6.7%	13.3%
Do the majority of proposals call for authorities not currently available under the <u>Indian Act</u> ?		66.7%	0.0%	33.3%
In your opinion, are most proposals complete?		46.7%	40.0%	13.3%
Are bands, Tribal Councils, and Associations all assessed on the same basis? (i.e., by the same criteria?)		66.7%	13.3%	20.0%
If Yes,				
Do you think this is appropriate?		80.0%	20.0%	
Do you think that the criteria could be improved?		66.7%	26.7%	6.7%
Is there follow-up work done with communities that are not initially accepted into the process?		66.7%	0.0%	33.3%

Table 2 cont'd:	Detailed Answers	<u>Yes</u>	<u>No</u>	<u>Other</u>
Do you feel that the majority of bands accepted into this step of the process are ready?		80.0%	0.0%	20.0%

SUBSTANTIVE NEGOTIATIONS

Is there a clear division of responsibilities between the Region and Headquarters for this step?		80.0%	13.3%	6.7%
If Yes, is this documented?		58.3%	8.3%	33.3%
If No, is this a cause for concern?		0.0%	50.0%	50.0%
Do you think that this step could be improved?		20.0%	13.3%	66.7%

OVERALL PROCESS

Have the experiences of various communities been significantly different from one another as they go through the SGN process?		86.7%	0.0%	13.3%
Is the process flexible enough to provide an effective response to the Community's needs?		53.3%	46.7%	
For those bands that are delayed/deferred, are attempts made to re-activate them?		53.3%	20.0%	26.7%

Table 2 cont'd:

Detailed Answers

YesNoOther**IMPACTS AND ACCOUNTABILITY**

The Memorandum of Understanding states that under self-government arrangements, Indian governments would be accountable primarily accountable to the members of their community, not to the federal government, for the expenditure of financial resources.

Are the accountability mechanisms sufficient to ensure Ministerial accountability?

60.0% 0.0% 40.0%

Could the accountability mechanisms for the process be improved?

13.3% 53.3% 33.3%

Has SGN increased the accountability of community managers to their membership?

40.0% 33.3% 26.7%

APPENDIX III

Survey of Bands/Communities

Table of Contents

	<u>Page</u>
1. OVERALL RESULTS	
1.1 Methodology	1
1.2 Interviews Conducted	2
1.3 Major Findings and Observations	2
2. RESULTS FOR BANDS IN CATEGORY 2 (COMPLETED WORKSHOPS)	
2.1 Summary	3
2.2 Detailed Observations	3
2.3 Detailed Responses to Questionnaire	5
3. RESULTS FOR BANDS IN CATEGORY 3 (INVOLVED IN AN INITIAL DEVELOPMENT PROPOSAL)	
3.1 Summary	7
3.2 Detailed Observations	7
3.3 Detailed Responses to Questionnaire	11
4. RESULTS FOR BANDS IN CATEGORY 4 (FRAMEWORK NEGOTIATIONS)	
4.1 Summary	13
4.2 Detailed Observations	13
4.3 Detailed Responses to Questionnaire	17
5. RESULTS FOR BANDS IN CATEGORY 7 (HAVE NOT REQUESTED ENTRY INTO PROCESS)	
5.1 Summary	20
5.2 Detailed Observations	20
5.3 Detailed Responses to Questionnaire	22

LIST OF FIGURES

Completed Workshops

Figure 1	Do you think that the workshops are useful/necessary for developing Self-Government Arrangements?	4
Figure 2	How familiar are you with the remainder of the Self-Government process?	4

LIST OF FIGURES (continued)

Initial Development Proposal

Figure 3	How did you find out about the SGN process?	9
Figure 4	Did you hold or participate in a workshop?	9
Figure 5	Is the workshop a useful and necessary step for developing Self-Government arrangements?	10

Framework Negotiations

Figure 6	How did you find out about the SGN process?	15
Figure 7	Are workshops a useful/necessary step for developing Self-Government arrangements?	15
Figure 8	Has the pace of negotiations been appropriate/acceptable?	16

Have Not Requested Entry Into Process

Figure 9	Do you know about DIAND's program for developing Self-Government arrangements?	21
Figure 10	Are you planning to enter the Self-Government process in the future?	21

Self-Government Negotiations Evaluation

SURVEY OF BANDS AND COMMUNITIES

1. OVERALL RESULTS

1.1 Methodology

Following the methodology set out in the Planning Report for the Evaluation of Self-Government Negotiations, 75 Indian bands and communities were selected for interviews. For the purpose of this evaluation, all bands in Canada were classified into one of seven categories on the basis of their progress through the SGN process. These categories are as follows:

1. Communities that are involved in preparing workshops;
2. Communities that have completed workshops;
3. Communities that are involved in the creation of an Initial Development Proposal;
4. Communities that are in Framework Negotiations;
5. Communities that are in Substantive Negotiations;
6. Communities that have inactive proposals; and
7. Communities that have not requested entry into the process.

The Bands/communities chosen for participation in the survey were selected randomly from among all Bands/communities across Canada. They were contacted by letter in September 1989 to inform them of the purpose of the evaluation and request their participation in a telephone interview.

The interviews were held over a six-week period ending November 28, 1989. The Bands/communities were contacted to arrange convenient interview times. If a Band/community declined to participate or did not respond to a maximum of five (5) telephone calls, it was classified as "unavailable".

This report provides a summary and analysis of the results of all interviews.

The names of the Bands/communities that were selected for interview appear in Table 1.

1.2 Interviews Conducted

Completed: 50
Unavailable: 25

Because of the statistical insignificance of both sample size and response rates for three of the categories in this survey, only the results from categories 2, 3, 4 and 7 lend themselves to meaningful analysis. Category 5, however, was studied extensively in four case studies, and the results are analyzed in this evaluation.

1.3 Major Findings and Observations

- ◆ Identified sources of initial information about self-government were split about evenly among three sources: DIAND, other bands or tribal councils and other sources, although DIAND was identified slightly more often.
- ◆ Most Bands/communities either held or participated in information workshops.
- ◆ Workshops are thought to be an effective source of information.
- ◆ Evidence suggests that adequate and appropriate levels of information and assistance have not been always available to the communities.
- ◆ Most Bands/communities feel that involvement in the Self-Government Negotiations has had a positive impact on their community.
- ◆ Most Bands/communities feel that involvement in SGN has not had an impact on their management of Band affairs.
- ◆ The pace of negotiations is viewed as inappropriate and unacceptable.
- ◆ A majority of Bands/communities want more control over the pace of the process.

2. RESULTS FOR BANDS IN CATEGORY 2 (COMPLETED WORKSHOPS)

2.1 Summary

Most of these bands originally became involved in order to learn about the policy and its potential implications for their communities. Most Bands stated that little or no information was available to them before the workshops. Overall, these Bands have not been satisfied with the SGN process. There appears to be significant variation in the type and amount of governmental assistance available to the Bands. While most Bands felt that the workshops were helpful, they stated unanimously that both the amount and type of information provided by DIAND should be improved.

2.2 Detailed Observations

None of the bands in Category 2 found out about the Self-Government Negotiations process through DIAND.

No workshop information was made available to any of the Bands.

Not all of the Bands participated in a workshop.

All Bands feel that the information workshops are necessary.

The Bands that participated in the workshops are very familiar with the remainder of the process.

Most Bands felt that participation in the workshops has not affected either their community or the management of their affairs.

FIGURE 1
RESULTS FOR BANDS IN CATEGORY 2

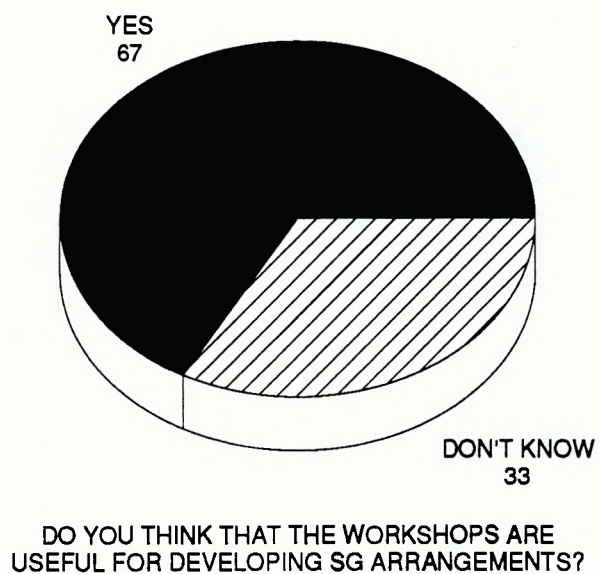
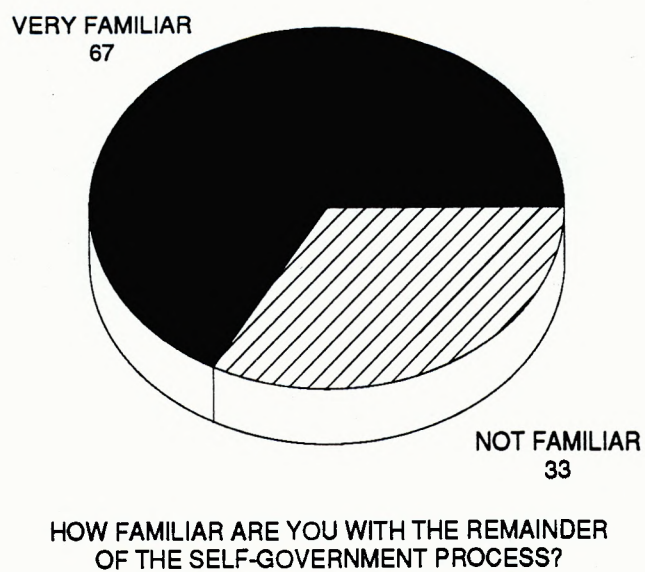


FIGURE 2



2.3 Detailed Responses to Questionnaire by Bands in Category 2

QUESTION

ANSWER

How did you find out about the SGN process?

DIAND	0%
Bands or Tribal Councils	0%
Other	100%

Was any literature or information distributed by DIAND about the workshop?

Yes	0%
No	100%

In your opinion, are the workshop objectives being achieved?

Yes	100%
No	0%

Do you think that the workshops are a necessary and/or useful step for developing Self-Government Arrangements?

Yes	67%
No	0%
Don't know	33%

How familiar are you with the remainder of the Self-Government process?

Not familiar	33%
Familiar	0%
Very familiar	67%

Up to now, has SGN had
an impact on your community?

Yes	0%
No	100%

Up to now, has SGN had
an impact on the
management of band affairs?

Yes	33%
No	67%

Has the pace of the SGN
been appropriate/acceptable?

Yes	0%
No	67%
Don't know	33%

3. RESULTS FOR BANDS IN CATEGORY 3 (INVOLVED IN AN INITIAL DEVELOPMENT PROPOSAL)

3.1 Summary

Most of the Bands surveyed in this category originally became involved in order to find out about the policy and its potential implications for their communities. Most of the Bands surveyed are dissatisfied with the Self-Government Negotiations process. The Bands are concerned that the process is too lengthy and cumbersome, and that it may be a major drain on their limited financial and administrative resources. While most Bands found the government information useful, a uniform level of information and assistance was not available to all Bands. There was no consensus about the effects of involvement in the Self-Government Negotiations upon the community and on the management of band affairs.

3.2 Detailed Observations

Most Bands in Category 3 received workshop information from DIAND.

Not all Bands found this information useful.

Most Bands did not take part in a workshop.

Participants found the workshops useful.

Most Bands were not provided with information at the Initial Proposal stage.

None of the Bands is familiar with the assessment criteria.

All respondents feel that the Planning Phase could be improved.

While there was no strong consensus as to the effects of Self-Government Negotiations on the communities or the management of band affairs, the greatest percentage of responses was positive.

The perceived strengths of the process include the following:

- ◆ there is extensive consultation;
- ◆ the process is community-driven;
- ◆ it allows DIAND to learn about traditional band decision-making processes;
and
- ◆ it makes bands aware that they can determine or affect their own future.

The perceived weaknesses of the process include the following:

- ◆ the process is slow and cumbersome;
- ◆ the negotiations process requires a lot of time and money;
- ◆ an inadequate amount of help is available from DIAND; and
- ◆ the process is slowed down because Bands do not deal with the same people throughout the negotiations.

FIGURE 3
RESULTS FOR BANDS IN CATEGORY 3

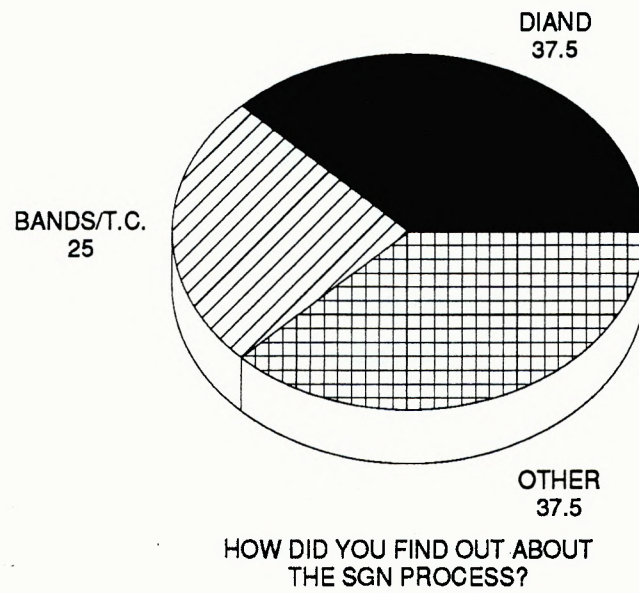


FIGURE 4

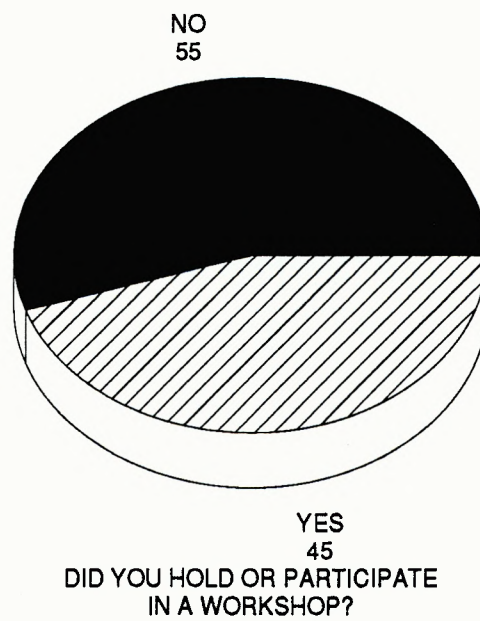
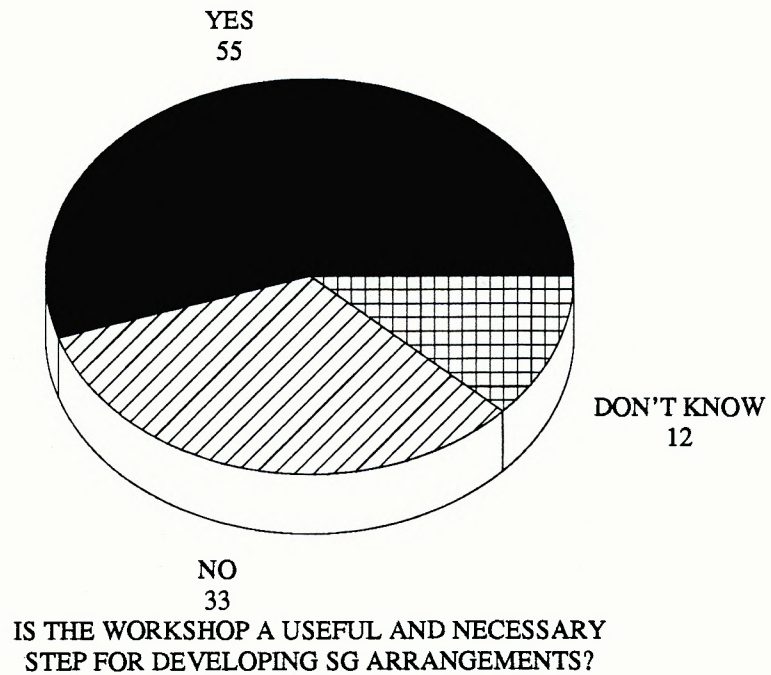


FIGURE 5
RESULTS FOR BANDS IN CATEGORY 3



3.3 Detailed Responses to Questionnaire by Bands in Category 3

QUESTION

ANSWER

How did you find out about the SGN process?

DIAND	37.5%
Bands or Tribal Councils	25.0%
Other	37.5%

Was any literature or information distributed by DIAND about the workshop?

Yes	44.0%
No	44.0%
Don't know	12.0%

Was this information useful?

Yes	33%
No	22%
Don't know	45%

Did you hold or attend a workshop?

Yes	45.0%
No	55.0%

Did the workshop help you in developing your plans for Self-Government?

Yes	78%
No	22%

Is the workshop a necessary
and/or useful step for
developing Self-Government
Arrangements?

Yes	55%
No	33%
Don't know	12%

Up to now, has SGN had
an impact on your community?

Yes	55%
No	22%
Don't know	23%

Up to now, has SGN had
an impact on the
management of band affairs?

Yes	44%
No	33%
Don't know	23%

Has the pace of the SGN
been appropriate/acceptable?

Yes	44%
No	33%
Don't Know	23%

4. RESULTS FOR BANDS IN CATEGORY 4 (FRAMEWORK NEGOTIATIONS)

4.1 Summary

All the Bands in this sample stated that they became involved because they wanted to attain a greater degree of freedom than had previously been allowed. All Bands have been involved in the SGN process since the policy was first announced, and all are dissatisfied with the negotiations process. They stated that the process had been slowed down because DIAND is not adequately prepared for the negotiations. Most Bands stated that their involvement in the SGN has had a positive effect both on their communities and on the management of band affairs.

4.2 Detailed Observations

Most Bands in Category 4 found out about the Self-Government program directly from DIAND.

Most Bands were not provided with any information about the workshops.

Most Bands participated in an information workshop.

Most Bands did not receive any information prior to submitting an Initial Development Proposal.

Most of the Bands felt that their work in the Planning Phase did not help with their understanding of the Self-Government program.

All Bands agreed that the Planning Phase could be improved.

Most Bands had to amend their Initial Framework Proposal.

Most Bands received help from DIAND in the preparation or revision of their Framework Proposals, and this help was useful for most of the Bands.

All Bands met with DIAND officials to deliberate on the Discussion Paper.

Most Bands felt that participation in the Self-Government Negotiations process has had a positive effect on their community.

Most Bands felt that participation in the Self-Government Negotiations Process has affected their management of band affairs.

Most Bands felt that the pace of the negotiations should be determined, either in whole or in part, by the Bands.

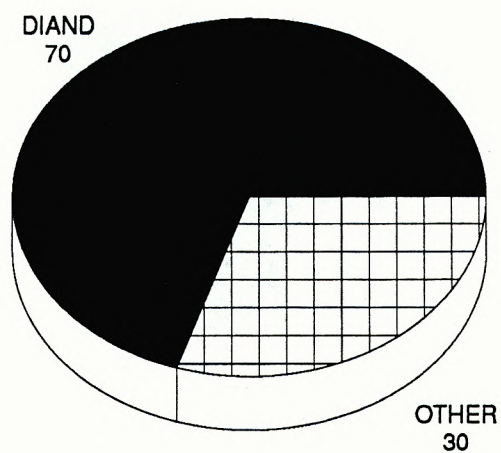
The perceived strength of the process is that:

- ◆ both sides are able to achieve a clearer understanding of each other's positions.

The perceived weaknesses of the process include the following:

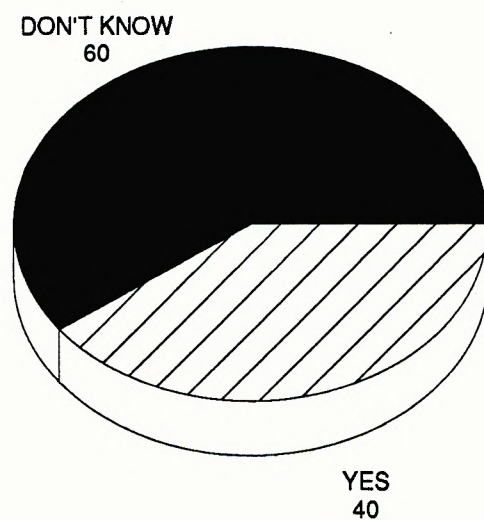
- ◆ the Department appears to be unguided in the process (bands claim they constantly have to explain objectives and intended outcomes);
- ◆ DIAND appears to be working to maintain total control of the process rather than treating the bands as equals in the negotiations;
- ◆ there is ambiguity between the roles of the Regional Offices and HQ;
- ◆ insufficient authority is given to Regional officials;
- ◆ the pace of negotiations is slowed down whenever cases are transferred to HQ;
- ◆ during the summer months, activities seem to come to a halt;
- ◆ funding levels are inadequate;
- ◆ governmental expectations are unclear;
- ◆ arbitrary and, in the opinion of the bands, unrealistic time limits have been established for the latter stages of the negotiations - more time is required for framework and substantive negotiations; and
- ◆ the bands feel that they are being pressured to sign agreements.

FIGURE 6
RESULTS FOR BANDS IN CATEGORY 4



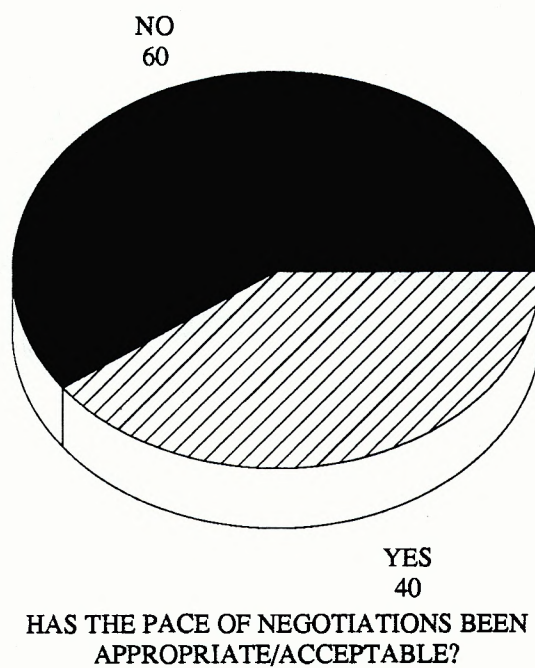
HOW DID YOU FIND OUT ABOUT
THE SGN PROCESS?

FIGURE 7



ARE WORKSHOPS A NECESSARY STEP FOR
DEVELOPING SG ARRANGEMENTS?

FIGURE 8
RESULTS FOR BANDS IN CATEGORY 4



4.3 Detailed Responses to Questionnaire by Bands in Category 4

QUESTION

ANSWER

How did you find out about the SGN process?

DIAND	70%
Bands or Tribal Councils	0%
Other	30%

Did you hold or take part in a workshop?

Yes	60%
No	40%

Are workshops a necessary
and/or useful step for
developing Self-Government
Arrangements?

Yes	40%
No	0%
Don't know	60%

Was any information given
to you at the proposal
stage by DIAND?

Yes	20%
No	60%
Don't know	20%

Has your proposal been assessed?

Yes	100%
-----	------

Are you familiar with the criteria
used to assess your proposal?

Yes	20%
No	60%
Don't know	20%

Have you been requested to
make changes in your
initial proposal?

Yes	80%
No	20%

Do you have regular contact
with the regional office?

Yes	60%
No	40%

Do you have regular contact
with SGNB HQ?

Yes	80%
No	0%
Don't know	20%

Do you find the work
in this step useful in
preparing you for the
work involved in the next steps?

Yes	40%
No	20%
Don't know	40%

Did the Planning and development phase allow you to gain a better understanding of what your plans for Self-Government are?

Yes	20%
No	80%

Could this step be improved?

Yes	100%
-----	------

Up to now, has SGN had an impact on your community?

Yes	80%
No	20%

Up to now, has SGN had an impact on the management of band affairs?

Yes	40%
No	60%

Has the pace of the SGN been appropriate/acceptable?

Yes	40%
No	60%

5. RESULTS FOR BANDS IN CATEGORY 7 (HAVE NOT REQUESTED ENTRY INTO THE PROCESS)

5.1 Summary

Most of the Bands that have not entered into the Self-Government process are aware that the policy exists. Most Bands appear to know the intent of the policy and have some general information about the SGN process. Most of the Bands have specific reasons for not entering the SGN process. For example, a significant number of these Bands have said that they object to the policy. Most bands contacted, however, stated that they do intend to enter the process eventually.

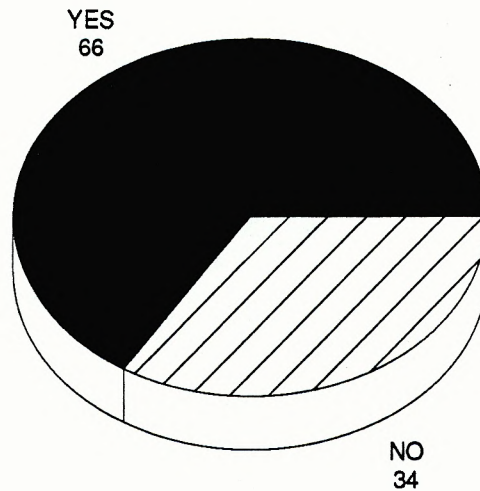
5.2 Detailed Observations

Most of the Bands in Category 7 know that the SGN program exists and appear to have a fairly good knowledge of the process.

Most bands were not informed directly by DIAND. A significant number have specific reasons why they have not entered the process. These include objections to the policy and external factors (such as a heavy workload or financial problems); some are also waiting for the results of research and the development of precedents.

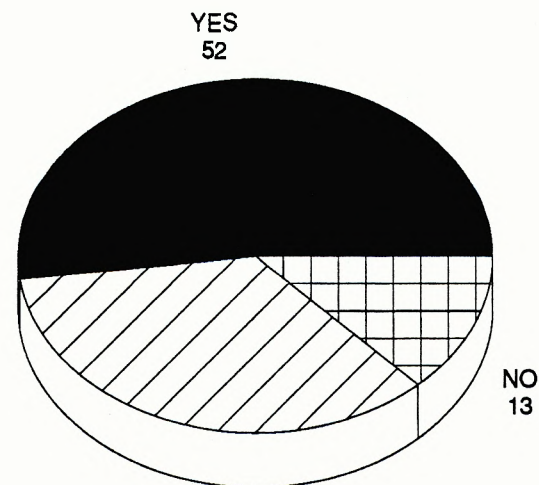
A slight majority of the bands stated that they intend to enter the Self-Government process in the future.

FIGURE 9
RESULTS FOR BANDS IN CATEGORY 7



DO YOU KNOW ABOUT DIAND'S PROGRAM FOR
DEVELOPING SELF-GOVERNMENT ARRANGEMENTS?

FIGURE 10



ARE YOU PLANNING TO ENTER THE
SELF-GOVERNMENT PROCESS IN THE FUTURE?

5.3 Detailed Responses to Questionnaire by Bands in Category 7

Do you know about DIAND's program for developing Self-Government Arrangements?

Yes	66%
No	34%

For what reasons have you decided not to participate?¹

Object to policy	16%
Working on other priorities	19%
Not prepared/lack resources	16%
Studying policy/are involved	13%
Unsure of implications would like to enter the process	3%
Want more information	6%
Don't know	19%

Are you planning to enter the Self-Government process in the future?

Yes	52%
No	13%
Don't know	35%

¹ The responses to this question total more than 100 per cent because of rounding.

APPENDIX IV

Whitefish Bay Indian Band: A Case Study for the Evaluation of Self-Government Process

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
1. INTRODUCTION	1
1.1 Purpose of the Case Study	1
1.2 Methodology	1
2. PROFILE OF THE OJIBWAYS OF WHITEFISH BAY	2
2.1 Location	2
2.2 Demographics	3
2.3 Economic Activities	10
2.4 Economic Opportunities	13
2.5 Political Process	14
2.6 Administrative Organization and Structure	16
2.7 Programs Administered by the Band	16
2.8 Financial Evolution of the Band	20
3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS	21
3.1 Ontario Region SGN Unit Organization and Process	21
3.2 Planning and Development of Community-Based Self-Government	24
3.3 Self-Government Understanding	25
3.4 Self-Government Negotiations	37
3.5 Resources, Funding Procedures and Audit	43
4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT	44
4.1 Band Affairs	44
4.2 Band Council Accountability	44
4.3 Policy Consultation	44
4.4 Overall Community Impact	45
5. CONCLUSIONS	45
5.1 Conclusions: Process	45
5.2 Conclusions: Impact	46

TABLES AND CHARTS

Figure 1	Total Population On and Off-Reserve
Figure 2	Total Population On and Off-Reserve
Figure 3	Annual Growth Rate On and Off-Reserve
Figure 4	Total Band Population By Age and Sex

TABLES AND CHARTS

- Figure 5 On-Reserve Education Statistics
- Figure 6 Labour Force Statistics Of On-Reserve Population 15 Years Of Age
And Over
- Figure 7 Political Structure Of The Whitefish Bay Band Council
- Figure 8 Whitefish Bay Administration Organizational Structure
- Figure 9 SGN Process In The Ontario Region
- Figure 10 Whitefish Bay Framework Agreement Summary

EXECUTIVE SUMMARY

1. Purpose of the Case Study

This report is one of four case studies being prepared as part of the evaluation of the Self-Government Process (SGN). The purpose of this report is to assess the effectiveness and short term impacts of the SGN process at Whitefish Bay.

2. Methodology

The community was selected on the basis of experience with the program. Before conducting the on-site case study, file reviews and interviews were conducted at the SGNB Headquarters and the Ontario Regional office. A series of interviews were held with the Chief, Councillors, the previous Chief, staff members, and Elders. These interviews were conducted on the basis of position and experience with the SGN process.

3. Program Activities

The major activities of the process involve the Planning and Development of Community Based Self-Government and Self-Government Negotiations. Whitefish Bay began preliminary development work in 1985, and formally entered the process in August of 1986. The Band entered into self-government negotiations in September 1989 and expects to implement arrangements in 1991.

4. Findings

The case study found that the process used at Whitefish Bay is a good one and the Band wants to see it proceed. The pace of negotiations has been established by the Band. The process has been a learning experience for both the Band and the Department. Communications between the Band and Headquarters is good and the working relationship with DIAND negotiators is viewed as a strength. However, regional and district involvement within the process needs to be clarified.

What the framework agreement entails, and the process to be adopted, needs to be more clearly specified at the outset of the process. The entry criteria used were not specific and they should be clarified. The framework agreement for substantive negotiations provides clear direction for the work that needs to be done and the process that is followed. Clarification is required, however, for determining which items will be fundable and how they will be dealt with. The Band is confident that the process will meet its self-government goals and needs; although, there is a difference of opinion on whether the process deals primarily with self-administration or deals primarily with political jurisdictions. The Band's ultimate objective is constitutional entrenchment of Indian Self-Government and in the mean-time interim legislation is being sought.

1. INTRODUCTION

1.1 Purpose of the Case Study

This report is one of four case studies being prepared as part of the evaluation of the Self-Government Negotiations Process (SGN). The evaluation examines the status of the program as of December 1989. The objective of the case study is to assess the effectiveness of the SGN process and its short-term impacts. Based on the findings of the evaluation, recommendations will be made regarding process and areas for improvement.

The participating bands are the Whitefish Bay Indian Band (Ontario Region), the Maliseet Nation at Tobique (Atlantic Region), the Southeast Resource Development Council (Tribal Council-Manitoba Region), and the Alexander Band (Alberta Region).

1.2 Methodology

The communities selected to participate in the case studies were chosen on the basis of their experience with the process and the age of their contribution agreements within the substantive and framework stages of the process. Whitefish Bay has one of the oldest contribution agreements within the framework negotiations stage; it was therefore selected as a participant.

Before conducting the onsite case study, a file review was conducted at DIAND Headquarters of the Ontario Region's general files and the files pertaining to Whitefish Bay. A file review of Whitefish Bay files was also conducted at the Ontario Regional Office. Interviews were held with Senior and Assistant Negotiators at Headquarters and a Regional Staff member. The purpose of the file reviews and interviews was to familiarize the evaluators with the SGN process in the Ontario Region and to obtain a preliminary departmental perspective on the progress at Whitefish Bay.

The onsite visit at Whitefish Bay was conducted between November 27 and November 30, 1989, and a supplementary interview was conducted by phone. The case study began with an introductory visit with the Chief to discuss the purpose of the evaluation and the case study. The methodology of the case study was described at that time.

A series of interviews took place with the Chief, Councillors, the previous Chief, staff members, and an elder. Interviews were conducted on the basis of position and experience with the SGN process.

The following interviews were conducted during the case study:

- Chief;
- Councillors (5);
- Past Chief;
- Elders and Past Chief;
- SGN Band Negotiator;
- Housing Director;
- Economic Development Consultant;
- Principal, Whitefish Bay School; and
- the Past Band Administrator.

2. PROFILE OF THE OJIBWAYS OF WHITEFISH BAY

2.1 Location

The Whitefish Bay Band has three reserves: Whitefish Bay #32A, Yellow Girl Bay #32B; and Sabaskong #32C. All three reserves were established in 1915 and are in the Kenora District of the Ontario Region. The total acreage of the three reserves is 8792.0.

Whitefish Bay #32A is the main townsite and is 20 road miles from nearest settlement, Sioux Narrows. It is on the northeast shore of Long Bay, 30 miles southeast of Kenora. Whitefish Bay #32A consists of 4,829 acres; 90 per cent of the land is forest, 5 per cent water, and 5 per cent other. The reserve is accessible by road and water.

Yellow Girl Bay #32B is located on the northeast shore of Whitefish Bay, 20 miles southeast of Kenora. The reserve is accessible only by water. Eighty per cent of the land consists of forest, 10 per cent water, and the remaining 10 per cent is classified as other. There are no residents on this land.

Sabaskong Bay #32C is located on the north shore of Sabaskong Bay on the eastern Lake of the Woods. It is accessible only by water. The reserve has no residents, and 90 per cent of the land is forest.

2.2 Demographics

In 1988, the total registered population for the Whitefish Indian Band was 678 members. Of these, 76 per cent of the Band membership lived on-reserve and 24 per cent lived off-reserve. Figure 1 provides the distribution of the on- and off-reserve population between 1976 and 1988.

Between 1976 and 1988, total band membership grew by 74 per cent, or 179 people. Of the total registered population, 518 members lived on-reserve, while 160 resided off the reserve. The relationship between the total population on- and off-reserve is illustrated in Figure 2 below.

Figure 3 details the annual growth rate between 1976 and 1988. As this chart shows, the largest increases in total band membership occurred in 1986 and 1987, with increases of 5.64 per cent and 5.26 per cent respectively. The off-reserve population experienced the largest increases in 1978 and 1987, with a 55.26 per cent increase in 1978 and a 23.52 per cent increase in 1987. Growth in the off-reserve population in 1978 consisted largely of migration away from the reserve, while the off-reserve population growth in 1987 may have resulted from the impact of Bill C-31, as well as migration off-reserve and natural growth.

The average annual growth rate for the total band population between 1976 and 1988 was 2.6 per cent. Over this period, the off-reserve population grew at a much faster rate than the on-reserve population. The average annual growth rate for the off-reserve population was 5.8 per cent, while the average annual growth rate for the on-reserve population was 1.82 per cent.

Figure 4 shows the total registered band population by age and sex. In 1988, 88 per cent of the total registered population was under 45 years old. In addition, 427 individuals, or 63 per cent, were under 24 years of age.

The population is evenly divided between the sexes, with 340 males (50.1 per cent) and 338 females (49.9 per cent).

The Band has retained Ojibway as its principal language; English is spoken as a second language.

Figure 5 presents the on-reserve educational profile of Band members. It is based on the 1986 Census 20% Sample Data, which consist of 235 individuals 15 years of age and over. According to the sample data, 92 per cent of the reserve population had less than a high school education, of which 47 per cent possess less than a Grade 9 education; at the same time, 45 per cent had some high school education (grades 9 to 13), but no secondary certificate. Of those in the sample with some university education, no one possessed a degree.

Figure 1

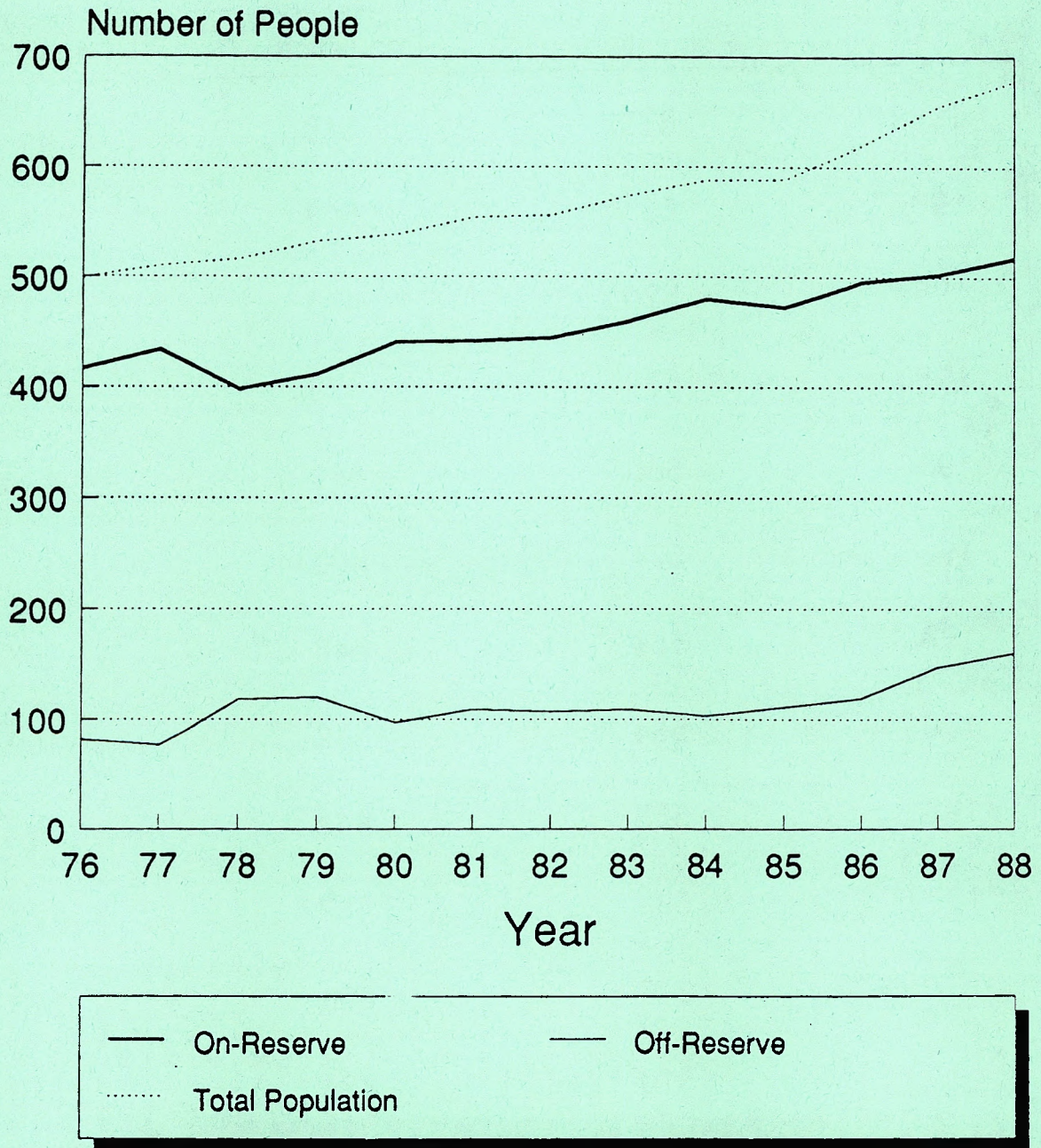
Total Population On- and Off-Reserve For The Whitefish Bay Band: 1976-1988

YEAR	Total Population	On-Reserve Population	Off-Reserve Population
1988	678	518	160
1987	655	503	147
1986	620	496	119
1985	589	473	111
1984	588	480	103
1983	574	460	109
1982	556	445	107
1981	554	442	109
1980	538	441	97
1979	532	412	120
1978	516	398	118
1977	510	434	76
1976	499	417	81

Source: Indian Register, December 31, 1976 - 1988

Figure 2

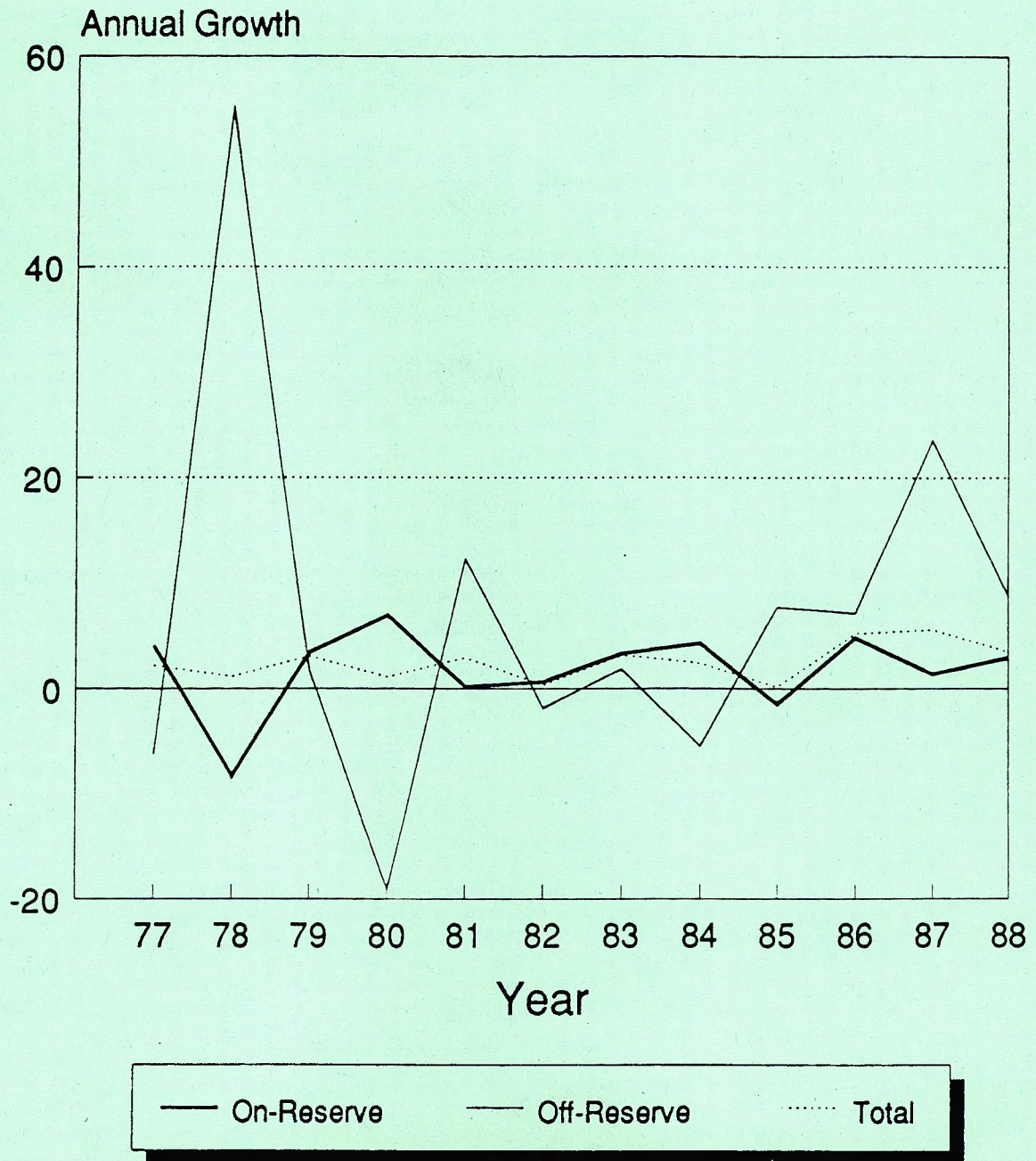
Total Population On- and Off-Reserve 1976-1988



Source: Indian Register, Dec. 1976-1988

Figure 3

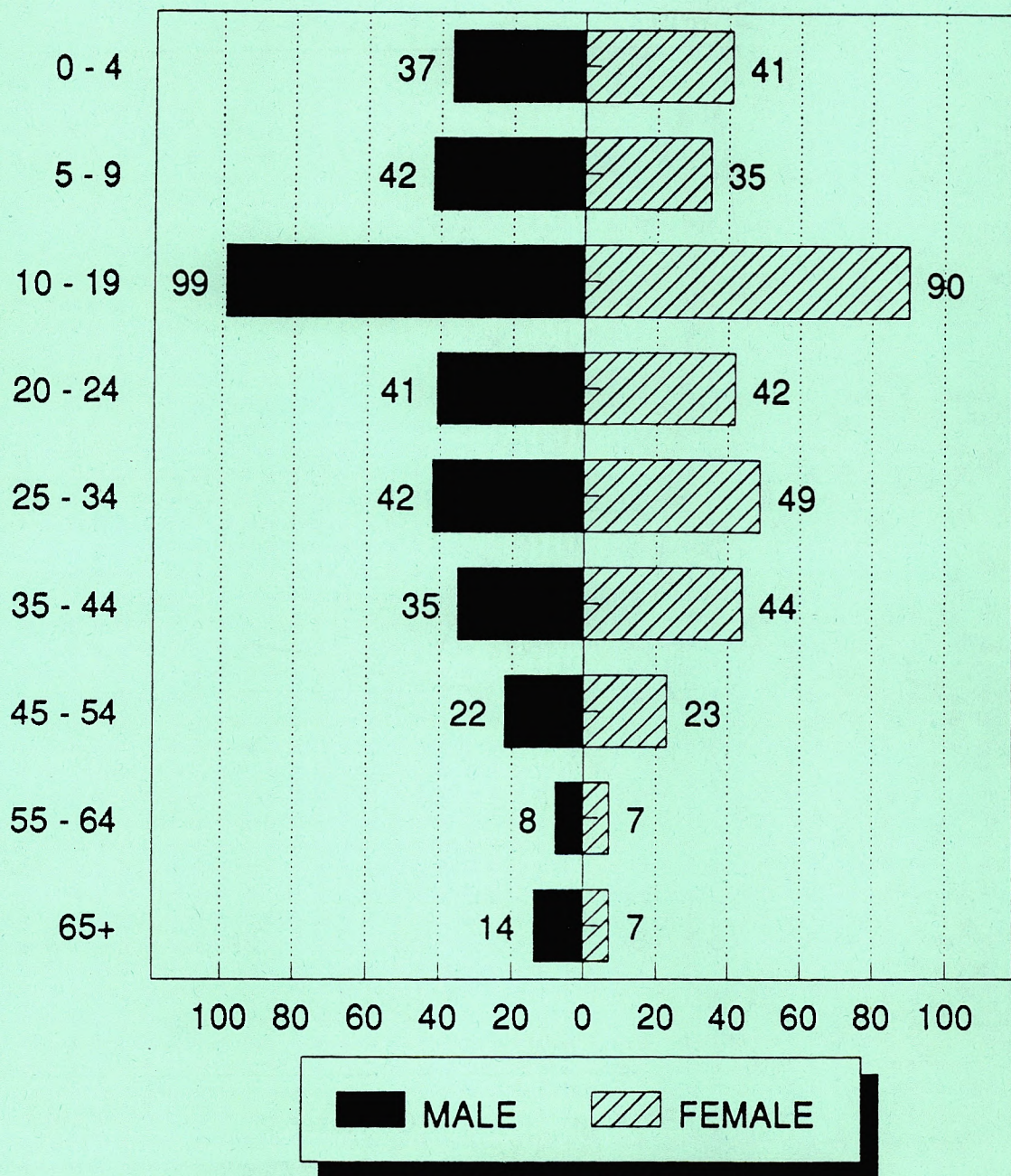
Annual Growth Rate On- and Off-Reserve 1976-1988



Source: Indian Register, Dec. 1976-1988

Figure 4

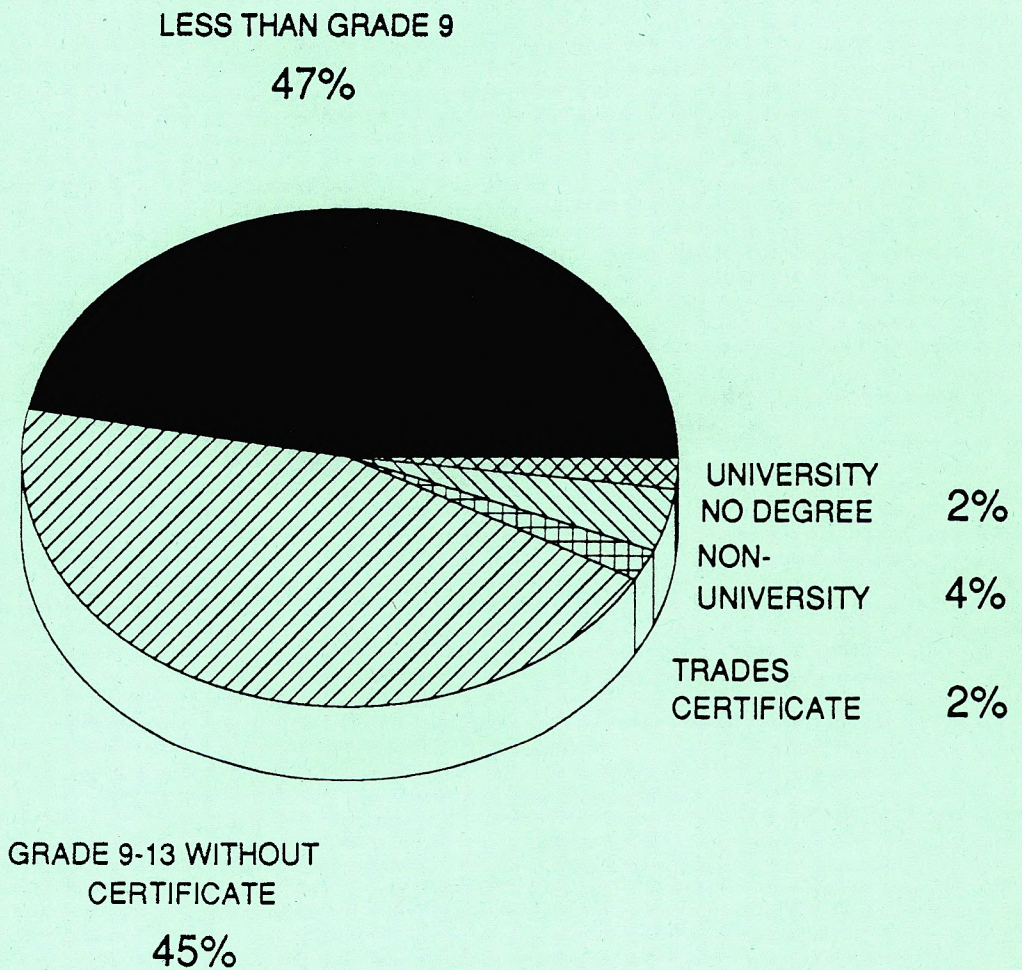
TOTAL BAND POPULATION BY AGE AND SEX



Source: Indian Register, December 1988

Figure 5

ON-RESERVE EDUCATION STATISTICS FOR POPULATION 15 YEARS AND OVER 1986 20% CENSUS DATA



Source: 1986 20% Census Data

2.3 Economic Activities

2.3.1 Labour Force Activity

As reported by the Statistics Canada 1986 20% sample data, the major occupational groups for the on-reserve population in 1986 are shown in Table 1 below. The largest occupational group is the service sector, which amounts to approximately 30 per cent of the labour force. Other major occupational groups include Teaching and related professions (14 per cent), Managerial (9 per cent), Clerical (9% per cent) and Construction (9 per cent). The labour force consists primarily of paid workers, as opposed to self-employed.

TABLE 1

MAJOR OCCUPATIONAL GROUPS BY SEX

Occupational Group	Male	Female	Total	% of Total
Managerial, Administration	10	-	10	9.0%
Teaching, Related	5	10	15	14.0%
Technological, Social	-	5	5	4.5%
Religious, Art	-	5	5	4.5%
Primary Occupations	5	-	5	4.5%
Medical and Health-Related	-	5	5	4.5%
Clerical	5	5	10	9.0%
Sales	-	5	5	4.5%
Services	20	10	30	27.2%
Construction	10	-	10	9.0%
Transportation	5	-	5	4.5%
Other	10	-	10	9.0%
TOTAL	70	40	110	100%

Source: 1986 Census 20% Sample Data

According to the 1986 Census 20% Sample Data, in 1986 61.7 per cent of the on-reserve population was active in the labour force. The total unemployment rate for 1986 was 34.5 per cent. The unemployment rate for individuals between 15 and 24 years of age was 75 per cent, while 23.8 per cent of those 25 years and over were unemployed.

Figure 6 provides a further breakdown of 1986 on-reserve labour force activity by sex.

Figure 6

LABOUR FORCE STATISTICS OF ON-RESERVE POPULATION 15 YEARS OF AGE AND OVER 1986 CENSUS 20% SAMPLE DATA



Source: 1986 Census

2.3.2 Current Economic Activity

The principal industry at Whitefish Bay is tourism. This is followed by various other industries such as construction; Band employment; forestry; fishing; and hunting and trapping. During the summer, there is almost full employment, with many band members working in the tourist industry which consists of, among others, tourist camps that employ cooks, labourers, and guides. Based on estimates produced by the Band, the unemployment rate during the fall is between 25 to 30 per cent and approximately 65 per cent in the winter. Most people want to work, but there is a transportation problem, since the nearest employment centre is approximately one hour away. It was estimated that between 10 and 15 people work off-reserve.

There are various band and privately owned businesses on the reserve. Some of these businesses are listed in Table 2.

TABLE 2
ON-RESERVE BUSINESSES

NAME	DESCRIPTION	EMPLOYEES
Pawitik Corp.*	General Store/Gas Bar	5.0
Whitefish Bay Store	Convenience Store	1.0
White, F.	Medical Transport	1.0
Copenace, Susan	School Bus	1.0
Isaac's Landing	Boat Docking/Launching	0.3
Pawitik Ltd.*	Commercial Fishing	1.3
Whitefish Bay	Ladies' Crafts	6.0
Whitefish Bay Arcade	Arcade	1.0
Whitefish Bay Band*	Wood Furniture Mfg	3.0
Yellow Girl Bay Cott.'s	Cottage Lot Leasing	1.0
Rug Doctor	Rug Cleaner/Eq. Rental	0.5
TOTAL		21.1

The Band is also a major employer on the reserve and operates various projects, including a Forestry Program with four employees. This program concentrates mainly on harvesting saw logs and wants to harvest Crown land after

reserve land is used. The Band's Construction Unit handles all housing projects. The unit has existed for 10 years and currently employs 15 people, although this number depends on need and project size and can vary between 0 to 15 people. The Band-operated Wood Shop is currently shut down, but will re-open under a different structure. The shop has 3 or 4 full-time employees, who are highly skilled and trained people. There is a high demand for their products.

The Band also owns and operates a fish plant in Dryden; the plant has leases on 14 lakes. The plant provides seasonal work for 6 employees. The Pawitik Store, which was started in the early 1970s, has 4 permanent employees and 2 part-time employees. The Band also owns and operates an arena where it runs an ice packaging plant. Although it is losing money, the arena supports enough activity to support 2 employees. In 1986, artificial ice was installed and was paid for through a bank loan.

Besides the Whitefish Bay arcade, there is another arcade on the reserve. Both businesses are family-owned and -operated and both are solvent. Along with the Boat Docking and Launching business, which also provides a parking business in summer for tourists, there is a privately owned Tractor and Portage service which transports boats to other lakes. There is also a privately owned guide service with roster of 9 employees who can be called upon depending on need. Other activities include hunting and trapping, which involve approximately 10 people full-time and another 30 people part-time.

2.4 Economic Opportunities

The Whitefish Bay Band believes that a strong and viable economic base must complement their efforts to move toward Indian Self-Government. It is felt that such development must be managed through their own form of government institutions and under their jurisdiction. One of the main themes of the Band's self-government concept has been economic development through the control and management of land and resources. Self-government is seen as a vehicle for promoting entrepreneurial activities and meshing this philosophy with historical traditions and culture. It is hoped that such an approach will spur the development of joint ventures whereby outside capital and resources are combined with Whitefish Bay's various assets.

Two such ventures, with a combined value of between \$4.5 million and \$6 million, are now being planned. The first project is the acquisition of Sioux Narrows Builders, a lumberyard. This project will be the Band's first off-reserve holding. It is expected to increase employment opportunities for Band members, but there should also be side benefits, such as access to the local Chamber of Commerce, which may help to spur other joint ventures and economic opportunities. As well, the Band will provide its own building materials for on-reserve construction, thereby increasing the circulation of capital on-reserve. This project is expected to be conducted during December 1989. The Band has also been planning a second project: the development of a tourist lodge. As well, the Band is in the process of putting together a new funding proposal to build a new store to replace the Pawitik General Store.

2.5 Political Process

Elections at Whitefish Bay are conducted as per the Indian Act: one councillor per one hundred members. The Chief and 6 Councillors are elected for 2-year terms. Removal and appeals are conducted as per the Indian Act. The Band uses a portfolio system of government; each Councillor is responsible for overseeing the operations of a given area. Figure 7 details the Band Council's political structure and the portfolio of each Councillor.

The ancestors of this band were signatories to Northwest Angle Treaty Number Three. The band is a member of the Treaty No. 3 Status Indian Organization. It has not enacted by-laws pursuant to the Indian Act.

The Chief is the spokesperson for the general membership and directs Band affairs in concert with the Council. Policy issues and directions are developed through a consultative process involving Community specialists; Community Elders; and the general membership, via monthly General Membership Meetings.

This approach, which is based on historical practices, is how issues pertaining to the SGN process are dealt with. For example, with any specific self-government issue, certain Community specialists must be consulted. Answers from these people are evaluated by the Chief and Council, and discussions are held with the specialist to ensure a common understanding. The issue is then taken to the Elders and to the Community membership for final approval. The essence of the process is that those people affected make the decisions.

POLITICAL STRUCTURE OF THE WHITEFISH BAY BAND COUNCIL

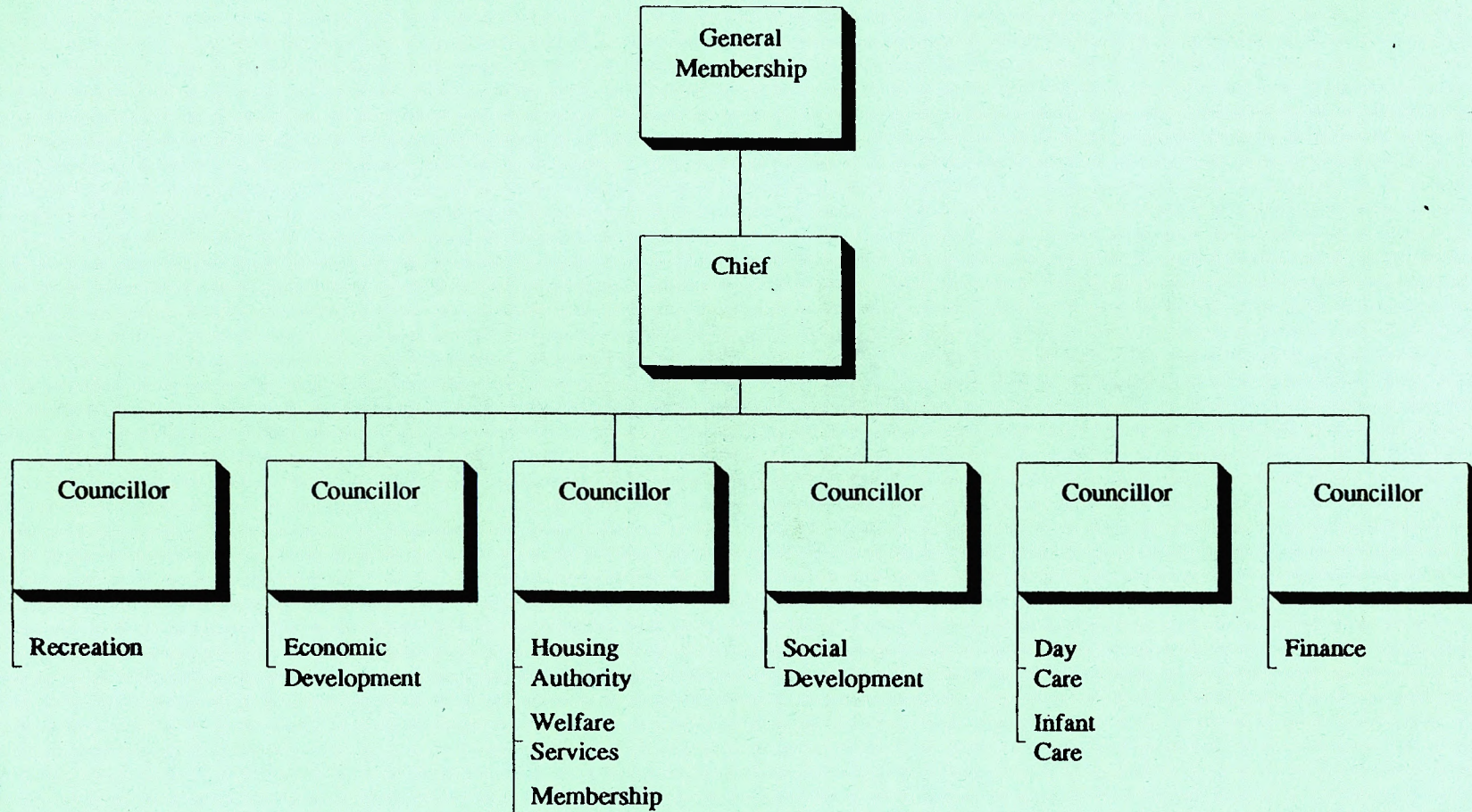


Figure 7

2.6 Administrative Organization and Structure

The Band Administrator reports directly to the Chief and Council. The position's responsibilities include office administration, liaison with band members, providing help to assess community needs, and liaison with federal and provincial governments.

The band has 20 administrative staff. In total, the band office and the Band's enterprises provide employment to approximately 115 band members. Self-Government activities involve 2 Executive Co-ordinators and 3 Field Co-ordinators.

Along with the portfolio system used to administer Band programs, various committees are also used. Some of these committees, as well as the overall organizational structure of the Band administration, is highlighted in Figure 8.

2.7 Programs Administered by the Band

Band Management and Administration currently handle the following programs: social and welfare services, economic development, housing, and community services. These programs are detailed below.

2.7.1 Social and Welfare Services

The Band has been administering social services since 1984/85. Adult and child care services are provided. Services for adults include home support and a homemaker's program.

Children's services include infant and child care services. The Infant Care Centre has 3 teaching staff, and the Day Care Centre has 5 staff members. Both share a custodian and a cook. There are 35 children in daycare, and the Centre is currently at capacity. DIAND provides approximately 25 per cent of the funding, while provincial authorities provide the rest.

WHITEFISH BAY ADMINISTRATION ORGANIZATIONAL STRUCTURE

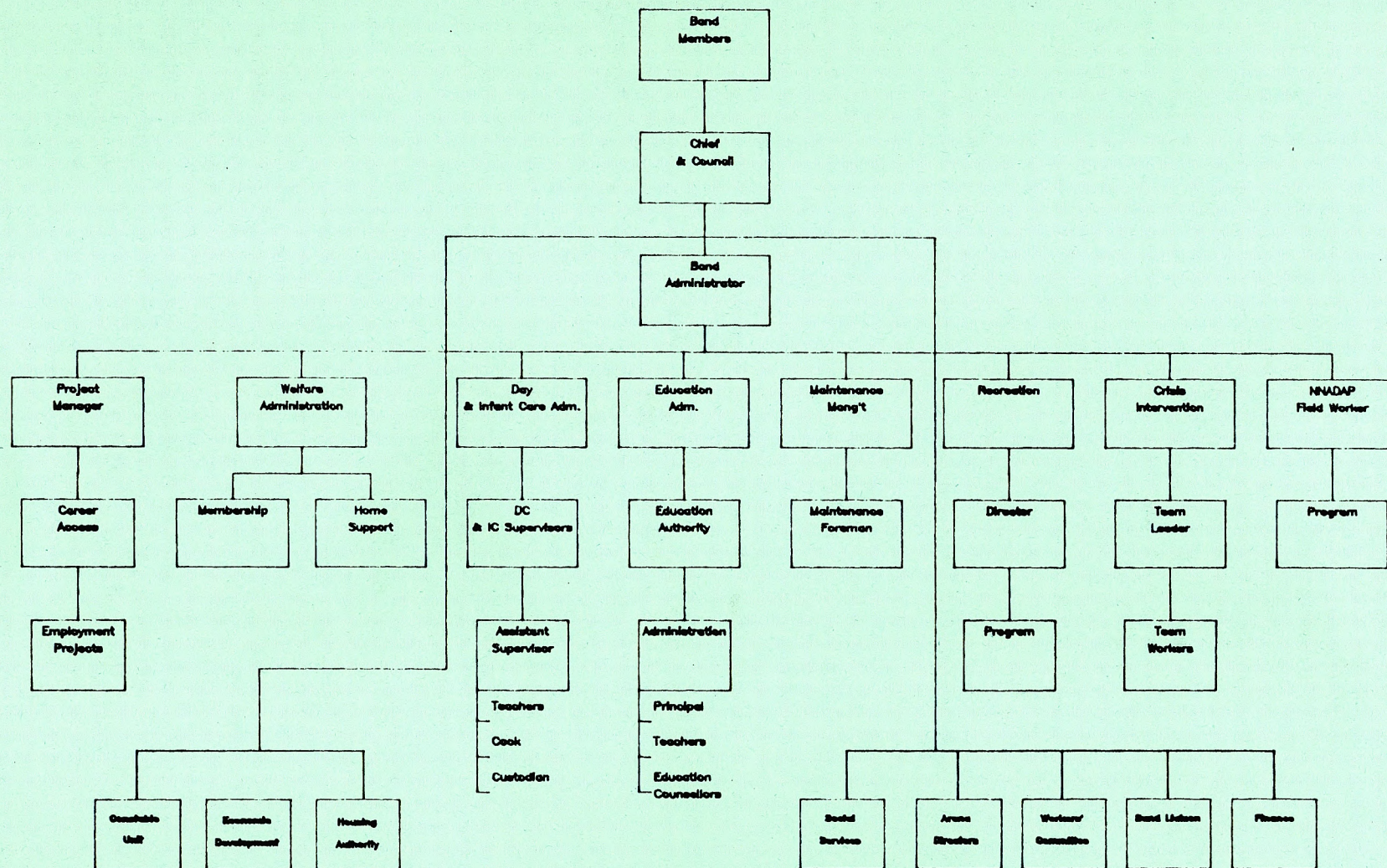


Figure 8

The Band is using the services of the Ojibway Tribal Family Services (OTFS) until they develop their own. The mandate of the OTFS Children Services/Children's Aid fostering service is to keep children on the reserve. No funds are provided to band members for this service, so OTFS uses traditional practices of sharing in order to do so. Band members provide children in need with free board to ensure children are not lost to the reserve. As well, OTFS searches for children who are still under the care of other governments. This service started 3 years ago; at that time the Band had 45 to 60 children in the care of the Children's Aid Society (CAS). Now, they use the services of CAS in extreme cases.

A medical centre is located on the reserve; it is staffed by a visiting nurse with visits by a doctor from Kenora. The Band also operates a volunteer First Response Team.

The Band maintains a Crisis Intervention Centre that provides personal and group counselling on social and family matters. The centre runs alcohol and drug abuse prevention programs.

2.7.2 Economic Development Unit

Activities in this area are managed by a Councillor/program manager and a part-time consultant. Operations include the Construction Program, the Woodworking Shop, the ice packaging plant, and other Band-owned operations.

An area of concern regarding economic development is the need for working capital. In most cases, ample funding is provided for project development, but the capital resources required to start projects are difficult to obtain.

2.7.3 Housing Authority

There are currently 110 housing units on the reserve. A 6-storey apartment building is being built, and 8 units are undergoing major repairs. Plans for the future include repairing 10 more units and building a further 10 units if possible. Housing is in short supply, and overcrowding is a problem. In one case, 12 people live in the same house. Housing conditions on the reserve vary; half the houses are not in good shape, and some do not have indoor plumbing.

Over the last 6 years, 43 units have been built under CMHC programs. CMHC policy states that to qualify for such housing, 25% of a person's income must go to rent. There is a problem collecting rents because of low incomes on the reserve; the Band views housing as a treaty right that should therefore be free.

2.7.4 Education Program

The Band operates the Bai Bon Beh Anishinabe School on the reserve, which provides education for grades JK to 12. The school was built in 1979, and the Band assumed responsibility for education at that time. The school is operated through the Education Authority under the direction of the Chief and Council. Provincial educational standards are adhered to and are enriched with studies in the Ojibway language, customs and traditions. The school serves Whitefish Bay and several surrounding bands. There are 260 students attending the school, 80 of whom are in high school. Approximately 15 students from the reserve are currently enrolled in post-secondary education programs.

Education is seen to play a vital role in Indian Self-Government. Among the long-term impacts of self-government anticipated in this area is enhanced use of authority that already exists for the Band in determining the operations of its education program. It was suggested by program personnel that if Indian Government is to be a reality, education has to play a vital role: "Parents, Guardians of Whitefish Bay have to become partners in education and become familiar with their programs."

2.7.5 Maintenance Management System

The Band's Maintenance Management System is directed by the Band Administrator and has 3 full-time employees excluding the Administrator. All maintenance services are run by the band. Maintenance activities involve looking after the community's infrastructure: roads; the landfill site; the water system, with its service connections (which are only partial); the community centre; service connection; the waste water system; the fire hydrant system, firehall, fire truck and pumps.

2.7.6 Police

The Band participates in the Indian Band Constable program and has 2 constables. Band constables have the same powers as Ontario provincial police (unless otherwise authorized); however, the use of these powers is limited to reserve communities. A Kenora Justice of Peace goes to the reserve periodically. The Band feels that this is not really their program since all authority is held by Commissioners. It is anticipated that self-government will ensure a justice system more in keeping with the Band's needs.

2.7.7 Recreation

The Band has a Councillor responsible for this area. Activities include sports events and tournaments and bingo. Recreational services are provided through several clubs and groups. A steering committee is set up to organize club schedules and fund-raising activities. Recreational facilities include the arena, high school gymnasium, arcades, and outdoor skating rinks.

The band also operates a closed-circuit television system, which provides Band Council news and entertainment events such as bingo.

2.8 Financial Evolution of the Band

Upon entry into the SGN process in August 1986, Whitefish Bay was assessed as a viable community with clear audit reports, a net surplus, and no by-laws or section 83 power to make money by-laws.

In fiscal year 1986/87, the Band's debt was \$251,000. A Financial Management Plan (FMP) was implemented at that time. The plan required a deficit reduction of \$159,000 in 1987/88 and a further \$100,000 reduction in 1988/89. However, in 1987/88, the Band's debt grew to \$293,000. For 1988/89, the Band's current deficit is \$88,000, with an overall debt of approximately \$500,000. The main reasons cited for the current year's deficit are self-government planning, a construction deficit in housing, and an operating deficit in section 56.1. A new FMP was implemented during the summer of 1989. This plan was developed by the Band in conjunction with DIAND and reflects decisions and measures being taken to reduce the deficits identified. Overall, however, the Band's finances seem to be under control; the Band has run surpluses in several areas such as Band Administration, Social Services, and Education.

Difficulties have arisen however, because of the rent collection problem and because Health and Welfare Canada is requesting repayment of an overpayment that occurred several years ago. The Band has a clear plan for solving these problems and intends to collect the due.

Currently, the Band does not exercise revenue powers under section 83 of the Indian Act. The Band manages its revenue (trust) funds. The Band Council has had qualified audits for the past few years, primarily because of problems in auditing the Pawitik (band) store, but otherwise shows evidence of strong financial management.

In 1988/89, total DIAND funding, via contribution agreements with the Band, amounted to more than \$2.7 million. Of this, \$1.5 million went to the Education Authority; the contribution for Operations and Maintenance, including education, was \$313,270; Band Administration, \$249,984; Capital, \$389,000; Social Services, \$235,421; Economic Development, \$79,200; and LRT-Membership program, \$3,160.

The Band began serious discussions regarding entry into the Alternative Funding Arrangements Program (AFA) in December 1988 and wanted to start in the 1988/89 fiscal year. However, the Regional Audit and Review Committee rejected the Band's proposed entry into AFA for the time being; the Committee is waiting to see results from the new FMP now being established.

3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS

This section illustrates the SGN process in the Ontario Region as well as the SGN process at Whitefish Bay. Major findings are highlighted at the beginning of each step. The major activities of the process involve the Planning and Development of Community-Based Self-Government and Self-Government Negotiations. Whitefish Bay began preliminary development work in 1985 and formally entered the process in August 1986. The Band entered into self-government negotiations in September 1989 and expects to implement arrangements in 1991.

3.1 Ontario Region SGN Unit Organization and Process

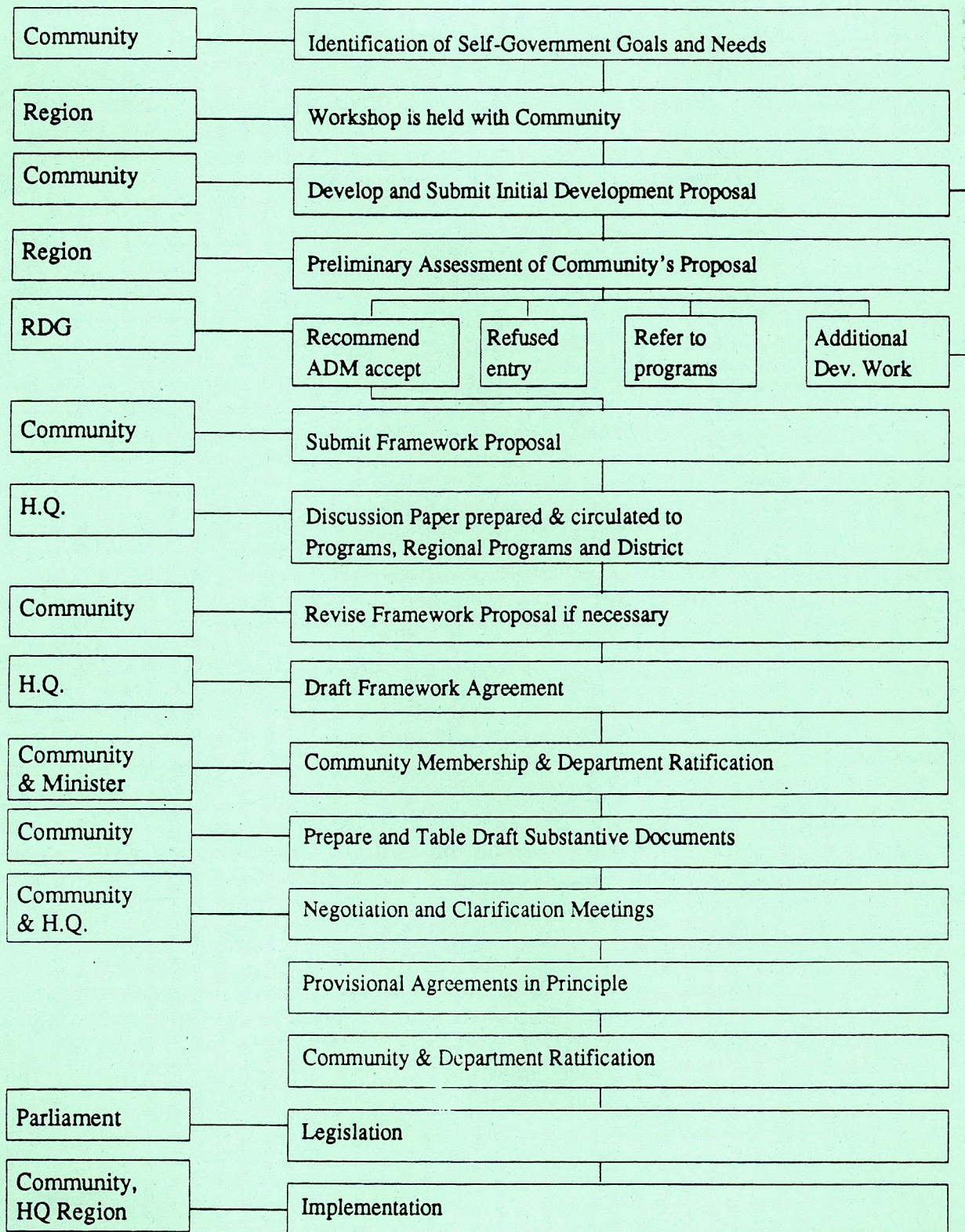
The Indian Self-Government Branch (ISGB) in the Ontario Regional office is headed by a Director who reports to the Regional Director General. The Director is responsible for co-ordinating the region's response to Band initiatives aimed at the self-management and self-reliance of Indian communities. Figure 9 outlines the process adopted in the Ontario Region.

The region is responsible for the initial contact with communities, providing guidance, advice and assistance in the identification of self-government goals, needs and the range of options open to them. The region undertakes the initial assessment of community proposals. This involves screening proposals, directing them to the appropriate programs, and rejecting proposals where required. Proposals judged appropriate are recommended to the ADM Self-Government for acceptance into the process. The initial assessment of Self-Government Development Proposals submitted by Bands is performed by the Ontario Regional Steering Committee and staff in the ISGB. The review committee consists of the Regional Director General and all regional program managers. This committee also provides comments on the discussion paper prepared by headquarters during the framework negotiations stage of the process.

Other regional responsibilities include providing support to headquarters staff concerned with self-government in the negotiation and implementation stages of the community self-government process. All negotiations are conducted by Headquarters.

Figure 9

SGN PROCESS IN THE ONTARIO REGION



3.2 **Planning and Development of Community-Based Self-Government**

The development of the Annishinabe Government of Whitefish Bay began in 1971, at a time when the band membership had begun to move toward a philosophy of survival. This philosophy entailed the maintenance and enhancement of existing culture, language and traditions, while ensuring economic development for the security of current and future band members. This end, the Band Council took control of a number of programs as part of the process of moving toward self-government. The Band took over administration of education in 1979, a step it sees as fundamental to advancing its self-government aspirations.

Following the First Ministers' Conference in 1985, the Band believed that the federal government was moving toward adopting a self-government policy and so they began preparing for it. In July 1985, a General Band Membership meeting was held to inform the membership and promote community involvement in the implementation of Indian Government. Approximately 70 to 80 people attended, and a motion was passed calling upon the Band Council to conduct a feasibility study of self-government. Some delays were experienced in choosing qualified people, but by March 1986, the Chief had assembled a team that was later established officially by the Council as a Commission. Membership of this commission was to include, but was not restricted to, the following: a) the Band Council; b) two elders and former chiefs; c) two traditional specialists; and d) two Advisers. The commission's duties were to develop self-government strategies; analyze policy issues and implications; gather community input and provide information; and document various Indian governments in Canada and the United States. The commission's findings were to be compiled for three areas of potential action: policy development; jurisdictional clarification; and legislation.

In June 1986, an initial conference on self-government was held. The four-day conference was attended by Commission members, staff, and Elders. The history of Whitefish Bay was addressed as well as the Band administration's views on potential difficulties in dealing with DIAND and the federal government. The Band Council held more meetings among themselves, with community membership, and with representatives from both levels of government.

3.3 Self-Government Understanding

The Band's main objectives with regard to self-government are "to be independent, to provide for our own needs, pass our own laws and [have] autonomy". The Band views self-government as a means of dealing with, and overcoming, assimilation. According to the Band, the federal government is not willing to recognize Indian Peoples as legitimate peoples. It was emphasized that if Whitefish Bay remains as it is now, future generations will have problems. Self-government is therefore seen as a means of avoiding assimilationist approaches such as that put forward in the White Paper.

Self-government is also seen as a way of overcoming limitations in the Indian Act. Greater flexibility is required to enhance and spur economic development. For example, through addressing land and taxation matters, the Band hopes to initiate joint economic ventures. The Band anticipates that such ventures will allow for a meshing of private entrepreneurship, or community-owned businesses, with traditional culture and practices, which will also be part of its proposed constitution. Hence, the "white man's philosophy of survival and the natural philosophy of survival will be meshed together in one -- the Constitution of the Annishanabe Government".

Another objective of self-government initiative is to revise the election procedures so that the Chief and Council are accountable to the general membership. It was stated that the two-year election process must also be changed since this is believed to hamper the ability of Council members to carry out the duties of office professionally and effectively. It was felt that by tradition and by treaty, Whitefish Bay has a right to self-government. However, it is not Whitefish Bay's intention to discuss Treaty Rights since these are looked after by the Grand Organization of Treaty #3, and to discuss them would be to remove the Band from the treaty organization.

The band's ultimate goal with regard to self-government is constitutional entrenchment; however, they are prepared to negotiate interim legislation to allow Canada and Ontario to recognize the Band's jurisdiction. Constitutional recognition of Indian government is viewed as necessary because jurisdictions need to be clarified and jurisdictional conflicts must be resolved.

3.3.1 Community Consultation and Preparatory Work

- DIAND assistance was not very helpful.
- The pace was good and was established by the Band Council.
- The Initial Development Proposal did not help clarify the process.
- Lines of communication and authority between HQ and the region were not clear.
- The Band was initially led to believe that certain areas were negotiable when in fact they were not.

According to the Band, development of the initial self-government proposal was relatively easy. Several Band Council meetings were held to develop the proposal and identify priorities. Meetings were also held with the consultant and Elders. The Band conducted their own research and analyzed the potential impacts and effects of self-government. The proposal took about a month to develop and was submitted at a meeting with the region on June 23, 1989. At that time, the region informed the band that further clarification of the proposal was required.

Work proceeded on the proposal for the rest of the summer. During July 1986, the Commission held a strategy meeting to formulate directions and determine priorities. A decision was made to seek funding for the ISG initiative. After further consultations with the region, the Initial Development Proposal was re-submitted on August 11, 1986. A Band Council Resolution (BCR #599) was submitted along with the proposal as an indication of community support. The Proposal contained a community profile, economic development plans, a description of programs currently operated by the Band, and a progress report on the Band's self-government activities.

The proposal identified the following goals: 1) to define and clarify jurisdictional issues in the traditional context of Indian government; 2) to develop a real relationship with Canada through the recognition of their form of government; 3) to negotiate a comprehensive agreement with Canada that will form the basis of legislation setting forth a new government-to-government relationship. The subject matters for negotiation were also listed, along with a proposed process.

Several follow-up activities were undertaken by the Band. A joint Band Council/staff meeting was held in August 1986 to make staff aware of self-government activities. As well, a meeting was held with the Attorney General of Ontario in which the Band received the commitment of the Ontario Government to explore ISG and to continue sharing on the process if the 1987 First Ministers' Conference failed.

3.3.1.1 Information Dissemination

It was felt that more information should be provided to the Band during this step, although the research and information they obtained was sufficient. The Band reviewed the Cree Naskapi and Sechelt Acts and visited the Chief and Council of Sechelt to establish a line of information exchange, even though the Band did not consider the Sechelt Model appropriate to their needs.

Overall, the Band felt that they had a good understanding of the issues. The Department provided the band with a general policy outline of the process, but according to the Band it was vague and not very helpful.

3.3.1.2 Community Views on Consultation and Preparatory Work

From the perspective of Whitefish Bay, the assistance DIAND provided during this step was not very helpful. The Band felt that the proposal did not help clarify the process. Lines of communication between the Band and the Department were often confused. The Region and Headquarters were not in agreement on many details. There was also confusion with regard to the policy parameters that could be addressed by the process. The Band had initially thought that they would be granted authority equal to a provincial or territorial power, but found out later that this was not the case. They also discovered that revisions to treaties and Inherent Rights would not be addressed.

The pace for this step was established by Council, and the Band was comfortable with it. Overall, it was emphasized that it was a learning process for both the Band and the Department. Details often had to be developed as they went along since the process was new. The step was useful in that it helped start the process.

3.3.2 Preliminary Assessment

- The criteria used to assess the Band were not specific.

Several meetings were held with both the Region and Headquarters to clarify the proposal. After these consultations, revisions were made to the proposal (three drafts in all). The Band did not experience any problems with the assessment since the region was satisfied that someone in the area had entered into the process. The Whitefish Bay Band has been a "pilot band" in the area and has taken a leadership role in developing and adopting programs.

The Band received guidelines on the assessment criteria used, but these were not very specific, especially with regard to finances. The criteria did not specify whether a deficit was considered a problem; but later in the process, the fact that the Band was in a deficit position was used as a criterion. It was felt that the criteria should be stated clearly from the outset.

The central criteria used to assess the proposal was whether it called for authorities beyond the Indian Act and whether it was in keeping with the Minister's guidelines. The Band was assessed by the Region as a viable community with stable leadership, many programs, and extra responsibilities. The Region reported that the Band had clear audit reports with a net surplus. As well, it was noted that the Band did not have any by-laws and no section 83 power to make money by-laws. Attention was also given to the Band's community consultation process. On the basis of the assessment, it was felt that the Band was a good candidate to enter the process. It was recommended to HQ that the Band be provided with development funding.

3.3.3 Framework Negotiations

- Overall, it was a positive step and a good process.
- Regional and district involvement needs to be clarified.
- A lot of negotiations took place during this stage.
- What the framework agreement entails, and the process to be adopted, needs greater clarification from the beginning.
- The work plan established for the Framework negotiations was useful and implemented successively.
- The response time from Headquarters was good.
- The good relationship with the DIAND negotiating team is seen as a strength.
- This step was a learning experience for both the Band and the Department.
- Attendance at workshops was low, with less than 50 per cent of community members represented.
- Community workshops were seen as an important vehicle for communications and input.

The framework negotiations step of the process involved four major activities: framework proposal development; clarification questions; development of the discussion paper and framework agreement; and the ratification of the framework agreement. The framework negotiations stage took approximately two and a half years to complete, from September 1986 to June 1989. These activities are outlined below.

3.3.3.1 Framework Proposal

On November 12, 1986, Whitefish Bay entered into a contribution agreement with the Department to assist the Band in developing a framework proposal for substantive negotiations. Prior to developing the proposal, the Band held a series of meetings involving the Band Council, advisers, elders and community members. A meeting was held with students from the Whitefish Bay high school to inform them and to involve youth in the process and to promote awareness of the self-government initiative.

The research materials used for this step included the Cree-Naskapi and Sechelt Acts and the Department's information package. The information package was not deemed useful since it was obtained later the process and resembled many of the materials that had already been developed by the Band.

On January 14, 1987 a workshop was held at Whitefish Bay. Regional and headquarters ISG officials gave presentations. The purpose of the meeting was to exchange information with the community on their perceptions and the federal government's policy and process. On February 10, 1987, the Band Council revised the draft proposal and ratified it; the proposal was also reviewed by the Band's lawyer. The proposal was submitted to the Regional Office on February 20, 1987 and accompanying documentation was provided on March 6, 1987. A subsequent meeting was held between the Band and the Region on March 17, 1987 to clarify items in the framework proposal and to fulfil the conditions of the contribution agreement.

The Band's framework proposal listed 20 categories of issues to be negotiated, six of which are considered essential elements. Over an eight-month period the band proposed to negotiate agreements in principle on six items and to submit proposals on an additional three items. A detailed budget and process were advanced.

The timeframe involved in the development of the proposal, submission and clarification meetings with the Region was approximately four to five months.

3.3.3.2 Clarification of Whitefish Bay's Framework Proposal

In June 1987, headquarters responded to Whitefish Bay's framework proposal with clarification questions. These questions concerned a description of the proposed structure and institutions of government and their functions and relationship to each other; the Band's proposed election procedures; the legal capacity of government; the anticipated relationship between the Band's government and the federal government; and a draft constitution. The Band originally thought that these documents were to be developed later in the process. As well, they were not told that the clarification questions and the Department's discussion paper were part of the process. The Band submitted answers to the clarification

questions and supporting documents on June 26, 1987 and July 12, 1987 respectively. An amendment to the original contribution agreement was finalized on September 1, 1987 to assist the Band with these clarifications.

3.3.3.3 Discussion Paper and Framework Agreement

On February 15, 1988, the Department circulated the first draft of its discussion paper to all programs at HQ and in the Region and to other relevant departments. The discussion paper was eventually circulated to the Inter-Departmental Steering Committee working group three times. Whitefish Bay received a copy of the discussion paper in July 1988 and continued to work on it for the rest of the year. A retreat was held by the Band to contemplate directions and views with regard to the discussion paper. These were drafted into positions and presented to HQ at two meetings in November and December 1988.

As part of the discussion paper process, the Band further developed areas of its framework proposal to be incorporated into the discussion paper. On August 11, 1988, a second contribution agreement was established to support this work. The specific issues requiring work were the proposed accountability procedures, how constitutional ratification and adjustments would take place, how the proposed membership code would be compatible with the principles of natural justice and the Charter of Rights, proposed land title arrangements and land management, proposals on financial arrangements, and the form and range of proposed taxation authorities.

Research activities during this step included a visit to the West Bank and Sechelt Bands in B.C. between August 18 and 19, 1988. Visits were also made to the Crow Tribe in Montana as well as to other American tribes during September 1988 to investigate the governing structures and procedures of other First Nations.

On January 13, 1989, Whitefish Bay submitted the last of its framework documentation. The third draft of the Department's discussion paper was circulated on January 22, 1989 and was approved by the Inter-departmental Steering Committee working group on March 31, 1989. At a three-day meeting in May 10, 1989 between Whitefish Bay and HQ, the discussion paper was finalized. Whitefish Bay approved the

discussion paper, and work proceeded on the terms of reference for substantive negotiations on the Framework Agreement. A summary of the key elements of the Whitefish Bay self-government proposal is included in the discussion paper. These formed the basis of the Band's framework proposal and were refined throughout this step. Figure 10 provides an overview of the key elements of the Whitefish Bay proposal.

Clarification activities and development of the discussion paper took approximately 14 months to complete.

3.3.3.4 Ratification of the Framework Agreement

Between the finalization of the discussion paper and the signing of the framework agreement, it was deemed essential by the Band and the Department that a community consultation process be adopted and that resources be made available to provide evidence of community support. The ratification process was agreed upon by the Band and the Department and finalized at a May 10, 1989 meeting. A contribution agreement was drawn up to assist the band in the implementation of this process. Three resident co-ordinators were hired to carry out the consultation and ratification of the Framework Agreement.

Ratification activities included training of residential co-ordinators; a community consultation process; and written consent of community members. The training of the residential co-ordinators occurred at a three-day workshop conducted by HQ staff, the Chief and Council, elders, and Band advisers and staff.

An open house was held at the community centre to give community members an opportunity to become informed and ask questions. On June 1, 1989, Whitefish Bay held a closed-circuit television workshop designed to respond to community questions on the self-government negotiations process. The Chief, Band Manager, Band Adviser, Legal Counsel, and Director of HQ Community Negotiations were available to answer questions. Twenty-three callers phoned in. Questions covered topics such as the economic impact of self-government on the Band; effects of self-government on individual land possession; the impact of self-government on the current relationship between the Band and the federal government; whether self-government would affect funding levels; whether the conditions of bands with self-government are improving;

Figure 10

WHITEFISH BAY FRAMEWORK AGREEMENT SUMMARY

ISSUES	SUBJECT MATTER
Legal Capacity	<ul style="list-style-type: none"> • Clarification of legal status and recognition of Whitefish Bay's authority. • The power to enter into contracts, sue other parties, and to operate its government effectively.
Institutions:	<ul style="list-style-type: none"> • Enactment of a constitution that sets out the rights of members, its institutions of government, and the powers and duties of various branches of its government. • The proposed government will be composed of 3 structures: legislative authority; a judicial authority; and an administrative authority.
Elections:	<ul style="list-style-type: none"> • Enactment of laws concerning the conduct of its elections and referenda, composition of Council, qualifications for office, a four-year term of office, and electoral officer duties.
Membership:	<ul style="list-style-type: none"> • The current Indian Act provides for bands to enact membership rules and maintain their own band list. Whitefish Bay has produced a draft membership code.
Lands:	<ul style="list-style-type: none"> • Whitefish Bay proposes to have exclusive authority over all land on-reserve. • Assumption of powers with respect to land management that are currently exercised by the Minister under the Indian Act.
Health:	<ul style="list-style-type: none"> • Administration of health care and recognition of traditional health care practices. • The construction and maintenance of health care facilities is a long-range objective.
Justice:	<ul style="list-style-type: none"> • Creation of a tribal court with exclusive jurisdiction over certain areas of law on-reserve, such as dispute resolution, laws of inheritance, child custody, domestic family law, band by-law offences, and civil/financial and property disputes.
Education:	<ul style="list-style-type: none"> • Exclusive jurisdiction in this area

WHITEFISH BAY FRAMEWORK AGREEMENT SUMMARY

ISSUES:	SUBJECT MATTER
Social Services	<ul style="list-style-type: none"> • Exclusive jurisdiction in this area, including all areas covered by the 1965 Canada/Ontario General Welfare Agreement with the exception of child welfare.
Renewable Resources:	<ul style="list-style-type: none"> • Proposal to own and manage all on-reserve renewable resources. • Off-reserve renewable resources within its traditional land-use area would be co-managed.
Non-Renewable Resources:	<ul style="list-style-type: none"> • Proposal to own and manage all non-renewable resources on-reserve through the use of by-laws. Off-reserve non-renewable resources would be co-managed through a tripartite management board.
Environment:	<ul style="list-style-type: none"> • Exclusive jurisdiction over the reserve environment. • A tripartite management board to be established with exclusive environmental management jurisdiction over the traditional area.
Economic Matters:	<ul style="list-style-type: none"> • Exclusive jurisdiction over intra-reserve business, which would be exercised through band licensing. • The band also wants jurisdiction over inter-reserve trade through agreements with other bands.
Taxation:	<ul style="list-style-type: none"> • Proposal to have all municipal-type taxation and licensing powers, including taxation of interests in reserve land and other related local taxes. • The band also wants businesses locating on the reserve to be exempt from "value-added" or "manufacturer's" taxes.
Transportation:	<ul style="list-style-type: none"> • By-law making authority which would supersede the Indian Reserve Traffic Regulations.
Implementation:	<ul style="list-style-type: none"> • Accountability mechanisms. • Financial arrangements consistent with federal guidelines. • Implementation Plan.

the proposed election process and band accountability under self-government; land jurisdiction and taxation issues; and U.S. bands' experiences with self-government and whether the experience there could be incorporated at Whitefish Bay. Questions were also asked about the SGN process and how it was initiated.

The Band was divided into three districts, and the co-ordinators held a workshop in each district. Turnout for these meetings was poor, however, with the result that, the co-ordinators instead went door to door to inform people about the framework agreement and to obtain written community consent to proceed to substantive negotiations. Written consent consisted of a statement by each respondent agreeing or disagreeing with the substance of the Framework Agreement. This process took about four days.

On June 28, 1989, the support of the Whitefish Bay Band for the Framework Agreement was secured. Of a total membership of 672, there were 226 eligible voters on-reserve. Of these, 150 participated in the vote (66.37% of eligible voters). Of these, 123 consented to proceeding with the Framework Agreement and 27 did not consent. Of the eligible voters participating, 82% gave their consent and 18% did not. Of the total number of eligible voters, 54.42% consented. The final vote was tabulated on July 4, 1989 and became part of the Framework Agreement package.

3.3.3.5 Signing of the Framework Agreement

The Framework Agreement package is to be signed by the Minister and the Chief and Council of Whitefish Bay. Although the Band has obtained approval to enter into substantive negotiations, as of December 15, 1989, the document had not yet been signed.

3.3.3.6 Strengths and Weaknesses of Framework Negotiations

Overall, Whitefish Bay thinks that it is a good process and a positive step. From the Band's perspective, it was a slow process; however, this is seen as a strength since it gave time to develop positions and to ensure that all issues were being addressed. Both the Band and the Department considered the process a learning experience: aspects of the process had to be developed as they went along. The Band knew from the outset that the process would take a long time and had

initially estimated three to five years. The pace was seen to be appropriate and determined by the Council. The Band thinks that it must move cautiously and has done so thus far.

The response time from the Department on clarifying issues and providing information was considered satisfactory by the community. The good relationship with the Department's negotiating team was viewed as one of the strengths of the process. Community involvement, especially that of the elders, was also considered a strength.

It was noted that it took a while to understand the Framework Agreement and it was felt that there needed to be a clearer understanding of what the Framework Agreement entails at the very beginning of the process. Having a work plan for the framework negotiations step of the process was considered important. Once a work plan was established for this step, it kept things on track and the work plan was completed.

Extensive negotiations took place during this stage. People felt that these negotiations went well. The Band's proposals were received positively by DIAND. As well, there were no problems with the parameters set by DIAND. It was felt that the parameters of the process were established jointly by the Band and the Department. It was pointed out, however, that although the parameters suited the needs of Whitefish Bay, they might not fit the needs of other communities. The Band also questioned, why they had to deal first with what the Department considered essential issues and how the Department came up with these issues. An outstanding issue that the Band still wants to address is recognition, within their constitution, of the Inherent Right to religious and traditional practices. They want to ensure that such rights cannot be affected from outside of their community. The Band is confident that its concerns will be addressed in substantive negotiations.

As in the Development Proposal stage, the band was frustrated about the number of participants involved within the process, emphasizing that it should be made clear that negotiations are between the Band and Headquarters, not the Region or the district office. It felt that at the latter stages of the framework negotiations process, the Region and district offices should not be involved within the process.

As well, the band was frustrated by delays in the process after they ratified the framework agreement. This delay occurred because the Department had to review the Band's financial position before signing. As a result of the delay, the work plan was set back by a month. This was of particular concern since, according to the Band, government policy is that agreement must be achieved by March 1990, since funding is not guaranteed beyond that point; as a result, certain issues might not be dealt with or may get stacked up in Substantive Negotiations phase.

About a dozen workshops were held over the duration of the process to inform the community about self-government, obtain feedback from the community, and learn people's expectations and concerns. The main strength of the workshops was that they gave people an opportunity to learn about self-government and the issues involved. The fact that people were honest about not understanding the SGN was also considered a strength. The main concerns voiced at these workshops related to funding, welfare and services, and a fear that treaty rights would be harmed. The Band feels that it has a strong treaty and it must not be harmed. The major weakness pointed out with regard to the workshops was that participation was not very high and that less than half the community was represented. As a result, the Chief and Council dealt with matters. Another weakness of the workshops was that, at the start, the Council did not really know how to answer questions; this could have been avoided if they had had legal advice at the outset of the process. Although the use of television was seen as a strength, it was felt that this should not replace community meetings. Overall, the workshops are seen as an important vehicle for community input.

With regard to improvements for this step of the process, it was felt that more federal involvement may confuse community members, although more consultation between the Council and the Department would be acceptable. As well, it was felt that provincial involvement should be clarified at this step since this is still an outstanding issue.

3.4 Self-Government Negotiations

On September 18, 1989, the district office notified Whitefish Bay of the federal government's intent to proceed to self-government negotiations. This step is expected to take approximately three years. The activities included substantive negotiations, ratification of the Agreement In Principle, and implementation. These activities are outlined below.

3.4.1 Substantive Negotiations

- The establishment of the technical working group needs to be clarified during framework negotiations.
- The Band thinks that it is a good process and wants to see it proceed.
- Community involvement is necessary throughout this process.
- The work plan provides clear direction for the work that needs to be done and the process to be followed.
- Accommodation should be made for newly elected Councils.
- Communication between the Band and the Department is good.
- The timeframe for reaching Agreement In Principle is not realistic but the Band is intent on meeting its commitments.
- Further assistance is required by the Band with regard to research on self-government issues.
- The process for determining fundable and non-fundable items, and how they will be dealt with, needs to be clarified.

Substantive negotiations are expected to take two years (three fiscal years). Between September 1989 and April 1990, negotiations will take place on six subjects and a further three position papers will be tabled. It is anticipated that by June 1990, all nine essential items will have been negotiated. It is expected that all other items will be dealt with by September 1991. The work plan and timeframe for the first part of substantive negotiations, as given in the Framework Negotiations Package, is provided in Appendix 1 of this report. This agenda had to be amended and moved back one month because of the delay by the Department in assessing the Band's financial situation.

The first negotiating meeting between the Department and Whitefish Bay took place between October 11 and 13, 1989. Elections were held for Chief and Council at Whitefish Bay on October 23, 1989; a new Chief was elected and four of the six councillors were replaced. At this time, it was thought by some that the process would come to a halt. A three-day orientation session was held for the incoming Council (with participation by DIAND negotiators) during the last week of October 1989 to review the community's self-government activities. A second meeting was held to get the Council's direction. Other orientation activities planned consist of individual reading of self-government documents in order to become aware of the issues being addressed. As of December 15, 1989, work was proceeding according to the established work plan, and the Band feels that it is important for work to proceed.

The classes of subjects to be negotiated will be dealt with in groups of three which is considered one phase. Each negotiating meeting will address three separate issues. To lower costs, meetings will be kept to a minimum by combining activities. For example, at the meeting to ratify one phase, policy directions on the next phase will also be dealt with. As well, the number of band representatives present at some meetings has been reduced.

The process established for substantive negotiations at the Band level is stated in the work plan that is part of the Framework Agreement package. It is a lengthy process, but it is hoped that it will be comprehensive enough to identify and address all items. The issue papers are drafted by the Band's Executive SGN Co-ordinator and its lawyer. One issue paper takes approximately four to five days to produce. Each issue paper is taken to Council for review and comments. This step takes approximately three days. The proposal is rewritten and taken back to Council for approval, tabled at a pre-arranged meeting with the DIAND negotiating team, and reviewed by both sides. At this point, more revisions take place if necessary. As well, HQ reviews the proposal in Ottawa and provides the Band with comments. The Band's technical team then rewrites the draft and the Band Council gives final approval to the proposal before it is sent back to HQ. The Band plans to continue to use seminars and the involvement of the elders in reviewing each clause. The general approach to negotiations adopted by the Band has been to work on certain general issues first and leave the details for a later time.

From the perspective of the Department, the main tasks are carried out by the negotiating team, which consists of the Senior and Assistant Negotiators, a representative of the Regional SGNB and, where necessary, representatives from particular programs and from the Department of Justice. The process also involves the use of a technical working group established to deal with financial and implementation issues. The working group allows for discussion regarding implementation while negotiations are occurring, so that issues such as cost, organizational structure, and policy issues can be addressed. As well, the technical group assists the Band in developing structures for implementation. The group consists of the following: a DIAND negotiator, one representative from implementation, one representative of the operations section and, where required, program people and lawyers. The Band will also participate in this group.

Other DIAND and federal bodies involved in this step are as follows: the Interdepartmental Steering Committee (ISC); the ISC working group and its sub-committees on Finance and the Administration of Justice; and DIAND's Policy Review Committee (PRC). The ISC and its associated groups co-ordinate interdepartmental issues and allow for input by all concerned. The development of a core team of the Working Group and the creation of the sub-committees are expected to speed up the process of dealing with proposals. Intra-departmental input is co-ordinated by the Department's negotiating team, while final approval, prior to ministerial consent, is provided by the PRC.

3.4.1.1 Community Views

Community involvement is seen as necessary throughout this step; negotiations cannot take place in isolation. It was felt that the community should be consulted at all times, not just when their signatures are needed. The Band has been successful at this so far. The Band's use of television is considered a strength, but some interviews indicated that this by itself is inadequate. It was noted that having the resident co-ordinators is a strength of the process since they are able to inform people of developments in the self-government process and carry out door-to-door information and ratification activities when required.

Communication between the Band and the Department is considered to be good. Contact is mainly with HQ, a situation the Band wants to maintain. The Region has not been denied participation, although it questions the need for the Region to attend all negotiating meetings. The Band also considers it important to have continuity on the part of DIAND personnel so that the people they deal with are knowledgeable about the community.

It was felt that the Department is interested in complying with the wishes of the Band, although it was indicated that relations between the Department and the Band may have changed somewhat upon entering the substantive negotiations phase. If the Band is pushed too hard at the negotiating table, community members will not ratify the agreement.

The interviews showed a lack of understanding among the newly elected Council about the self-government process and the issues involved. Opinions varied about whether the process should accommodate new Council members. Some thought that the process should pause temporarily or slow down to allow newly elected Councillors time to become more aware of the issues. However, others suggested that sufficient orientation has been given and that new members who feel that they need more information can read the material and discuss the issues with those knowledgeable about the process; it was considered important to maintain the agreed schedule. Otherwise, an extension at the end of discussions may be necessary, a step that is contrary to federal government policy. It was also noted that if two or three items were dropped from the list, these issues might not be dealt with or would just crop up again, adding an extra burden to an already heavy schedule.

The work plan, with its timeframe, detailed budgets and outline of negotiating meetings, is seen as a strength. The work plan provides clear direction for the work to be done and the process to be followed. It was felt that the timeframe is not very realistic; nevertheless, the Band is intent on meeting its commitments. The Band will try to accommodate the federal government's policy of not exceeding the March 1990 deadline. Thus far, it was felt that the pace

has been satisfactory and has been set by the community, although it was felt that the Department should not try to rush the Band, recognizing that they have to follow their own community process.

One problem expressed by the Band was that they were not told about the establishment of the Department's technical working group during Framework Negotiations. This was a problem not only because the Band missed out on participating in its formation, but also because the Band was not able to incorporate the cost of the working group meetings into the budget for substantive negotiations. It was felt that establishment of the working group needs to be clarified during framework negotiations. Another concern was the restrictive financing of the process, which leads to cutting corners, thereby affecting the level of negotiations. Because of budget concerns, negotiating meetings take place only on the reserve. As a result, the negotiators have no access to many of the resources available at headquarters. When DIAND resource people attend meetings, often they don't have the necessary materials with them. It is felt that meetings should alternate between Ottawa, the reserve, and other centres like Thunder Bay. To avoid this problem, it was suggested that funding for the process be established band by band, not on the basis of a ceiling per population in a given area or province.

Another concern was expressed with regard to the process for reading financial arrangements. Currently, the Band is not sure about what the process will be on financial arrangement and how items will be designated fundable or non-fundable. A fear was expressed that items determined to be fundable could end up being set aside to be dealt with later during the discussions on financial arrangements. A potential problem is that such items may then be set aside again to be dealt with in implementation and ultimately not be dealt with at all. It was argued that financial arrangements should be dealt with before entering into an Agreement In Principle.

Two improvements were identified for this step. First, it was felt that the Department could assist the Band further with research on particular issues, since the Band lacks some research capabilities. Second, the Band suggests that in the framework stage, the issue of meetings required for process

budgeting should be taken into account. In their situation, the budget for substantive negotiations does not include the cost of the meetings that will be required for the development of future budgets.

3.4.2 Ratification of the Agreement In Principle

As stated in the Framework Agreement, any agreement in principle reached between the negotiators shall be of no force and effect until it has been ratified by both the Department and Whitefish Bay. The Band plans to ratify the agreement using the same procedure as that for the Framework Agreement: implementation of a community consultation process and then a door-to-door vote. Ratification by the Department will require the Minister to complete the steps indicated in the agreement in principle.

3.4.3 Implementation

- **Resources for this transitional period need to be identified.**
- **New initiatives arising from negotiations, such as training needs and requirements, must be identified.**

The Band views this step as a transitional one. The expected timeframe for this step is between one year and eighteen months. The Band believes that funding needs to be identified for this period. As well, the Band thinks that new initiatives resulting from the ISG Negotiations, such as training needs and requirements, must be identified and provisions made to put them in place. Since part of the technical working group's mandate is to look at implementation issues, it is expected that implementation activities will be integrated with the substantive negotiations step. The Band is assessing each item on the table to determine whether it belongs in the implementation stage and, if so, how it will be addressed in the mean-time.

From the Band's perspective, one of the issues that needs to be clarified prior to beginning this step is the dispute resolution process. The Band feels that it is important to clarify how problems within this step will be addressed and how unforeseen costs will be dealt with.

3.5 Resources, Funding Procedures and Audit

The reporting procedures for all contribution agreements between DIAND and Whitefish Bay consist of providing quarterly progress reports for the duration of the Agreement and an annual financial report and audit of expenditures. These reports, which are sent to HQ for assessment, provide a detailed accounting of the Band's self-government activities. Table 3 provide a chronology of events regarding Whitefish Bay's finances as well as a description of the purpose of each contribution.

TABLE 3

**FUNDING FOR THE PLANNING AND DEVELOPMENT OF
COMMUNITY BASED SELF-GOVERNMENT**

DATE OF CA	AMOUNT	PURPOSE
November 12, 1986	\$55,000	To assist the Band in the development of a Framework Proposal for Substantive Negotiations.
September 1, 1987	\$27,000	Amendment to the November 12, 1986 CA to prepare further clarification and development on certain areas in the framework proposal.
August 9, 1988	\$75,000	Prepare further clarification and development on certain areas in the framework proposal.
June 5, 1989	\$115,000	Expenses incurred in last fiscal year and to implement ratification procedures for the approval of the Framework Agreement by July 1989.
Total Allotted Funds	\$272,000	Development and Ratification of Framework Agreement

As stated in the Framework Agreement, the cost for Substantive Negotiations for the period between August 1989 and March 1990 will be \$258,962. This covers the fixed costs incurred by Whitefish Bay for self-government activities over this time period,

pre-negotiation and negotiation expenses, and the cost of community consultations, including the creation of a video presentation on self-government. Agreements In Principle are expected to be reached on six issues, while three proposals will be tabled by the end of this period.

4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT

4.1 Band Affairs

- **Increased emphasis on the Band's history and future.**
- **The Band is undertaking long-range planning.**
- **Greater awareness by the membership of the constraints facing their leadership.**

There is more focus on the Band's history and future as a result of the self-government initiative. The Band is undertaking long-range planning. Current steps are viewed in relation to projected needs in the year 2000. Just as their ancestors made decisions concerning their needs, the Band wants to make decisions now that will enhance the well-being and security of future generations, both materially and culturally.

Self-government activities have also had an impact on Band affairs in that Band Members have become more familiar with the constraints facing the leadership when they attempt to do something on the reserve. Prior to this, people thought that the Council could do what they wanted on the reserve.

4.2 Band Council Accountability

- **Greater recognition of existing accountability mechanisms by Band members.**

Although it was felt that self-government activities did not increase the accountability of the Council, it was pointed out that the membership now recognizes that the Council is financially accountable to Band members. This mechanism was not previously well understood.

4.3 Policy Consultation

- **Greater understanding of the history of Indian people and historical relations between Indians and the federal government.**
- **Better understanding of how the federal government works.**

- DIAND programs are responding well to the self-government initiative.
- DIAND has a greater understanding of constraints on the Band.

DIAND understands what they are involved in and what constraints the Band faces. DIAND programs are responding well to the self-government initiative.

The Band has increased its understanding of the entire process of the federal government. As well, by developing a better knowledge of the history of Indian and government relations, there is a better understanding of how politicians view Indian people.

4.4 Overall Community Impact

- Greater community awareness about the need for self-government and existing regulations governing Indian people.
- Development of pride in the community and a heightened sense of initiative and responsibility for the future of the community.

The self-government process has been an educational process for the community. It has "opened the eyes of people". It has provided an opportunity for people to become aware of the existing regulations regarding Indian people.

Self-government activities have also given the community greater knowledge of the history of Indian people and, as a result, an enhanced sense of identity. As one person stated, the community's self-government activities have resulted in increased "pride, and incentive, in terms of being an Indian".

5. CONCLUSIONS

5.1 Conclusions: Process

Overall, the Band was satisfied with the process and anticipates that it will continue. It was a learning experience for both the Band and the Department, with details often being worked out co-operatively. There was confusion during the early stages of the process with regard to the level of detail required in the proposals and the type of supporting documentation needed.

This confusion arose partly because of unclear lines of communication and authority between the Region and Headquarters. However, the case of Whitefish Bay has resulted in clearer definitions of these roles. The Band is confident that the process will meet its self-government goals and needs, although opinions differed on whether self-government deals mainly with self-administration or primarily with political jurisdiction. Nevertheless, the Band feels that it is important to conduct this process so that they can establish for themselves what self-government looks like and how it would work. Once this has been accomplished, the Band will make its decision on whether to proceed.

5.2 Conclusions: Impact

The main impact of process upon the community is that it has provided an opportunity for increased awareness of the history of Indian and Government relations and of the existing regulations with which the Band must deal.

APPENDIX V

Alexander Band: A Case Study for the Evaluation of Self-Government Process

Table of Contents

	<u>Page</u>
1. INTRODUCTION	1
1.1 Purpose of Case Study	1
1.2 Methodology	1
2. PROFILE OF THE TRIBE	2
2.1 Location	2
2.2 Demographics	2
2.2.1 Population	2
2.2.2 Education	5
2.2.3 Housing	9
2.3 Economic Activities	9
2.3.1 Labour Force Data	9
2.3.2 Current Economic Activity	9
2.4 Employment Opportunities	12
2.5 Political Process and Administrative Structure	12
2.5.1 Financial Evolution	15
2.5.2 Programs Administered by Alexander	15
3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS	17
3.1 Alberta Region SGN Unit Organization and Process	17
3.2 Planning and Development of Community-Based Self-Government	19
3.2.1 Community Consultation and Preparatory Work	19
3.2.1.1 Information Dissemination	20
3.2.1.2 Community Views on SGN Process	20
3.2.2 Preliminary Assessment	21
3.2.3 Framework Negotiations	21
3.2.3.1 Workshops	25
3.2.3.2 Issues for Negotiation	26
3.2.3.3 Information, Resources and Consultation	29
3.2.3.4 Ratification	30
3.2.3.5 Strengths and Weaknesses of Framework Negotiations Stage	30
3.3 Self-Government Negotiations	31
3.3.1 Substantive Negotiations	31
3.3.1.1 Strengths and Weaknesses of the Substantive Negotiations Stage	33
3.4 Implementation	34
3.5 Resources, Funding Procedures, and Audit	35

4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT	36
4.1 Band Management Capacity	36
4.2 Band Accountability	36
4.3 Policy Consultation	37
4.4 The Community	37
5. CONCLUSIONS	38
5.1 Process	38
5.2 Results	39

TABLES AND FIGURES

Table 1 Total Population On- and Off-Reserve	3
Table 2 Major Occupational Groups at Alexander by Sex	10
Table 3 Issues for Negotiation	27
Table 4 Funding and Nature of SGN Contributions to Alexander	35
Figure 1 Total Population On- and Off-Reserve	4
Figure 2 Annual Growth Rate On- and Off-Reserve	6
Figure 3 Total Band Population By Age and Sex	7
Figure 4 On-Reserve Education Statistics	8
Figure 5 Labour Force Statistics of On-Reserve	11
Figure 6 The Alexander Tribe - Political Structure	14
Figure 7 SGN Process in Alberta Region	18

1. INTRODUCTION

1.1 Purpose of Case Study

This report is one of four case studies being prepared as part of the evaluation of the Self-Government Negotiations (SGN) Process. The evaluation examines the status of the program as of July 31, 1989. To assess the impact of the process, communities furthest along in the SGN process were chosen as candidates for case studies. The participating bands were the Maliseet Nation at Tobique (Atlantic Region); the Southeast Resource Development Council (Tribal Council - Manitoba Region); Whitefish Bay (Ontario Region); and the Alexander Tribe (Alberta).

The objective of this case study is to assess the effectiveness of the SGN process and the extent to which the anticipated results have been achieved from the perspective of Alexander.

1.2 Methodology

The communities participating in the evaluation were selected on the basis of experience with the process. Given that Alexander was the first participant in the process, it was selected as a candidate for a case study.

Prior to conducting the onsite case study, a review was conducted of the Alberta Region files and selected Self-Government Negotiations files at Headquarters. In addition, interviews were conducted at Headquarters with the Self-Government Negotiator (first one) and the Regional Director of Self-Government for the Alberta Region. An interview with the Regional Director General was conducted at the DIAND office in Edmonton. The purpose of the file reviews and interviews was to familiarize the evaluators with the SGN process in the Alberta Region and to obtain a preliminary departmental perspective on the progress at Alexander.

During the onsite visit at Alexander, a review was conducted of Band files on self-government, and a number of interviews were conducted with the SGN negotiator, staff in their self-government department, program managers, elders, and other community members. Interviews were conducted on the basis of experience and participation in the SGN process at Alexander. Upon arrival, a meeting was held with the self-government negotiator to discuss the case study methodology.

The following is a list of interviews conducted at Alexander during the week of December 4-7, 1989:

- SGN Negotiator/Tribal Administrator
- Legal Counsel
- Community Liaison Officer
- Assistant Administrator/Finance
- Economic Development
- Education Executive Director
- Public Works
- Capital Projects
- Family Group Representative Committee members
- Band Consultant/Former Chief

In addition to these formal interviews, informal discussions took place with members of the community.

2. PROFILE OF THE BAND

2.1 Location

The Alexander Indian Reserve #134 is situated about 40 kilometres northwest of Edmonton on Lac La Nonne Trail. The reserve was surveyed in 1880 and formally set aside for the Alexander Tribe on May 17, 1889. Some 9,518 acres were surrendered for sale on January 26, 1906, with 272 unsold lands returned to the reserve on June 1, 1961. The reserve covers an area of 7,244 hectares (17,990 acres) with 30 per cent forested, 35 per cent agricultural, 15 per cent water covered, and 20 per cent other. The Alexander Tribe signed Treaty 6 on August 21, 1877 under Chief Catchistahwayskum.

2.2 Demographics

2.2.1 Population

In 1988, the Alexander Tribe had a total registered population of 946 (Table 1). Of these, 580 (61.3 per cent) lived on-reserve and 361 (38.2 per cent) lived off-reserve. The remaining 0.5 per cent (5 people) live on Crown land (Figure 1).

Between 1976 and 1987, the total registered population increased by 35.8 per cent or 338 members. This increase consisted of 120 additional members on-reserve, for an increase of 20.6%, and 213 members off-reserve (an increase of 59 per cent).

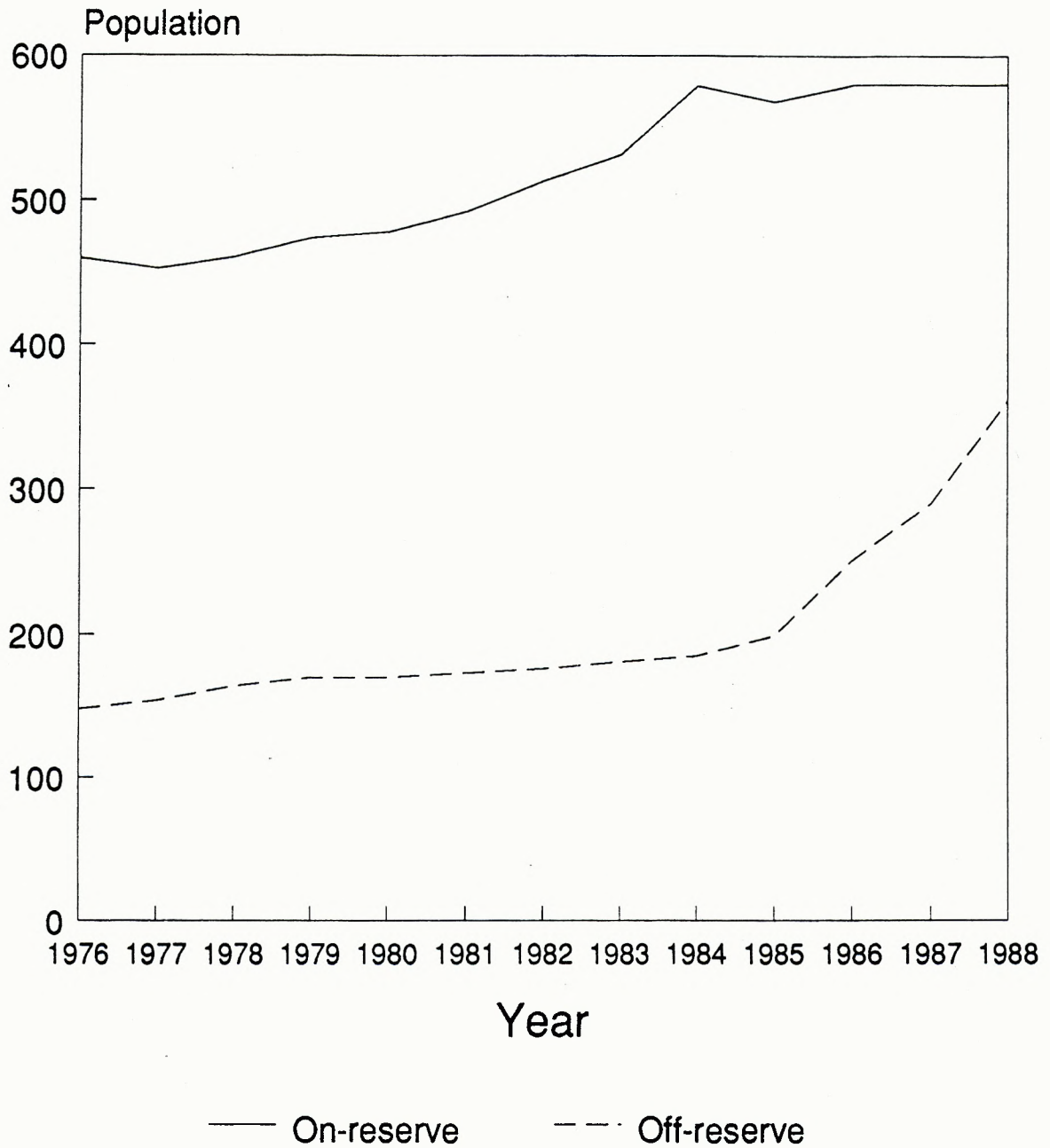
TABLE I
TOTAL POPULATION ON- AND OFF-RESERVE
ALEXANDER TRIBE
1976-1988

YEAR	ON-RESERVE POPULATION	OFF-RESERVE POPULATION	TOTAL POPULATION
1976	460	148	608
1977	453	154	614
1978	461	164	625
1979	474	170	644
1980	478	170	678
1981	492	173	668
1982	513	176	692
1983	531	181	715
1984	579	185	737
1985	568	199	770
1986	580	251	834
1987	580	290	873
1988	580	361	946

Source: Indian Register, 1976-88

Figure 1

TOTAL POPULATION ON- AND OFF-RESERVE ALEXANDER TRIBE 1976-1988



Source: Indian Register, 1976-88

Figure 2 shows the annual growth rate on- and off-reserve between 1976 and 1988. During this period, the average annual growth rate for the on-reserve population was 1.9 per cent, while the off-reserve rate was 7.5 per cent.

The population at Alexander is relatively young, with 90.2 per cent of the 1988 registered population under the age of 45. Sixty-one per cent of the population is under the age of 25. Less than 5 per cent of the population is over the age of 55.

Figure 3 illustrates the distribution of the population by sex with 477 males (50.4 per cent) and 469 females (49.6 per cent).

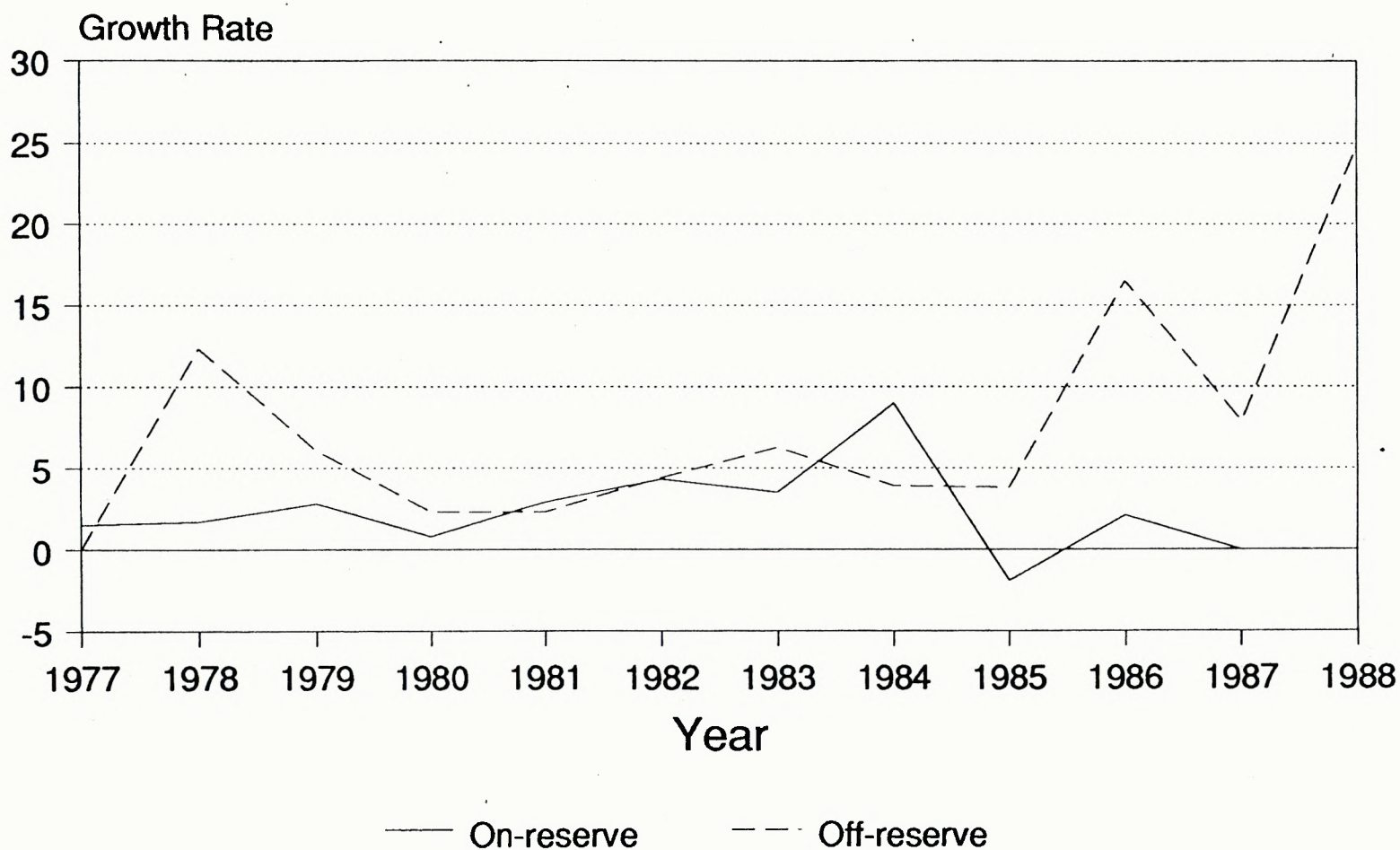
2.2.2 Education

The educational attainment of the population aged 15 and over according to the 1981 Census is presented in Figure 4. Forty-one per cent (70 persons) have less than a grade 9 education, 35 per cent (60 persons) have between a grade 9 and a grade 13 education, a high school but no one holds diploma. The 1981 Census may not represent the true educational picture, however, as significant gains in education have been made since Alexander took control of its own school in 1982. Current education statistics are not available at this time, as Alexander did not participate in the 1986 Census.

The locally controlled Kipohtakaw Education Centre offers educational programs from day care through to adult education and has made significant gains in the educational attainment of the community. As of December 1989, the school had 235 students, while another 45 students had gone on to post-secondary studies.

Annual Growth Rate On- and Off-Reserve

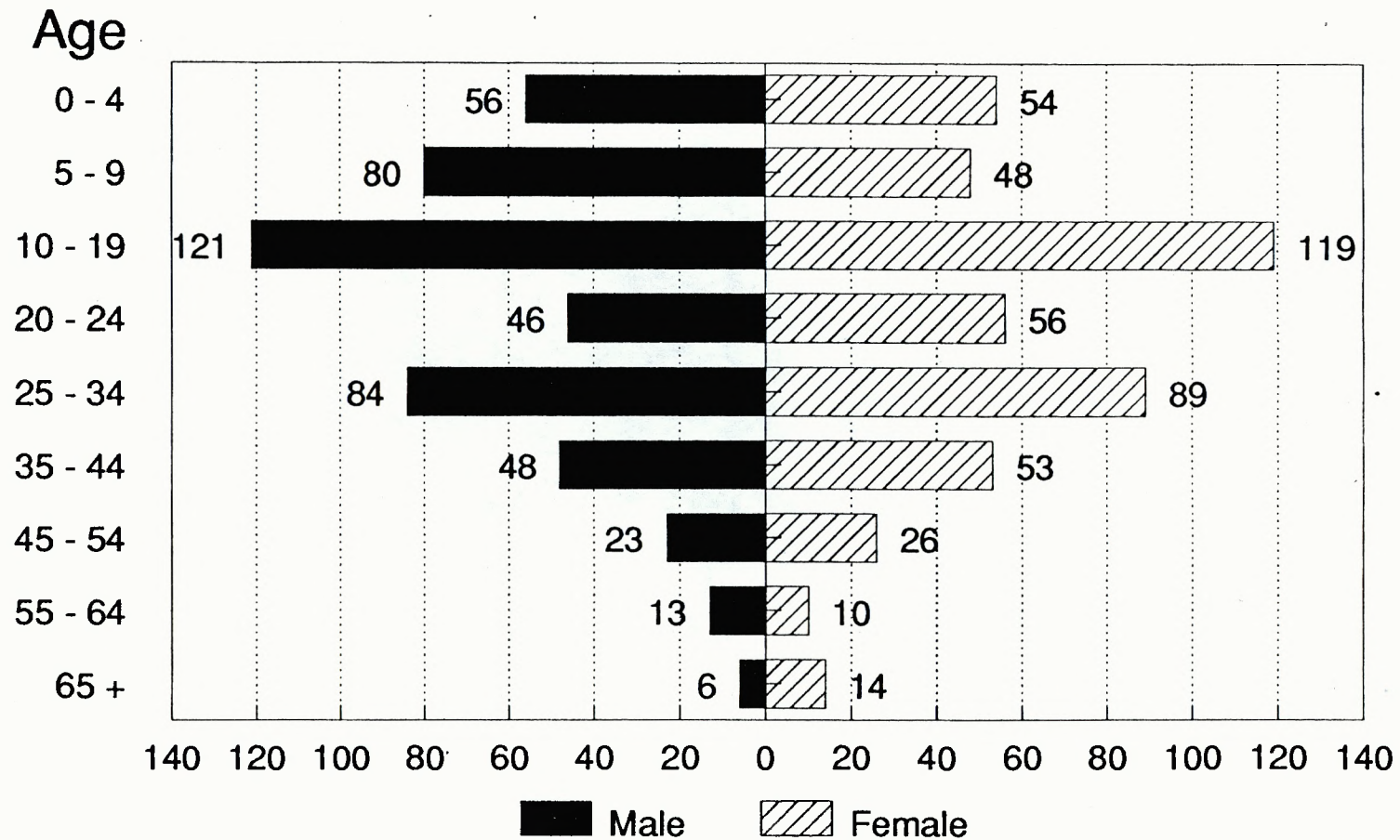
1976-1988



Source: Indian Register, 1976-1988

Figure 2

Total Tribe Population By Age and Sex

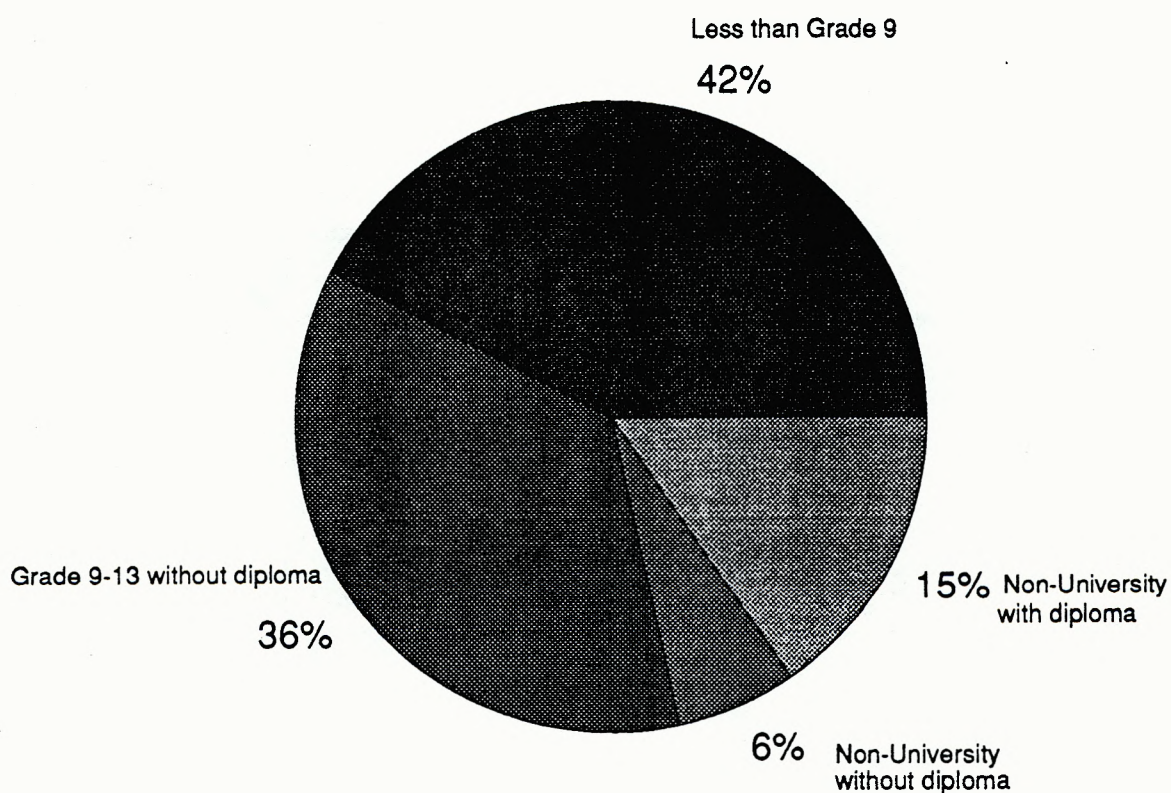


Source: Indian Register

Figure 4

ON-RESERVE EDUCATION STATISTICS

POPULATION 15 YEARS AND OVER



Source: 1981 Census 20% Sample

2.2.3 Housing

According to the 1987/88 regional community profile, the number of houses on the reserve was 144 for a population of 580. This number indicates that there were about 2.5 persons per house. Although there has not been any new housing construction in the past two years, upgrading and renovation of approximately 44 houses has occurred. The community maintains its own water supply, treatment and distribution system, electricity to homes, sewer system and sewage treatment, garbage collection, telephone service, and a good road system.

2.3 Economic Activities

2.3.1 Labour Force Data

The number of individuals who listed an occupation in the 1981 Census was 75, of which 55 (73 per cent) were male and 20 (27 per cent) were female. Principal occupational groups were construction (47 per cent of total); technical, social, religious, art (13 per cent of total); and primary occupations (13 per cent of total). In the 1981 Census, the only unemployment rate listed was for men 25 years of age and over, which was 16.7%. Table 2 provides a detailed description of the major occupational categories for Alexander by sex.

Figure 5 indicates that 75 individuals participated in the labour force in 1981, that is, 44 per cent of the population age 15 and over. Only 5 of the 75 individuals were unemployed (7 per cent).

2.3.2 Current Economic Activity

Residents of Alexander derive their incomes from a variety of sources, with the largest employer being the Band administration. Approximately 80 people are employed directly by the Tribe, including those employed by the school and the Tribe-owned farm. Another 50 to 55 people work off-reserve in a variety of capacities: provincial departments, municipal government, construction. Other sources of on-reserve revenue include on-reserve businesses like the convenience store, video arcade and rental, and a driving range; private farming; construction; training programs such as those offered by the provincial department of Fish and Wildlife and the Yellowhead Tribal Council; and seasonal

TABLE 2
MAJOR OCCUPATIONAL GROUPS AT ALEXANDER BY SEX

Employment Group	Total	Male	Female
Technical, Social, Religious, Art	10	10	0
Primary Occupations	10	10	0
Construction	35	35	0
Managerial, Admin.	5	0	5
Teaching, related	5	0	5
Medical, Health	5	0	5
Service Occupations	5	0	5
TOTAL	75	55	20

Source: 1981 Census 20% Sample

LABOUR FORCE STATISTICS OF ON-RESERVE POPULATION 15 YEARS OF AGE AND OVER

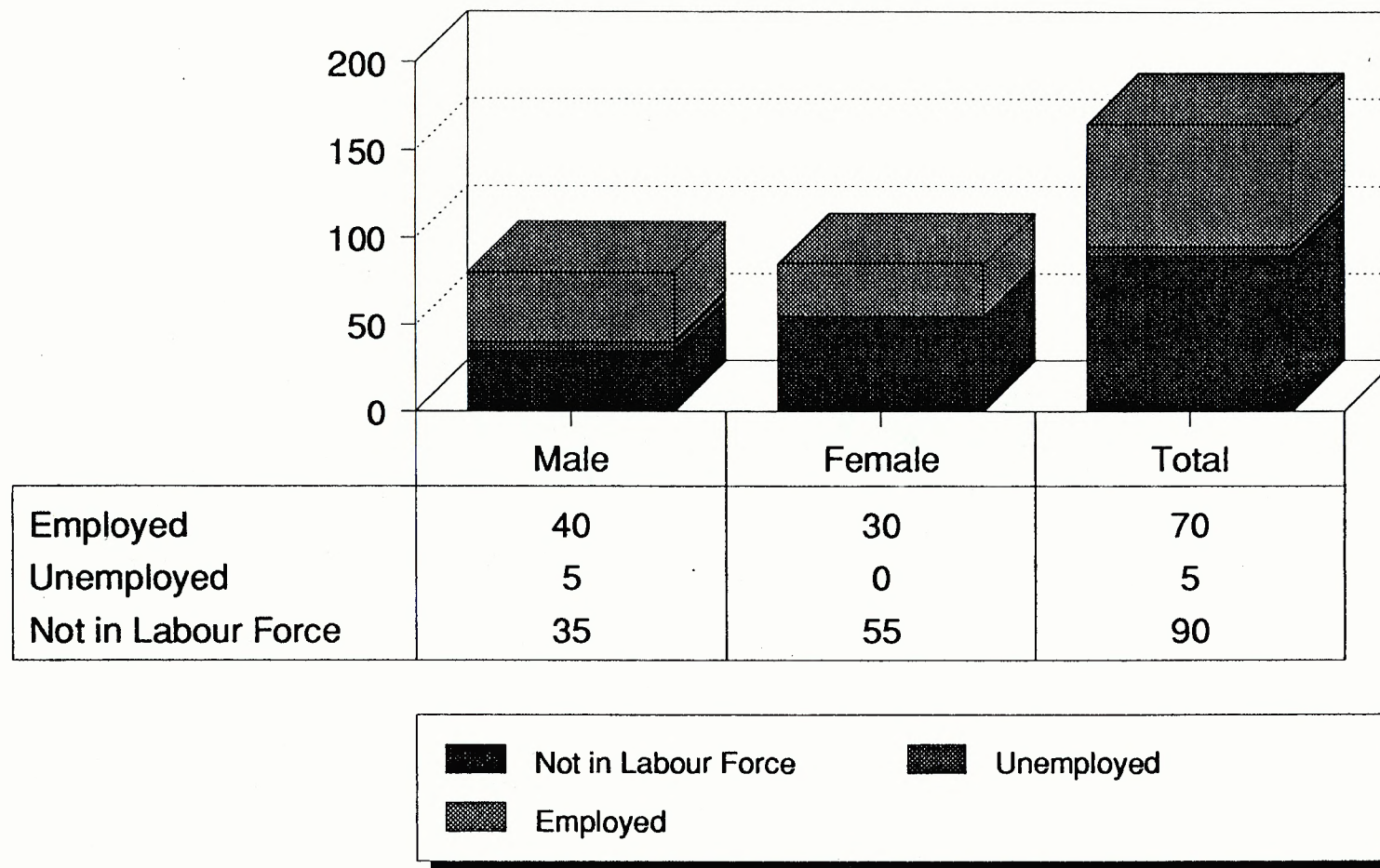


Figure 5

Source: 1981 Census 20% Sample

employment such as trapping, fire-fighting, brushing, etc. The Tribe itself also obtains some income from land-lease payments, gas revenue, crop shares and surface leases.

In an attempt to address the chronic problem of lack of suitable business facilities on-reserve, the Council established the Kipohtakaw Development Corporation to provide facilities and assistance to individuals wishing to start an on-reserve business. This corporation is wholly owned by the Tribal government but does not receive any tribal contributions. It is directed by the Chief and Council and employs 12 people.

2.4 Employment Opportunities

The interviews indicated that as far as on-reserve employment is concerned, the market is saturated at this point. Alexander has therefore been trying to encourage new businesses to create more employment opportunities. However, the economic priorities of the community have shifted from simply increasing job opportunities to creating wealth in the form of profit. This was the spirit behind the creation of the Kipohtakaw Development Corporation. The creation of social oriented businesses was not having the desired effect of enhancing economic self-sufficiency; a shift toward wealth-creating businesses was seen as a better means of serving the community in the long term. It is recognized that self-sufficiency will be enhanced by self-government; however it is also realized that this cannot be achieved if the community is dependent on federal government funding. As a result, Alexander is attempting to reduce this dependence by fostering indigenous businesses. This can be achieved by developing a long-range economic development strategy that would be negotiated with the federal and provincial governments.

An example of the type of business venture proposed is a golf course on the reserve. The project design stage is nearing completion, and construction is expected to start in the near future on this \$2.5 million project which is expected to provide employment and revenues for the community.

2.5 Political Process and Administrative Structure

Before 1987, Alexander was governed by a Chief and Council elected every two years pursuant to the Indian Act. However, in 1987, Alexander adopted an electoral system based on Band custom; the number of councillors was limited to six and their term of office extended to 3 years, and the voting age was raised to 21.

The Tribe's administrative model is a portfolio system; each Councillor is assigned to a program area that is managed by an officer employed by the Tribe. The organization chart (Figure 6) displays the functional areas at Alexander, which include

- Health
- Social Development and Child Welfare
- Economic Development (Kipohtakaw Development Corp.)
- Public Works - O&M
- Capital Projects
- Assistant Administrator (Finance and Personnel)
- Education

An additional functional area is Tribal Government Research, which administers the Self-Government Negotiations process. This unit was established in July 1988 and has 2 full-time staff (Director and Negotiator) 3 part-time staff, legal counsel, a Community Liaison Officer, and support staff. The Director reports directly to the Chief and Council.

The Chief is responsible for the administration of the Tribe, developing policy with the Council and providing leadership to the community. The Band Council is directly accountable to the Chief, who in turn is accountable to the membership. Reporting directly to the Chief and Council is the Tribe Administrator, who is responsible for the administration of programs. Finance and Personnel activities are handled by an Assistant Administrator who reports to the Tribe Administrator.

In April 1988, Alexander implemented a new management system based on the traditional concept of the Medicine Wheel. The Council used a system of committees, each submitting reports to the Council on its area of responsibility. These committees included

- Recreation
- Health
- Child Care
- Foster Care
- Culture
- Planning Board
- Education
- Housing Authority Board
- Elders Advisory Board
- Elders Senate
- Membership Board

The Alexander Tribe

Political Structure

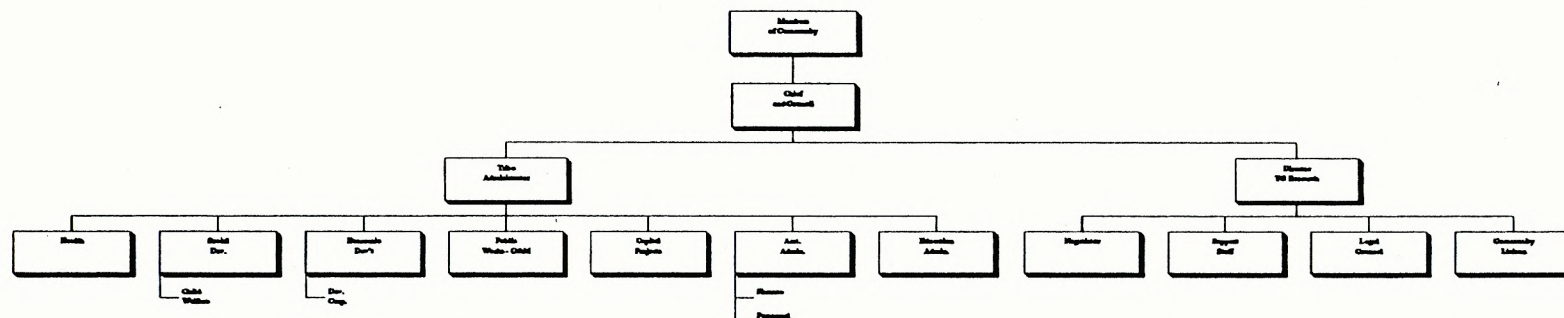


Figure 6

Source: Interviews Dec./89

In addition, there were 5 program areas: Education, Social Development, Public Works, Economic Development, and Administration. The managers of each program would submit the goals and budgets of their programs to the Council and would meet monthly with the Tribe Administrator to discuss activities and any financial difficulties. Quarterly program reviews were conducted by Council to determine program status with regard to activities and finances.

This system proved cumbersome, however, as the committee system was not as responsive to the community as the portfolio system had been. It was not clear to the membership where to voice their concerns. In 1989, the Council returned to the portfolio system of management.

2.5.1 Financial Evolution

In the past, Alexander has administered various departmental programs under contribution agreements. The total program budget for fiscal year 1988/89 was \$3.21 million. In addition, the Tribe's trust fund balance shows a capital current balance of \$74 million and a revenue current balance of \$7.6 million. The projected cumulative deficit for 1988/89 was \$210,000; however the Department has indicated this figure may be only \$76,658.

A financial management plan was implemented in 1987 as a result of a qualified audit showing a deficit of \$199,761 (fiscal year 1986/87). March 31, 1990 is the projected target date for reducing the deficit; however the financial management plan is slated for revision in January 1990 as Alexander is expected to sign an Alternative Funding Arrangement (AFA) by that time. The AFA will allow for more flexible funding, although it will not result in more funding for the Tribe.

Interviews suggest that the SGN process has put financial pressure on the tribe, resulting in a deficit of about \$160,000 for self-government alone. At this point it is not clear how this figure relates to the total cumulative deficit.

2.5.2 Programs Administered by Alexander

Health

The health program on the reserve is still run largely by the Medical Services Branch of Health and Welfare; however the Tribe is attempting to obtain a transfer of services to local

control. A community health care program administered by the Tribe employs two health representatives. The nearest hospital is 25 miles away, and the reserve is 11 miles from a doctor and a dentist. A doctor holds a clinic on the reserve once a week.

Social Development and Child Welfare

The province of Alberta operates most of the child care programs available to the Tribe, including voluntary care, protective care, and adoption. Other agencies provide preventative and other protective care programs applicable to the Tribe. Alexander employs three alcohol rehabilitation counsellors and a social worker on-reserve as part of the social development program.

Economic Development

The objective of the economic development program is to establish on-reserve businesses, thereby increasing employment opportunities and generating wealth for the community. The main vehicle for achieving these goals is the Kipohtakaw Development Corporation. The corporation is wholly owned by the Tribe but is a separate legal entity that is self-financing. Its Board of Directors, consisting of the Chief and Council, is responsible for the policies of the corporation. The corporation serves as a consultant for the community on business matters, developing strategies and business plans for prospective businesses.

Public Works and Capital Projects

The public works O&M program is responsible for the maintenance of all new and existing capital construction. Included in it is the housing program which builds, renovates and upgrades houses on the reserve. Water and waste water services are provided to all houses and are maintained under a maintenance management system. The capital projects program manages all new construction and ensures that the relevant health and safety regulations are enforced. Capital projects are referred to the public works program for O&M after they are completed. Both programs are involved in short-term capital planning, while long-term planning involves the entire Tribe Administration.

Education

The Kipohtakaw Education Centre, a locally-controlled education program, was established in 1982. It has developed a holistic and highly individualized education program that uses recent child development research and culturally based values and practices to create a unique and effective program. The program emphasizes early language acquisition, parental involvement and support, positive psycho-physiological measures, value-centred learning, practical relevance, a culturally integrated curriculum, and linkages with other agencies in the community. Currently it provides education from day care to grade 12 as well as an adult education component. The Centre is run by an executive director who reports to a board of directors. In addition to the teaching staff, the Centre employs two vice-principals, a research and development officer, an adult education co-ordinator, a day care co-ordinator, a co-ordinator of the job entry program, and maintenance personnel.

3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS

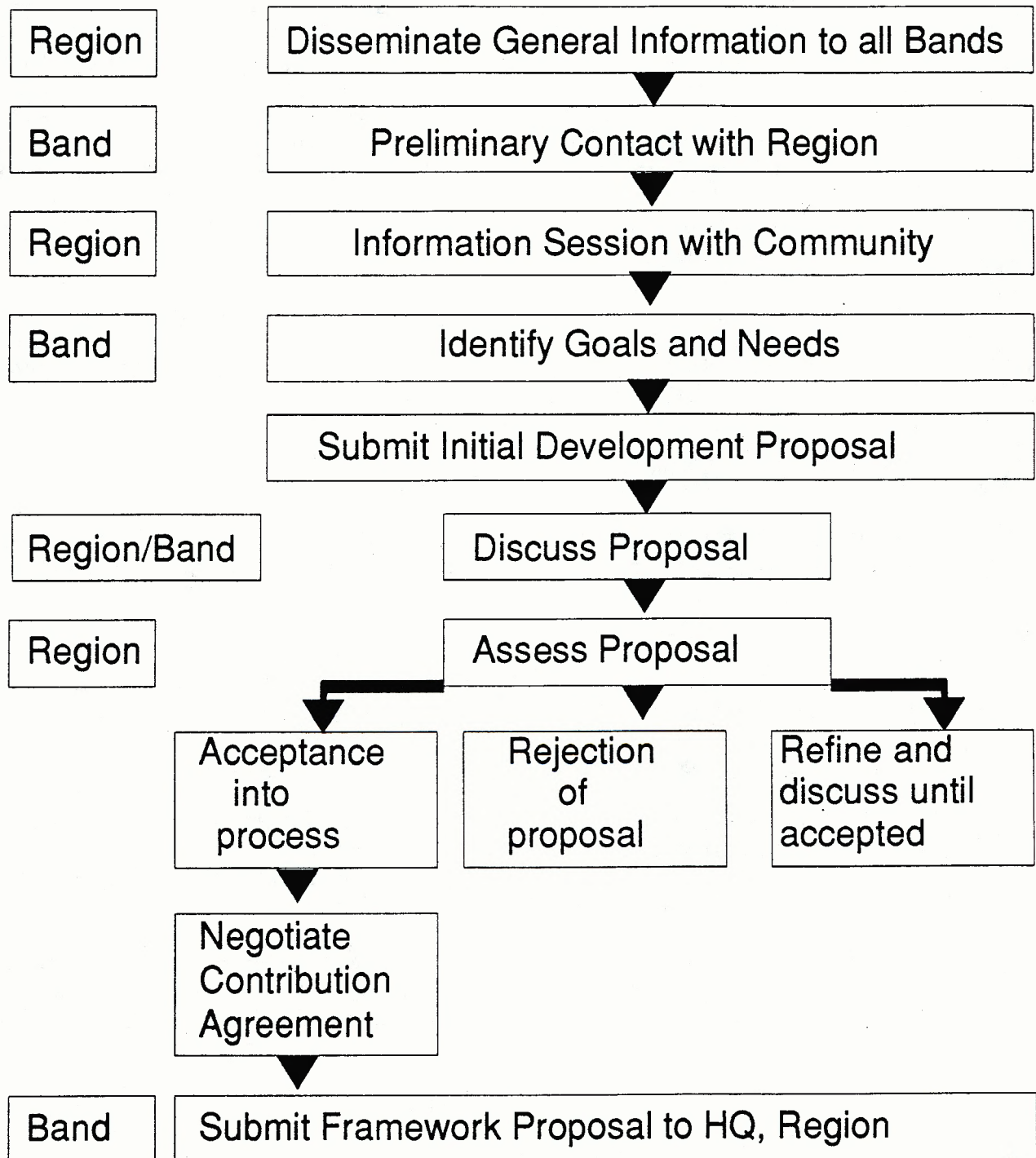
This section illustrates the SGN process in the Alberta Region as well as the process at Alexander. The community had submitted a proposal for self-government in 1985 on the assumption that an ISG policy was imminent. They were advised at that time that a policy was being developed.

3.1 Alberta Region SGN Unit Organization and Process

The Alberta SGN unit is currently under reorganization. Two PY's will be responsible for SGN and under the direction of the Director, Executive Secretariat and Self-Government. Also, AFA will be transferred to the Band Support and Capital Management Directorate. Figure 7 outlines these responsibilities as seen by the Region as well as those of the community.

In the sections that follow, findings are presented along with a description of the process followed by Alexander. Major observations about each phase appear at the head of the relevant section.

FIGURE 7
SGN PROCESS IN THE ALBERTA REGION



3.2 Planning and Development of Community-Based Self Government

In January 1985, Alexander submitted an Initial Proposal for Self-Government to DIAND as a reaction to the First Ministers' Conferences on Aboriginal Constitutional Matters (established in 1982). At that time, the federal government indicated that there was a need to identify self-government options. Alexander therefore submitted a number of options they considered appropriate for their community, including an outline of the different arrangements they saw as feasible both within and outside the Indian Act. At that time, they were informed by DIAND that no policy or process existed to deal with the proposal but that there would be one in the near future.

3.2.1 Community Consultation and Preparatory Work

- **Information and advice received from the Department were adequate.**
- **More resources were required to continue research.**
- **Community consultation process established to research and develop forms of self-government.**

Alexander submitted their Initial Development Proposal to the Region in July 1986. It outlined Alexander's desire to work toward "determination of its own destiny" through processes of local control and responsibility in a "holistic" manner. Their objective in the self-government process was to achieve a form of government that would recognize holism, cultural realities and consensus consultation as essential in every institution and program area. In this proposal, Alexander addressed the seven elements required by the policy and discussed alternatives available to achieve their goals. Also outlined in this document was the process Alexander wished to follow into research and develop of a self-government arrangement. Methods of communicating with members were also described; they included community meetings, newsletters, personal discussions, and broadcast transmissions.

3.2.1.1 Information Dissemination

Alexander received funds through a contribution agreement to research and develop a framework proposal and also to look at other options. They did not receive an information package from the Region but did receive advice and information from the Department. Much of the information they acquired on their own by visiting the Sechelt and Cree-Naskapi communities and by talking to Indian institutions like the AFN. The information was deemed adequate; however, the Tribe would have preferred to have more resources to continue this research. In addition, at this stage of the research, Alexander recognized the need for legal advice to answer technical questions. They were told that at this stage, resources were not available for this purpose. The main criticism of this stage was that resources were too limited to deal with demands placed on the community.

3.2.1.2 Community Views on SGN Process

The Initial Development Proposal was designed to meet the policy parameters set out by the Department; however, the community was not yet at the stage of completely understanding what was required under the SGN process. The main concerns of the community were based on achieving autonomy in the areas of finances and service delivery. It was evident that the community needed more information if they were to proceed.

To address this problem, a committee structure was established with the aim of involving as many people as possible in the process. Twenty-six committees were struck, involving 200 to 300 people, whose role it was to meet on various issues and present proposals to the Council. The work of these committees formed the basis of the development proposal.

In addition, at this stage a Family Group Representative Committee was struck (composed of 12 to 14 people) whose mandate was to represent the community's opinion from the perspective of the family groups. Their role was to examine and discuss the issues and make reports to the Chief and Council.

The major strength of this step was that a wide cross-section of people were involved in the process, resulting in more community awareness and knowledge regarding self-

government. Criticisms revolved around the issue of resources, which were seen as inadequate to allow this stage to continue.

3.2.2 Preliminary Assessment

- **No formal assessment occurred because of the newness of the policy.**
- **Regional criteria same as for AFA.**

Alexander was accepted into the process in July 1986 following submission of the Initial Development Proposal. Interviews with the Tribe indicate that, to their knowledge, their Proposal was not formally assessed by the Region, although they were considered appropriate candidates for the process. Alexander was told that although the self-government policy existed, formal criteria had still not been fully developed to assess bands; because the policy was relatively new, the various vehicles for its implementation were still in the developmental stage.

At this stage there was good communication between the Region and Alexander. The department assisted with the preparation of document and in making the necessary changes to the proposal; this was viewed as helpful. No major changes were required in the proposal, although Alexander had to formalize the documents and add a work plan. The creation of specific timeframes was an area of concern for the community because of their emphasis on strong community consultation. Their view was that the setting of timetables was an externally imposed pressure that ran counter to the philosophy of advancing only when the community felt ready.

3.2.3 Framework Negotiations

- **Workshops were a useful tool for informing and gathering the views of members.**

- The opportunity for extensive research and consultation at the community level was seen as a strength.
- Concerns about the loss of treaty rights were prevalent among community members.
- Delays in process because of community concerns.
- Necessity of signing formal Framework Agreement questioned.

In October 1986, a contribution agreement was signed for \$60,000 for the development of a framework proposal. This step included identification of the authorities sought as well as an outline of the goals and objectives of each program area. At this stage, Alexander established a community consultation and awareness process involving meetings between elders, students and program managers to discuss elements of the proposal. The major concern expressed by the community at this time was the loss of treaty rights as a result of the SGN process.

During October and November, a series of information workshops was held with the community dealing with all sections of the Indian Act. This was an attempt to generate a positive attitude about self-government and to get people feeling comfortable with the concept.

In December 1986, a self-government report was sent to the Region identifying what self-government meant for Alexander. The report explained that the Tribe viewed the process as one of achieving self-administration rather than self-government. The document also outlined Alexander's need for community consultation to allow its members to develop a common understanding of self-government and accept a framework proposal.

At the end of 1986, Alexander held a Tribal government development workshop to allow for the expression of community concerns. At the forefront of people's minds was the protection of treaty rights.

In January of 1987, Alexander received bridge funding of \$40,000 to reach the framework agreement stage. At this point, April 1987 was set as the target date for signing a framework agreement.

In February of that year, the Tribe requested clarification from the Department regarding the relationship between treaty rights and the SGN process. They received word from the ADM assuring them that the process did not affect their treaty rights. At this time the community also held another workshop on the Indian Act.

In April 1987 Alexander drafted a Pre-Framework Agreement work plan outlining the number of submissions required along with the timeframes. The Tribe agreed to submit proposals on the specific areas of jurisdiction sought. These submissions were to come in the form of a constitution, which would serve as the basis for the framework agreement. The target date was set for September 1987.

Bridge funding in the amount of \$20,000 was provided in June of that year for the completion of the framework agreement.

Alexander submitted its draft constitution in September 1987. It included all the essential elements for discussion as well as a work plan outlining the steps required to complete the framework agreement. The process was set back at this point by a Tribe election that occurred on September 14, 1987. In this election Alexander used Band custom electoral procedures as opposed to Indian Act regulations. As a result, the Department declared the new Band Council illegitimate and refused to enter into any contribution agreements until a legitimate council was elected. The situation was rectified when it was agreed that the electoral system would be an issue to be negotiated in the framework negotiations.

The process continued, and on October 2, 1987, the Department's draft discussion paper was sent to Alexander. The target signing date was now December 1987.

In November the Tribe and the Department met to discuss the terminology of the framework agreement. Problems had arisen with the use of the term "self-government", as it was the opinion of the community that the term self-government should be reserved for constitutional discussions and that a more appropriate term would be tribal government. In

more appropriate term would be tribal government. In addition, community support for the term "framework agreement" was waning, as it was seen to mean that an agreement had already been signed without the consent of the community. To rectify this situation, it was agreed that the wording of the framework agreement would be changed to reflect these concerns. In all documentation, the term "self-government" was to be replaced by "tribal government", and the framework agreement was entitled "An Agreement on an Agenda and Process for the Research, Development and Negotiation of an Agreement-In-Principle on Indian Government Arrangements".

The Tribe also expressed the need for more time for community consultation, so the target date was changed to March 1988. Alexander also tabled a paper entitled "Accommodation". This document outlined the community's concerns about treaty rights being affected while also asking that new policies and regulations enacted by DIAND not be automatically applicable to Alexander while they were in the process. This, they argued, would act as proof that the government was serious about allowing the Tribe to govern itself.

From January to May of 1988 comments and changes were incorporated in the framework agreement. By July, a Tribal Council Resolution confirmed community support for the framework agreement, and a contribution agreement was signed in the amount of \$350,000 for each of the next two years. Alexander also set up a Tribal Government Development Office to begin the process of negotiation and to ensure that all necessary work was on schedule.

In September 1988 the framework agreement received Executive Committee approval, and in October the Inter-departmental Steering Committee ratified the agreement.

On May 23, 1989 Alexander signed its Framework Agreement along with a Memorandum of Understanding to facilitate discussion on an Agreement-in-Principle. The Framework Agreement sets out the elements to be negotiated, while the MoU lays out the process and agenda for negotiations. The signing date was pushed back to May 1989 because of delays related to the official signing ceremony.

3.2.3.1 Workshops

Throughout this process, Alexander participated in a number of workshops at the community level and at a national level. Community workshops were held with the assistance of DIAND, while the national ones were sponsored by institutions such as the University of British Columbia and the AFN.

The objectives of the community workshops were to provide members with information on self-government and how it relates to subjects such as treaty rights and the Indian Act. The emphasis was on these two areas as they were the sources of greatest concern and confusion. Alexander is still attempting to inform its members about how self-government fits in with treaty rights and existing authorities, as a clear understanding of this is necessary if the community is to make decisions about its future.

The objective of the national workshops was to provide people with a global perspective on self-government and other Indian issues. They also served to assure the community that other groups were looking at self-government and allowed them to talk to other people in similar situations. These workshops allowed Alexander to establish a resource base of information and contacts relating to self-government.

The greatest strength of the community workshops was that they allowed for information to be disseminated throughout the community, thus increasing the knowledge base of members. Workshops also provided an opportunity for people to participate in the decision-making process, which was seen as a step toward determining their own future. There was evidence that the workshops were having their desired effect, as the type of questions being asked by members indicated an increased understanding and knowledge of the issues.

The biggest problem with the workshops was that for members to participate fully, they required a vast amount of knowledge on a variety of issues. This was most significant in the earlier workshops, where it was clear that the community needed basic information if they were to ask useful questions. There were also administrative problems in that Tribe offices had to be closed for the duration of the

workshops to permit full community participation. In addition, the need for outside people to be involved was viewed as a disadvantage; it was hoped that as the knowledge of the community grew, this would no longer be necessary.

In general, the workshops were viewed as a useful step in the process as they provided for the dissemination of a range of information. They gave clarity with regard to certain issues crucial for the self-government process and provided a forum for the community to express its concerns to its leaders.

3.2.3.2 Issues for Negotiation

Alexander's Framework Agreement consists of:

- evidence of support for the agreement
- the discussion paper
- the parameters for community negotiations
- agendas and timeframes
- an operating budget

Table 3 provides a summary of the 19 areas of jurisdiction over which the tribe wishes to exercise authority.

TABLE 3
ISSUES FOR NEGOTIATION

ISSUE	SPECIFIC CONCERNS
1. Status and Legal Capacity	- wants recognition as a government with the authorities and responsibilities to act in its own right. The legal capacity will not be inconsistent with maintaining its special relationship with the federal government. Will act through a tribal council in exercising its duties and functions.
2. Institutions of Government	- proposes to reorganize its government by establishing a legislative body of elected representatives along the lines of the present Chief and Council, and an appointed body of Elders to act as advisers.
3. Financial Accountability	- proposed that the Council and administration be accountable to the membership for financial expenditures through an annual audit with quarterly reports.
4. Elections	- proposes changes that include longer terms of office; fewer councillors than provided for in the <u>Indian Act</u> ; a prohibition against candidates running for both Chief and councillor positions; and an eligible voting age of twenty-one.
5. Membership	- proposes provisions to grant membership to those entitled to be on Alexander Tribal Registry immediately prior to the enactment of the constitution. Alexander proposes to create a Tribal Membership Board with representatives from each family group.

6. Land Management - Alexander proposes to establish three categories of land, each with different arrangements for title and management authorities.
7. Renewable Resources - Alexander proposes to manage hunting, fishing, trapping and lumbering through the issuance of permits, setting of quotas and enforcement of laws in accordance with customary practices.
8. Non-renewable Resources - the objective is to increase the level of management control over all non-renewable resources on reserve. The involvement of the federal government has not been developed.
9. Water Rights - Alexander wishes to seek recognition of a legal interest in water in a lake contiguous to the reserve in order that it may negotiate a deal with other affected parties to control pollution of the lake.
10. Financial Arrangements - Alexander wishes to negotiate a financial arrangement that offers more flexibility in the allocation of resources, is more directly responsible to the membership according to its own standards, and has the ability to acquire and control fiscal resources.
11. Taxation - no definite proposal on taxation, but user fees are contemplated for certain services.
12. Education - Alexander wishes to secure legislative authority over education in order to design and administer education programming for all levels; set curriculum standards; certify teachers; control finances; and receive formal recognition by governmental authorities.

- 13. Health - the objective is to reorganize all health and social development programs under one management structure.
- 14. Social and Welfare Services - Alexander wishes to negotiate new authorities and arrangements to improve the design and delivery of current programs to meet community needs better.
- 15. Telecommunications - proposes to manage all telecommunications on reserve within the guidelines of the CRTC.
- 16. Business - proposes to develop its own arrangements concerning private businesses operating on-reserve.
- 17. Labour - Alexander wants to regulate labour relations on reserve.
- 18. Economic Development - Alexander wishes to increase its management capacity and its ability to obtain financial resources to drive the economy.
- 19. Public Works - Alexander wants community services to be delivered more effectively to meet community needs. It also wants to develop health and safety standards related to current standards.

3.2.3.3 Information, Resources and Consultation

The resources provided, both financial and physical, were considered adequate; however the Tribe would have preferred to continue research with the money rather than using it to sign a Framework Agreement. Government involvement was useful in providing the federal perspective and outlining the parameters for negotiation. Most contact at this stage was with the Region (weekly meetings), while meetings with Headquarters occurred approximately 2 or 3 times per month.

The information provided by HQ consisted mainly of clarification of issues and terms to be used in the formal agreement. As well, meetings took place to go over the discussion paper.

During this time, the role of the Family Group Representative Committee was to refine proposals and documents. Extensive community discussions took place on all the subjects for negotiation, and questions were answered within each subject area.

3.2.3.4 Ratification

The Framework Agreement was ratified by a Tribal Council Resolution on July 14, 1988. It was felt that a referendum at this stage of the process would be premature, as it might cause fear in the community that what they were voting on was the self-government agreement itself.

The process for ratification of the Agreement-in-Principle is a referendum to be held in accordance with the Indian Referendum Regulations.

3.2.3.5 Strengths and Weaknesses of Framework Negotiations Stage

The major strength of this step was the opportunity it gave the community to identify and clarify the issues it wished to negotiate. Government funding allowed for research into many aspects of self-government and community needs, thus serving to define the terms and parameters for negotiation. Although the community would have liked to continue with this stage for a longer period, both the Tribe and the Department saw it as an essential step in clarifying issues.

Another essential part of this stage was the community consultation mechanisms established by Alexander. The workshops and meetings allowed community members to discuss all the elements of self-government and ask questions of their leaders. This was an important opportunity for the leadership to receive feedback from the community on specific as well as general issues such as treaty rights. In addition, the Family Group Representative Committee allowed for intensive discussions on each specific element to be negotiated.

As well as allowing the community to voice their concerns, this stage also enabled members to gain a better understanding of what a self-government arrangement would look like. The clear documentation on the elements for negotiation allowed for a better understanding of what was approved in the Framework Agreement.

The greatest weakness of this stage was the amount of emphasis placed on the signing of the agreement. The media attention surrounding the signing of Alexander's Framework Agreement set back the process by six months to a year, as it caused great concern within the community. The community believed that they were signing a self-government agreement rather than an agreement to negotiate. It was recognized by those interviewed that there is a need for publicity; however it was emphasized that this must be accurate to avoid misleading the community and the general public.

Although it was recognized as an essential step, there was some question about the necessity of signing a formal agreement to negotiate. The interviews suggest that perhaps the time could have better been spent allowing the community to continue its research into the specific elements. The requirement to sign a formal agreement created a time pressure that did not necessarily coincide with the pace at which the community preferred to proceed.

3.3 Self-Government Negotiations

3.3.1 Substantive Negotiations

- **Process disjointed and delayed.**
- **Pace of step considered too fast.**
- **The tying of funds to outputs seen as inappropriate.**

The work plan agreed to in the Framework Agreement outlined the steps required for Alexander and the Department to reach an Agreement-in-Principle by March 31, 1990. Because Alexander was the first community to enter this stage, it was given an extension of the timeframe set out in the policy for substantive negotiations. A contribution agreement was signed in June 1988 in the amount of \$350,000 for each of the following two years for the preparation of proposals. It was agreed that working papers

options and questions on the first seven elements would be submitted. A response from the Department would then be sent back to the Tribe, who would prepare the proposals to be negotiated and incorporated in the Agreement-in-Principle. The release of money was contingent on the proposals being submitted according to the timetable set out in the work plan.

According to the original schedule, the first proposal was to be submitted to the negotiator by July 15, 1988. However, by January of 1989, negotiations had not yet begun. The Department indicated to the community that unless negotiations began, funding for the preparation of the papers would be frozen. This action caused the process to be delayed as it raised various concerns at the community level. The Tribe felt that the March 1990 deadline was not realistic and wanted an amendment of the contribution agreement to reflect this. There was concern that the Department was pushing the community in a process that was supposed to be community-driven. In addition, there was confusion about the reporting mechanisms for that activity; financial reports were to be given to the Region, yet the Tribe preferred that they go to HQ. This issue was resolved, but the question of pace was not, thus putting the process on hold.

By the end of May 1989, Alexander and the Department had agreed on another work plan that reflected some of the Tribe's concerns about timing. This work plan committed the Tribe to submitting six working papers and six proposals by October 31, 1989. However, the problem with funding arrangements remained, in that they appeared to be inflexible beyond the March 1990 deadline. The Tribe felt that the funds had been committed before the timeframes had been properly estimated. In addition, the tying of funds to the submission of proposals was viewed as inappropriate because it left the Tribe in a difficult cash flow position with respect to the preparation of the working papers.

As of July 1989, the process was once again on hold. The Tribe wanted an amendment to the contribution agreement to reflect the fact that the community did not feel prepared to table any proposals. As well, they asked that funding be tied to the submission of working papers, not proposals. Other requests were that contribution agreements be administered through the Region and that the Framework Agreement be translated into Cree.

The Department's response has been cautious; the Department has indicated that the contribution agreement did not go beyond 1989/90 but that an extension could be sought. This would not mean more funds but rather a reallocation of current funding. In addition, the tying of funding could not be changed. As for the regional administration of contribution agreements and the translation of the Framework Agreement, both requests were denied.

The Department has maintained through this process that they are aware of the Tribe's concerns and have attempted to deal with them, bearing in mind that the process is new and the need to avoid jeopardizing progress so far. The Department is aware that the process must be community-driven if it is to be successful and accepted. As a result, in response to the problems identified above, the Department decided to continue providing core funding to Alexander while encouraging them to submit their proposals.

In November 1989, the Department offered to extend the work plan into 1990/91 and deal with three working papers this fiscal year. Alexander refused this suggestion, and by the date of the case study (December 4-7, 1989), all six working papers had been submitted. The Tribe is now requesting that funding be released before they agree to participate in negotiations. The Tribe also indicated that five proposals will be tabled before January 1990. Criticisms from the Tribe centre around the fact that the Department has been slow in responding to their working papers and that the slow pace of the process is therefore not attributable solely to the Tribe. In addition, the Tribe believes that the Department is making funding an issue when the community still has fundamental concerns about the relationship between the self-government process and treaty rights.

3.3.1.1 Strengths and Weaknesses of the Substantive Negotiations Stage

The greatest strength of this step for Alexander has been that despite problems that have arisen throughout the process, the Tribe and Department have had a good relationship. The Department has responded to the working papers, albeit more slowly than Alexander might have wished. Generally, the concerns and questions of the community have been answered by the federal government

in an adequate manner. In addition, the resources provided for this stage were fairly adequate, although the manner in which they were distributed was questioned.

The major weakness of this step from the perspective of Alexander was the fact that funding was tied to the submission of proposals. Making funding contingent on outputs was viewed as an imposed method of negotiating and was not the way Alexander wished to conduct its negotiations. The Tribe believes that funding is necessary for the preparation of working papers and should therefore be released at the outset. They suggested that a funding mechanism such as grants be used instead of contribution agreements but were informed that this was not possible. As a result of funding arrangements, Alexander has had to reduce significantly the number of staff working on tribal government research and has incurred a debt of \$160,000 for tribal government research alone.

A second weakness is related to the pace of the negotiations. It was felt that the pace did not reflect the community's priorities. It was the opinion of the community that decisions as significant as those required under the SGN process should not be made under rigid time constraints. The decision-making process established at Alexander is one that demands time; time must therefore be accorded to the Tribe if the process is to be truly community-driven. Alexander is concerned that if the process is to have long-term benefits for the Tribe, they must not be pushed into making decisions before they are ready.

3.4 Implementation

To date, formal implementation strategies have not been discussed, as Alexander has not yet signed an Agreement-in-Principle. The Tribe has developed some design concepts of the elements for negotiation; however serious consideration of implementation strategies is not on the immediate agenda. The Tribe has said that more emphasis will be placed on this when negotiations begin on the service-oriented elements. Again the Tribe stresses that this step will require a significant amount of time and have estimated that it may take between 3 and 5 years for full implementation to occur.

3.5 Resources, Funding Procedures, and Audit

Throughout the process, funding has been provided for the research, development and negotiation stages according to mutually acceptable contribution agreements. Under these agreements, the Tribe has had to provide detailed budgets and cash flow documentation. Table 4 summarizes the funding chronology for the SGN process since October 1986.

TABLE 4

Funding and Nature of SGN Contributions to Alexander

Date of Contribution	Level of Funding	Source	Purpose
October 1986	\$60,000	HQ	Developmental work
1986/87	\$43,000	HQ	Amendment
January 1987	\$40,000	HQ	Bridge funding
June 1987	\$20,000	HQ	Bridge funding
1987/88	\$35,000	HQ	F r a m e w o r k Agreement
March 1987	\$3000	HQ	Amendment
July 1988	\$350,000	HQ	S u b s t a n t i v e Negotiations
1989/90	\$350,000	HQ	Negotiations*
March 1989	\$7000	HQ	Amendment
TOTAL FUNDS ALLOTTED	\$908,000		

* Not all 1989/90 funds have been released because of delays in the submission of proposals.

4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT

An assessment of the short-term effects of the SGN process at Alexander is outlined below.

4.1 Band Management Capacity

- **Increased accountability of Band Management.**
- **More community participation in Program design.**

The self-government process has had the effect of making Band Management more accountable for their program areas as well as to the community. The process has meant that managers have had to do more long-range planning and research in their program areas in order to determine which items should be negotiated. Because of the real possibility that Alexander will administer virtually all programs, Band Management has had to identify the goals and issues surrounding each program very carefully. Central to this process of examining program objectives has been the community, which has had a more active role in determining how the programs will be administered. The community consultation mechanisms established under the process have provided a forum for members to become actively involved in determining what programs will look like in the future. This has required a fundamental change in the way Band Management operates as program directors have had to recognize that self-government will mean that programs do not have to be delivered in strict compliance with departmental regulations.

Local decision making is something Alexander has been practicing in their education system for a number of years, and they are therefore using it as a model for self-administration. As a result, they are aware of their capacity to manage program delivery. The lessons learned from that experience have proved valuable and have demonstrated that taking control of programs and decision making is a long process.

4.2 Band Accountability

- **Increased accountability of Chief and Council to community members.**

The accountability of the Chief and Council has been increased significantly by the SGN process. Meetings and workshops held on the issue of self-government provided a outlet for members to express their concerns and ask questions of their political leaders. The knowledge of community members on SGN issues has increased

pressure on the Chief and Council. People are not afraid of standing up in meetings to give opinions and ask questions, forcing the Council to become more aware of their constituents' concerns.

In addition, the type of consultation process established has given community members more access to the Council. The number of committees struck throughout the process has meant that a significant percentage of the population has had direct input to the Council. The creation of these committees itself represents a commitment on the part of the Council to gather community opinions and recommendations and therefore to be accountable to its public.

4.3 Policy Consultation

- **Process has resulted in mutual recognition of the need for greater policy consultation.**

The SGN process has allowed the nature of policy consultation between Alexander and the Department to change. In addition to simply increasing the amount of consultation, the SGN process has allowed Alexander to question specifically each program and policy administered by the Department. This has been necessary, as the nature of the issues for negotiation require that Alexander be familiar with all departmental policy that directly affects them. This process has also resulted in Alexander making a formal request that the Department exempt them from any new policy requirements while they are engaged in the SGN process, as a sign of recognition on the part of the Department that Alexander has the capacity to govern itself.

4.4 The Community

- **SGN process has educated and empowered the community to make decisions regarding its future.**
- **Process has resulted in a formalized community consultation structure.**

Probably the most significant impact of the SGN process on the community has been their increased awareness of a variety of Indian issues. This is seen as a very positive result, as it means that with this knowledge, people will be better equipped to question the appropriateness of their current situation. Without this, change will not be possible.

From the outset, Alexander has emphasized the need for community involvement and has set up internal structures to meet this need. Workshops, committees, and regular community meetings all served to educate the community and empower them to make decisions. This knowledge and consultation structure has made the community better equipped to take control of their future. In fact, it was noted that even if Alexander does not proceed any further in the process, they have formalized their community decision-making and communication structures.

On the negative side of the balance sheet, the SGN process has proved very disruptive for the community and has monopolized the energies of the Tribe for a number of years. Community consensus is very difficult to achieve, especially when dealing with issues as controversial as self-government. There are those in the community who disagree with the direction of the SGN process; the community must attempt to deal with these concerns before signing a final agreement. The process thus far has allowed for divergent opinions to be voiced; it must now allow for resolution to be sought.

5. CONCLUSIONS

5.1 Process

Alexander was the first to enter the SGN process and is now the Tribe that is furthest along in the process. The process has been a learning experience for both the community and the Department. Alexander acknowledges that when practical arrangements do begin to appear, this will facilitate the process for future participants. However, the interviews revealed that some issues could be dealt with now.

It was felt that it was easy to get caught up in the process and lose sight of long-term objectives. For the process to be truly community-driven, bands must be allowed to establish their own processes that reflect their needs and abilities. The parameters for negotiation established in the policy are an example of the imposition of government priorities. Although the policy states that the process is intended to be community-driven, Alexander felt that in practice, it was government-driven. The fear expressed was that the policy is intended to make Indian governments copies of the government of Canada.

Similarly, it was felt that tying funds to the submission of proposals at the substantive negotiations stage is a great weakness of the process. This factor caused much delay and led to cash flow

problems. Alexander indicated that it is carrying a significant debt because of this requirement, and that this has hampered their research.

In addition, the Tribe had trouble with the time constraints imposed by the process, particularly in the latter stages. It was felt that the period specified by the government was not realistic, as the community required much more time than what was allotted. Alexander recognizes that the government needs a time requirement in the process; however, the enormity and importance of the task requires that the community not be pushed. It was noted that Indian communities are being asked to establish a system of governance in 3 to 5 years when it took Canada more than a century to perform the same task. Interviews indicate that if the community feels pushed through the SGN process, they will not accept the agreement in the end.

A final problem concerned the terminology used in the process. It was felt that the term "self-government" is a misnomer and potentially misleading for the community. Much time had to be spent discussing the difference between self-government and self-administration, which is what Alexander is seeking. Many in the community feel that "self-government" is an issue that must be dealt with on a national or constitutional level and is therefore not to be achieved on a community-by-community basis. As well, it was pointed out that self-government is an inherent right and therefore cannot be "granted" to Alexander. As a result, on all documentation, Alexander ensured that the term "tribal government" was used to reflect their view of the intended result of the process.

On a more positive note, it was felt that the opportunity to research and identify the community's goals and needs was a beneficial outcome of the process. The funding provided for this was helpful to the community in setting up consultation structures and researching self-government options. The community feels that it has gained knowledge and experience that will produce permanent positive effects, even if the SGN process is not a complete success.

5.2 Results

Based on the types of questions being asked by Tribe members with regard to self-government, it is apparent that the SGN process has increased members' knowledge of self-government and other Indian issues. The community has become more aware of issues such as constitutional self-government, treaties, the Indian Act and other

existing authorities. This has led to people questioning the need for change while also examining their existing situation. The SGN process has thus served as a catalyst for change, which is generally viewed as a positive result.

The process has also had the effect of improving the administrative and political accountability of Tribe leadership. Managers have had to focus on long-range planning and identifying program and community goals, while the Council has established structures for community involvement. Of particular importance was the Family Group Representative Committee, which has been viewed as a very positive development.

It is generally felt that self-government will have a positive impact on Alexander in that it will enable the community to take more control of its future and enhance its self-sufficiency goals. In addition, it will ensure that decisions are made locally. However, the process has brought out differences in the community regarding the type of self-government that is desired. There are those who believe that any self-government model must be based more closely on traditional values and that the current process is an inappropriate method for achieving that goal.

APPENDIX VI

Southeast Resource Development Council: A Case Study for the Evaluation of Self-Government Process

EXECUTIVE SUMMARY

The purpose of this report is to present the findings of one of four case studies conducted for the evaluation of the Self-Government Negotiations (SGN) Process. This case study deals with the Southeast Resource Development Council (Manitoba Region).

The objective of the case study is to assess the effectiveness of the SGN process and its short-term effects. Based on the findings of the evaluation, recommendations will be made regarding the process and areas for improvement.

The methodology employed was as follows: the community was selected on the basis of experience with the process. Participation was confirmed by letter from DIAND-Evaluation Directorate and through telephone calls from the contractors. Prior to the onsite visit SGN files (both Manitoba Region and Headquarters) were reviewed, and selected SGNB and regional staff interviewed. These file reviews and interviews were undertaken to obtain a preliminary perspective on the Manitoba Region process and the progress at SERDC.

An initial meeting was held with the Political Co-ordinator to review the case study methodology. Authority to review self-government files was obtained and interviews held with the Tribal Director, the Political Co-ordinator, selected program managers, the SERDC SGN Co-ordinator, and Councillors from member Bands. Interviews were conducted on the basis of experience with and participation in the SGN process at SERDC.

The case study found that the Tribal Council's experience with SGN is limited. The officials interviewed felt strongly that a less standardized model and process for achieving self-government would be better suited to their situation, where there are multiple communities at different stages of development. The Council has the unenviable task of having to consolidate differing points of view to satisfy the majority of its members.

It was argued that workshop attendance would have been better and results more meaningful if initial information had been provided in less legalistic language. The Regional SGNB was not involved in the early stages of the Council's process. This could have been avoided if there had been a clearer definition of roles between the Region and Headquarters.

The impact of the process to date is limited. The major impact is heightened awareness and increased dialogue at the Tribal Council and community levels. Although this is not directly attributable to Self-Government Negotiations, the Council has matured in the areas of administration, finance, business management and program delivery. This capacity is important to the ultimate success of a negotiated self-government arrangement for the Council and its members.

Table of Contents

EXECUTIVE SUMMARY

1.	INTRODUCTION	1
1.1	Purpose of the Case Study	1
1.2	Methodology	1
2.	PROFILE OF THE TRIBAL COUNCIL	2
2.1	Mandate and Council Membership	2
2.2	Demographics	3
2.2.1	Population	3
2.2.2	Education	6
2.2.3	Housing and Services by Band	6
2.3	Economic Activities and Employment Opportunities	10
2.3.1	Labour Force Data	10
2.3.2	Economic Activity	11
2.4	Political Process and Administrative Structure	13
2.4.1	Southeast Tribal Division For Schools Inc.	13
2.4.2	Southeast Child and Family Services Inc.	15
2.4.3	Southeast Development Corporation	15
2.4.4	Southeast Resource Development Council Corporation	15
3.	SELF-GOVERNMENT NEGOTIATIONS: PROCESS	15
3.1	Manitoba Region SGN Unit Organization and Process	16
3.2	Planning and Development of Community-Based Self-Government	16
3.2.1	Community Consultation and Preparatory Work	18
3.2.1.1	Information Dissemination	18
3.2.1.2	Feedback on Process	19
3.2.2	Initial Development Proposal	19
3.2.3	Preliminary Assessment	20

3.2.4	Framework Negotiations	20
3.2.4.1	Workshops	21
3.2.4.2	Ratification Process: Council Level	22
3.2.4.3	Strengths and Weaknesses	22
3.3	Resources, Funding Procedures and Audit	22
4.	SELF-GOVERNMENT NEGOTIATIONS: IMPACT	23
4.1	Community Awareness	23
4.1	Band Priorities and Planning	23
5.	CONCLUSIONS	24
5.1	Process	24
5.2	Impact	25

APPENDICES

APPENDIX A Location Map

APPENDIX B SERDC Child and Family Services Organization Chart

APPENDIX C Summary of Case Study Findings

List of Tables and Figures

Table 1	Total Population On- and Off-Reserve	3
Table 2	Population Distribution Among Member Bands	4
Table 3	Major Occupational Groups at SERDC	10
Table 4	Level of Housing and Services by Band	9
Figure 1	Annual Population Growth Rate	5
Figure 2	Tribal Council Total Population by Age and Sex	7
Figure 3	On-Reserve Education Statistics	8
Figure 4	Labour Force Statistics On-Reserve by Sex	12
Figure 5	SERDC Organization Chart	14
Figure 6	SGN Process in Manitoba Region	17

1. INTRODUCTION

1.1 Purpose of the Case Study

This report is one of four case studies being prepared as part of the evaluation of the Self-Government Negotiations (SGN) Process. The evaluation examines the status of the program as of July 31, 1989. To assess the short-term impacts of the process, communities with the most seniority in their respective stages were chosen for case studies. The participating bands are The Southeast Resource Development Council (Tribal Council, Manitoba Region), the Maliseet Nation at Tobique (Atlantic Region), Whitefish Bay (Ontario Region), and Alexander (Alberta).

The objective of this case study of the Southeast Resource Development Council (SERDC) is to assess the effectiveness of the SGN process and its short-term impact. Based on the findings of the overall evaluation, recommendations will be made regarding the process and areas for improvement.

1.2 Methodology

The communities participating in the evaluation were selected on the basis of experience with the process. The SERDC was selected because it has one of the oldest contribution agreements for the framework negotiations stage.

Before conducting the onsite case study, a review was conducted of Manitoba Region files at Headquarters and of selected regional Self-Government Negotiations Branch (SGNB) files. In addition, interviews were carried out with Headquarters staff, the regional Director, the SGN Adviser of the SGNB, and the Regional Director General of the Manitoba Region. The purpose of the file reviews and interviews was to familiarize the evaluators with the SGN process in the Manitoba Region and to obtain a preliminary departmental perspective on progress at the SERDC.

During the onsite visit to the Southeast Resource Development Council, a file review was undertaken of the self-government process, and a series of interviews was held with the Tribal Director, the Political Co-ordinator, selected program managers, the Tribal Council SGN Co-ordinator, and Band Councillors. Interviews were conducted on the basis of experience and participation in the SGN process at the SERDC. Upon arrival, an initial meeting was held with the Political Co-ordinator to discuss the case study methodology.

The following is a detailed list of interviews conducted at the SERDC during the week of October 23-27, 1989:

Tribal Director
 SGN Co-ordinator
 Political Co-ordinator
 Director, Child and Family Services
 Education Counsellor
 Membership Co-ordinator
 Councillor, Brokenhead Reserve
 Consultant to Tribal Council

2. PROFILE OF THE TRIBAL COUNCIL

2.1 Mandate and Council Membership

The Southeast Resource Development Council office is located in downtown Winnipeg, Manitoba. The Tribal Council was formed in 1978 with the mandate to assist member Bands in acquiring local control and responsibility for programs and services. The Council strives to achieve this goal in part by assisting communities in the development of local administrative and managerial skills for the purpose of delivering local programs and services. In addition, it ensures that services and resources are equitably and effectively delivered to each First Nation community that makes up its membership.

Membership in the Tribal Council consists of nine First Nations ranging in size and level of community development and located in southeast Manitoba (see Appendix A). All are covered under Treaties 1 (1871), 3 (1873), and 5 (1875). The members of the Council include:

Berens River	Little Black River
Brokenhead	Little Grand Rapids
Bloodvein	Pauingassi
Buffalo Point	Poplar River
Hollow Water	

The communities have diverse cultures and histories, economic and employment infrastructures, geography, and population size. The principal on-reserve languages are Ojibway, Cree, and English.

Bloodvein, Little Grand Rapids, Pauingassi, Berens River, and Poplar River are not accessible by all-weather road or rail. The Tribal Council provides a daily air service between the reserves as the main form of transportation. The remaining reserves are accessible in all seasons by air, road, and rail.

2.2 Demographics

2.2.1 Population

The SERDC had a total registered population of 5,774 as of December 31, 1988. Of these, 3,936 (68.2 per cent of total) reside on-reserve, and 1,818 (31.5 per cent of total) reside off-reserve.

Between 1978 and 1988, the total registered population increased by approximately 41.2 per cent or 1,686 members. The distribution of the increase is 979 members on-reserve, for an increase of 33.1 per cent, and 101 per cent. The largest increases in the off-reserve population occurred between 1985 and 1988 and can be attributed largely to the effects of Bill C-31.

TABLE 1
TOTAL POPULATION ON- AND OFF-RESERVE
SOUTHEAST RESOURCE DEVELOPMENT COUNCIL
1978 - 1988

YEAR	ON-RESERVE	OFF-RESERVE	ON CROWN LAND	TOTAL
1978	2,957	903	228	4,088
1979	3,003	953	250	4,206
1980	3,132	976	242	4,350
1981	3,086	1,165	248	4,499
1982	3,208	1,180	256	4,644
1983	3,307	1,213	261	4,781
1984	3,350	1,208	262	4,820
1985	3,485	1,305	276	5,066
1986	3,861	1,392	296	5,549
1987	3,626	1,673	294	5,593
1988	3,936	1,818	20	5,774

Source: Indian Register, December 31, 1978-1988

The distribution of the population by reserve is illustrated in Table 2. The largest communities in the Tribal Council are Berens River, Little Grand Rapids, and Brokenhead.

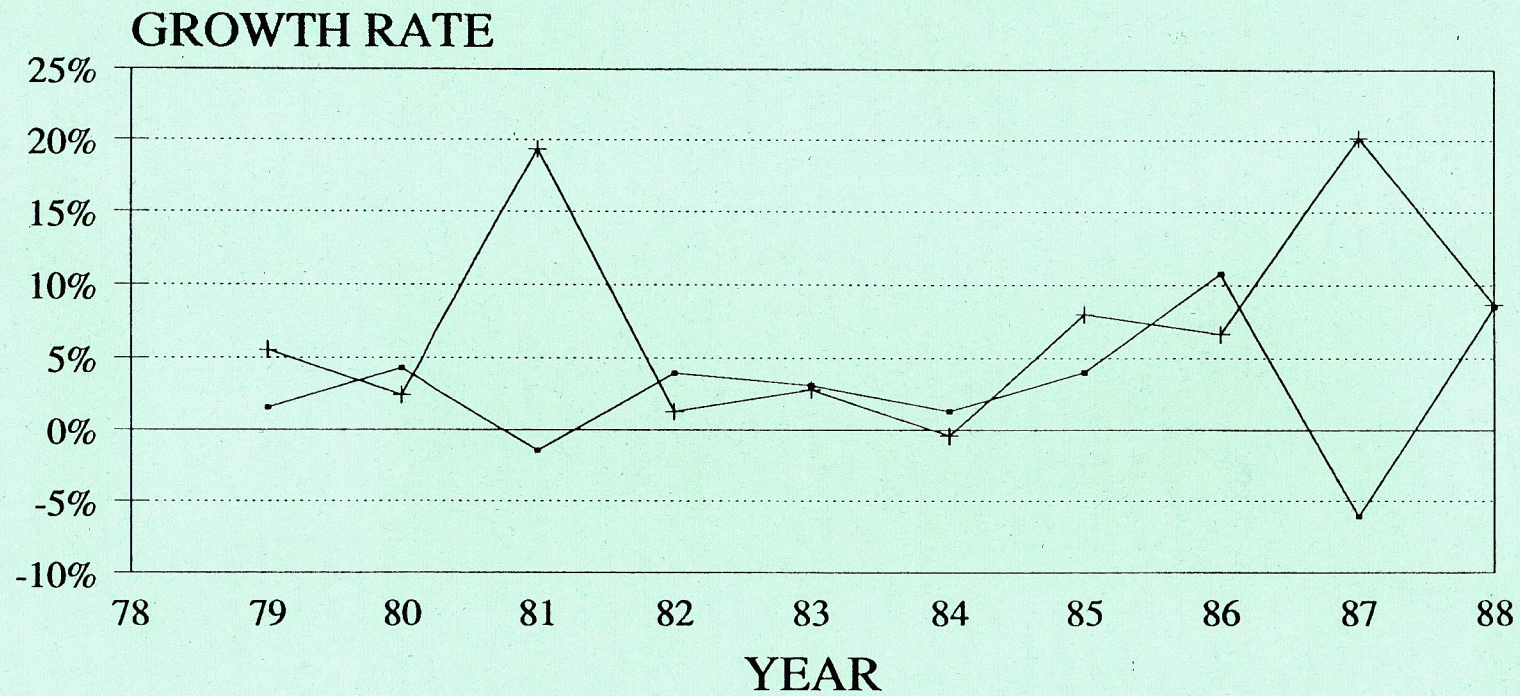
TABLE 2
DISTRIBUTION OF POPULATION AMONG MEMBER BANDS
1988

RESERVE	TOTAL	ON- RESERVE	OFF- RESERVE	ON CROWN LAND	% of TOTAL
Berens River	1,301	874	426	1	22.53
Bloodvein	648	497	151		11.22
Brokenhead	818	228	589	1	14.17
Buffalo Point	64	30	34		1.11
Hollow Water	685	465	218	2	11.86
Little Black River	428	268	155	5	7.41
Little Grand Rapids	1,114	932	175	7	19.30
Poplar River	716	642	70	4	12.40
Tribal Council	5,774	3,936	1,818	20	100%

Figure 1 depicts the annual growth rate on- and off-reserve between 1978 and 1988 for the Tribal Council as a whole. During this period, the on-reserve population grew by an average of 3 per cent, and the average annual growth rate off-reserve was 7 per cent. The sudden increases in the off-reserve population across all communities in the Tribal Council can be attributed in large part to the number of registrants obtaining Indian status as a result of Bill C-31, An Act to Remove Discrimination from the Indian Act.

The Tribal Council population is young on average, in that 86 per cent of the 1988 registered population is under the age of 45. Approximately 58 per cent is under the age of 24.

ANNUAL GROWTH RATE ON- AND OFF-RESERVE SERDC: 1978-1988



LEGEND



ON-RESERVE



OFF-RESERVE

Figure 1

SOURCE: INDIAN REGISTER, DEC. 1978-88

Figure 2 illustrates the distribution of the population by sex at 2,918 males (49 per cent of total population) and 2,854 females (51 per cent). The figure also shows that approximately 54 per cent of the population is in the median age group of 10 to 34 years. In addition, less than 8.5 per cent of the Tribal Council population is over the age of 55.

2.2.2 Education

The educational composition of the Tribal Council population aged 15 years and over according to the 1986 Census is presented in Figure 3. Approximately 54 percent (1,104 persons) have less than a grade 9 education, 32 per cent (654 persons) have between a grade 9 and grade 13 education, and 2 per cent (41 persons) hold a high school diploma.

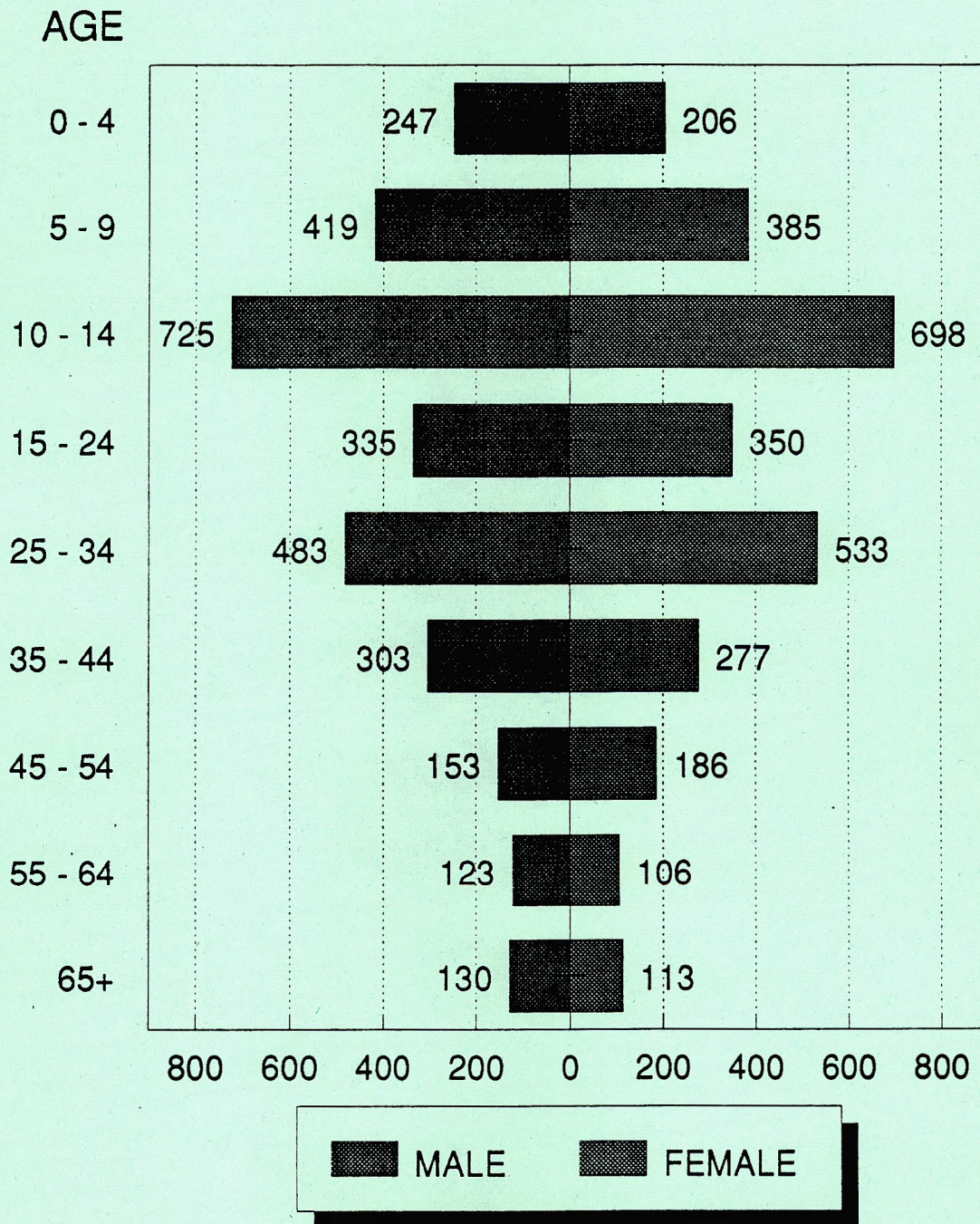
As in most of the member communities, a low education rate, where almost 86 per cent of the Tribal Council population has less than high school education, accounts in large part for limited employment opportunities both on- and off-reserve.

2.2.3 Housing and Services by Band

Table 4 outlines the level of housing by reserve and the types of services available as of December 1988. In most cases, the communities have water purification facilities on-reserve and use water from the closest lake or river. Water is transported by water truck weekly or bi-weekly. Sewage facilities include storage tanks or pit privies. Most of the bands have landfill sites; however, the remote communities burn their waste. General conditions on the reserves are fair to good.

Figure 2

TRIBAL COUNCIL TOTAL POPULATION BY AGE AND SEX



SOURCE: INDIAN REGISTER, DECEMBER, 1988

SERDC ON-RESERVE EDUCATION STATISTICS POPULATION AGED 15+

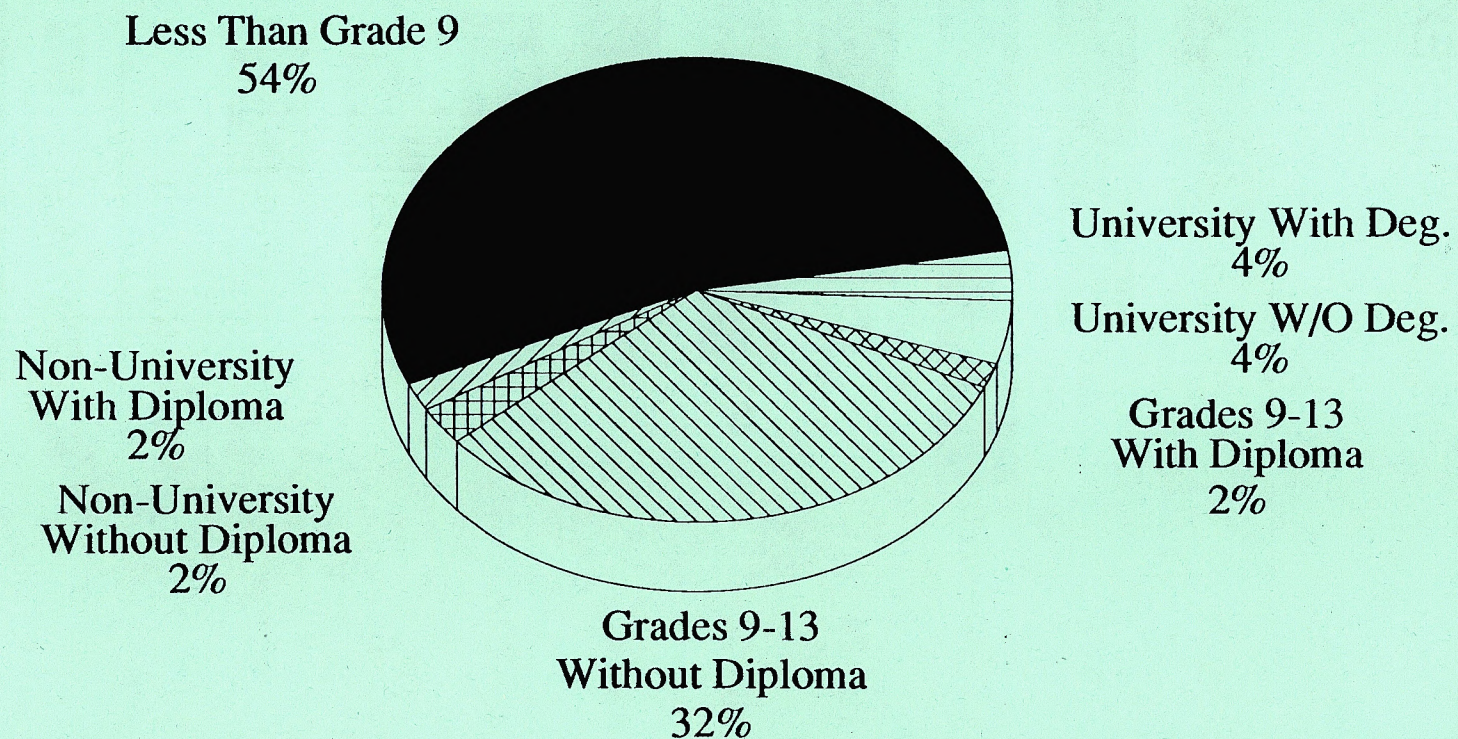


Figure 3

TABLE 4
LEVEL OF HOUSING AND SERVICES BY BAND
1988

BAND	HOUSING	SERVICES	INFRASTRUCTURE
Berens River	150	- Fire Protection - Police (RCMP) - Sewage Disposal	- Water Plant - Landfill - Airstrip
Bloodvein	87	- Fire Protection - Hydro - Health Care - Telephone/Postal	- Water Plant - Landfill - Winter Road
Brokenhead	60	- Fire Protection - Band Police - Health Care - Hydro; Telephone	- Well System - Pit Privies - Landfill - Roads
Buffalo Point	6	- Fire Protection - Hydro - Telephone/Postal	- Well System - Septic System - Landfill
Hollow Water	111	- Fire Protection - Band Police - Hydro - Health Care - Telephone/Postal	- Water Plant - Pit Privies - Landfill - Roads
Little Black River	54	- Band Police - Hydro - Telephone/Postal	- Water Plant - Pit Privies - Landfill
Little Grand Rapids	125	- Fire Protection - Band Police - Hydro - Telephone/Postal	- Water Plant - Pit Privies - Roads
Pauingassi	48	- Band Police - Hydro - Postal Air Service	- Water Plant - Pit Privies
Poplar River	128	- Fire Protection - Band Police - Hydro; Telephone - Health Care	- Water Delivery - Pit Privies - Winter Road; Airstrip

2.3 Economic Activities and Employment Opportunities

2.3.1 Labour Force Data

The number of individuals in the Tribal Council who listed an occupation in the 1986 Census¹ was 650, of which 425 (65.4 per cent) were male and 225 (34.6 per cent) were female. The principal occupational groups were primary occupations (19.7 per cent), construction (16.2 per cent), service occupations (11.5 per cent), and teaching professions (10.8 per cent of total). According to the Census, the average Tribal Council unemployment rate on-reserve was approximately 27 per cent. The average unemployment rate on-reserve was 26.2 per cent for females and 30.8 per cent for males.

TABLE 3
MAJOR OCCUPATIONAL GROUPS AT SERDC BY SEX

Employment Group	Total	Male	Female
Managerial, Administrative	50	35	15
Teaching, Related	70	20	50
Technical, Social, Religious	50	20	30
Sales Occupations	15	15	0
Clerical, Related	55	15	40
Medicine, Health Service	10	0	10
Service Occupations	75	30	45
Primary Occupations	125	125	0
Machining, Fabricating	10	10	0
Processing Occupations	5	5	0
Construction Trades	105	105	0
Transport Equipment Operating	20	15	5
Other Occupations	35	30	5
TOTAL	650	425	225

Source: 1986 Census

¹The figures do not include Little Black River, Hollow Water, and Buffalo Point since these Bands were not enumerated for labour force statistics.

Figure 4 indicates that 1,120 individuals participated in the labour force in 1986, which amounts to 49.4 per cent of the population aged 15 years and over.² There was no delineation between full-time and part-time employees. It was determined that the majority of part-time positions were in clerical and service-related occupations. Many of these positions are with the Band administrations or with the Tribal Council.

2.3.2 Economic Activity

As of December 1988, economic activities of the Tribal Council were primarily service-based. However, a significant portion of the Council's economic activity recently has been in the construction and primary industry sectors. Service positions in the Council are primarily in social services, administration, and Education. Such positions include social workers, counsellors, clerks, managers, and teachers.

The Tribal Council operates a number of businesses and joint ventures with member communities; these have an equity base of approximately \$1.2 to \$1.5 million. Examples of Tribal Council businesses include Wa-Wa-Taik Building Supplies (at Brokenhead Reserve), Weeba Construction Limited, Libau Trading Post, and Shawano Wapunong Inc. These businesses attempt to employ as many individuals on- and off-reserve as possible which in turn generates needed capital for the local community and the Council as a whole. Because the businesses are growing annually, opportunities for employment are generally good.

In addition to the Tribal Council businesses, there are many First Nation commercial ventures on-reserve. Existing local businesses include the Hollow Water Development Corporation, Hollow Water Wild Rice Processors, Amik Ventures General Contractors, First Poplar River Ventures, NigGig Ventures (Little Grand Rapids), the Bloodvein Foundation, and the Buffalo Point Corporation (including local businesses such as winter road construction, cabinet factory, rock crushing company, restaurants). Such businesses also contribute a great deal to the local economies, ultimately contributing to lower unemployment rates.

²Census of Canada, 1986 (excludes Buffalo Point).

LABOUR FORCE STATISTICS OF ON-RESERVE POPULATION 15+

NUMBER OF PERSONS



	MALE	FEMALE	TOTAL
NOT IN LABOUR FORCE	448	697	1145
UNEMPLOYED	155	85	240
EMPLOYED	420	240	660

EMPLOYED
 UNEMPLOYED
 NOT IN LABOUR FORCE

SOURCE: 1986 CENSUS

Figure 4

Areas of potential growth in the communities are tourism development, transportation, construction, and services (including print shops, restaurants, and other small businesses). Development at the Tribal Council level includes the expansion of training programs for member communities in order to provide individuals with the necessary skills to meet current demands.

2.4 Political Process and Administrative Structure

The Southeast Resource Development Council is composed of nine communities; the Community Chiefs serve on the Board of Directors. The Tribal Council Chief represents the views and concerns of the membership both within and outside the Council's scope. Through Council, policy is planned on a range of issues affecting the communities daily. In addition, each Chief is responsible for a specific program portfolio in the Council. Reporting to the Board of Directors is the Tribal Director who is the senior ranking staff officer. It is his/her responsibility to ensure that policy and task directives are communicated to program managers and to co-ordinate the activities of these managers. An organization chart illustrating the various programs and services of the Tribal Council appears on the following page.

The Tribal Council is composed of four affiliated corporations with mandates to provide services to member communities:

- Southeast Resource Development Council Corporation
- Southeast Tribal Division for Schools Inc.
- Southeast Child and Family Services Inc.
- Southeast Development Corporation

2.4.1 Southeast Tribal Division for Schools Inc.

The primary function of this corporation is to operate schools on the following reserves: Poplar River, Little Grand Rapids, Pauingassi, and Little Black River. The establishment of the school division was to ensure a uniform education structure for the communities by standardizing curriculum and the means of delivering programs while maintaining local control. Each community elects its own school board which is responsible to the Chief and Council. It also elects one person to sit on the corporation's board. The role of the local board is to make decisions of local concern while the Tribal Division board sets overall education policy for the Tribal Council.

SOUTHEAST RESOURCE DEVELOPMENT COUNCIL ORGANIZATIONAL CHART

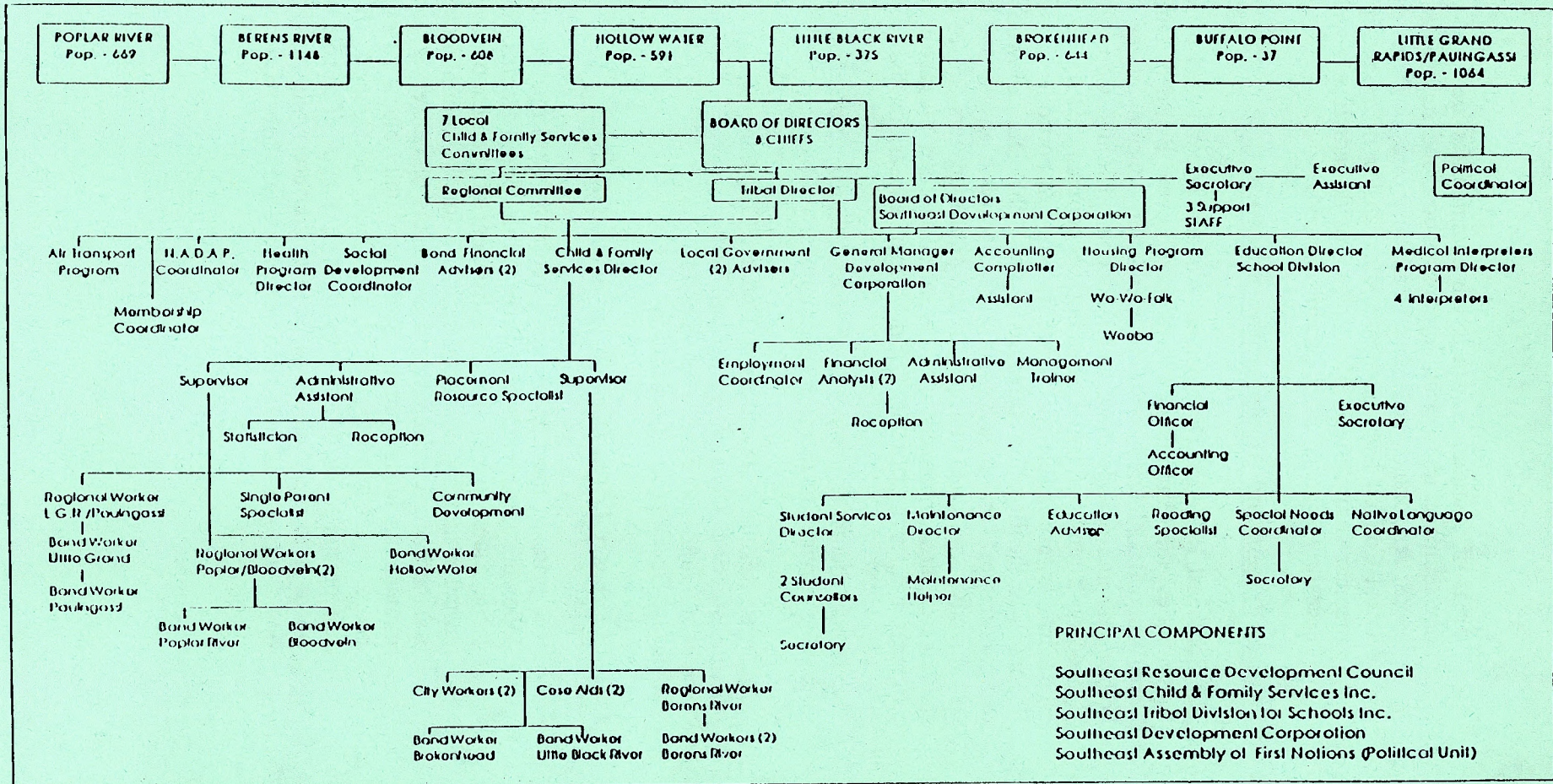


Figure 5

2.4.2 Southeast Child and Family Services Inc.

This corporation is a community-based Indian child welfare agency developed under the auspices of the Tribal Council. The objective of the agency is to strengthen Indian family life and to promote the well-being and happiness of children in the nine communities served. A major goal is to ensure that services are community-based and that the delivery of programs is locally controlled. An organization chart of the agency is provided in Appendix B.

2.4.3 Southeast Development Corporation

The objective of the Southeast Development Corporation is to provide administrative and financial support services to member communities. It is also involved in business development (e.g., loan and equity funding and SDC Contribution; management training courses; and employment programs).

2.4.4 Southeast Resource Development Council Corporation

The programs and services operated by the Tribal Council include:

- Administration
- Finance
- Economic Development
- Tribal Government
- Band Finance
- Social Development
- Newspaper
- Medical Interpreters Program
- Air Transport Division
- NADAP
- Health

3. SELF-GOVERNMENT NEGOTIATIONS PROCESS

This section describes the SGN process in the Manitoba Region as well as the SGN process at the SERDC. It should be noted from the outset that the progress of the Tribal Council in the process has been limited. To date, it has entered the "Planning and Development of Community-Based Self-Government Program. However, much of the community consultation and preparatory work is yet to be completed. This section outlines progress to date and the process followed.

3.1 Manitoba Region SGN Unit Organization and Process

In the Manitoba Region, the SGN and AFA programs are in a combined directorate. The Director is responsible for the administration of both programs and reports directly to the Regional Director General. The unit consists of an SGN Adviser, AFA negotiators, and a financial officer. The SGN officer is responsible for liaison between the community and the Region, advises bands on process and status, and interacts with other DIAND program managers.

The SGN process as understood by the Manitoba regional staff is presented in Figure 6. It depicts responsibilities as seen by the Region as well as those of the community.

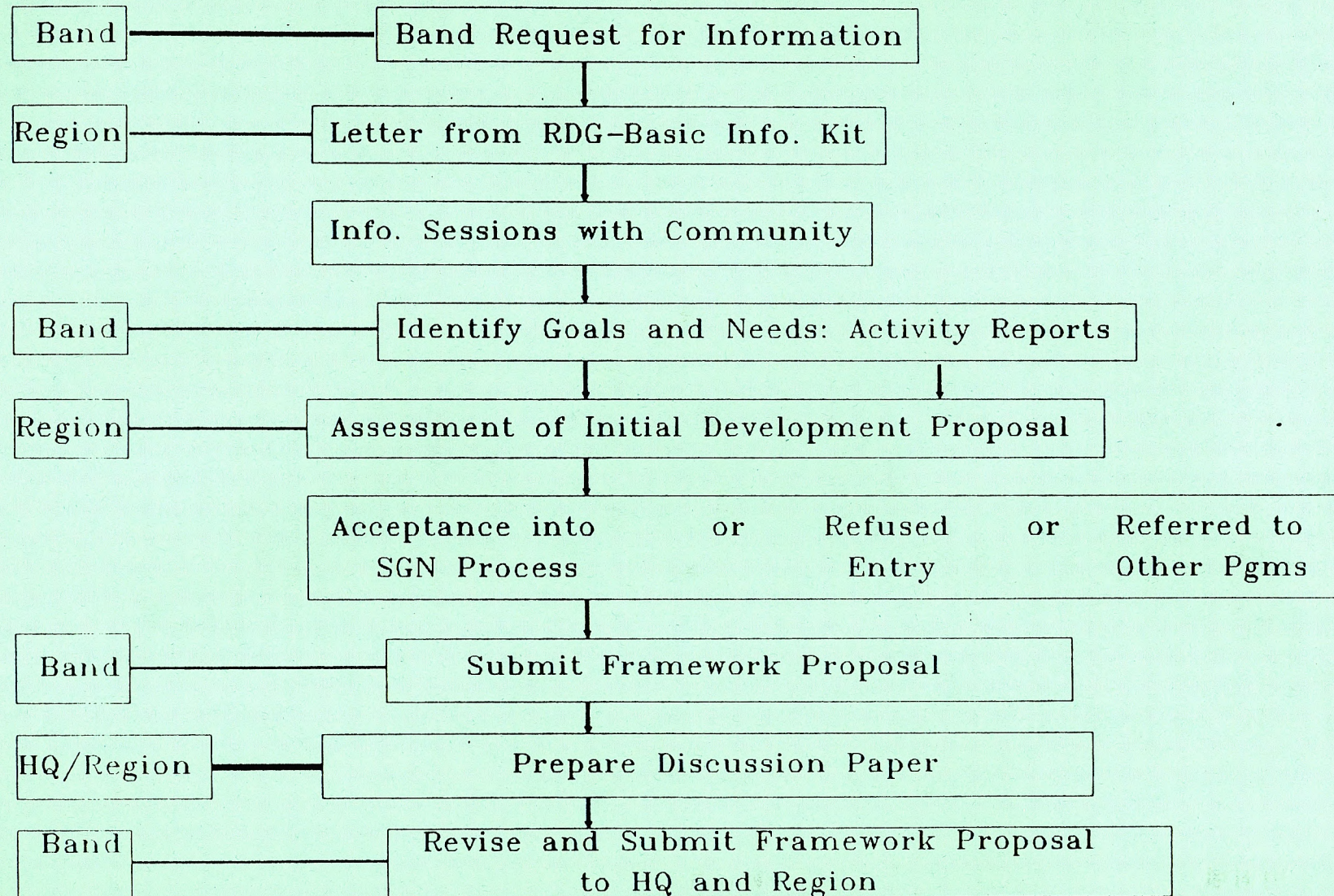
3.2 Planning and Development of Community-Based Self-Government

In July 1987, the Southeast Resource Development Council expressed an interest in entering negotiations for self-government for member communities. The Council had learned from press reports and other communities that the Department was implementing an initiative to allow Indian Bands to begin thinking about self-government. After some preliminary questioning of DIAND officials, members of the Council believed that such an initiative might be a good opportunity to raise community consciousness and to do some groundwork for economic development. Others, however, saw the initiative as another source of funding and employment at the community level.

Based on a mandate from the Tribal Council Chiefs, preparatory work was conducted at the Council level prior to entry. Inquiries were made to DIAND HQ for preliminary information regarding the program. Council members also contacted other communities in Manitoba for their thoughts on the program before any decisions were made. The interviews indicated that there were some problems with the proposed program from the outset: it was difficult to interpret what self-government meant in the context of existing treaties; the objectives were not outlined clearly; and members were very sceptical about the Department's motives in implementing such a program.

During the early stages of the program, SGN co-ordinators were assigned to each community. They were responsible for information dissemination and the organization of workshops. Their role was to act as resource persons and to convey the views of the community through regular activity reports.

SGN PROCESS IN THE MANITOBA REGION



Source: Interviews, Manitoba SGNB

It was stated in many of the interviews that the Southeast Resource Development Council believes that a new relationship is required between Canada and Indian communities and that this program was one possible means. One of the goals of the Tribal Council is to strive toward the recognition of Indian Government within the Canadian context. It was indicated repeatedly that the right to Indian government was confirmed by the Royal Proclamation of 1763 and further confirmed by the signing of Treaties 1, 3, and 5 (for SERDC Bands) and the inclusion of section 35 in the Constitution of Canada. Some of those interviewed suggested that the SGN program should be viewed as a vehicle for reaffirming what has already been given.

Concerning a definition, it was indicated that self-government means to achieve autonomy from the Department of Indian Affairs, to acquire control over the affairs of the community, and to have the ability to enact laws according to tribal customs.

3.2.1 Community Consultation and Preparatory Work

- ♦ Initial information from Department not considered helpful.
- ♦ Program thought to be limited in scope.
- ♦ SGN is merely a vehicle for reaffirming what was already given in Treaties.
- ♦ There is a desire to enact laws in accordance with tribal customs.

3.2.1.1 Information Dissemination

Preliminary information provided to the Council was not considered very useful. Information included a copy of the Minister's policy statement, the objectives and guidelines of the process, and the Cree/Naskapi and Sechelt Acts. Individual Chiefs and staff commented that the package was too technical and complex. Although there was consultation with the Department at the Council level, information was not in a readily understandable format for distribution to member Bands. In addition, it was explained that some of the Chiefs really did not understand the implications of the program except that it was a good idea and a source of funding for employment.

3.2.1.2 Feedback on Process

The interviews indicate that this step was initially useful in consolidating preliminary ideas on what self-government means to the Tribal Council as a whole. It provided some insight into what individual Chiefs and members at the Tribal Council level wanted to achieve from the program and how it could potentially be applied to their communities. The overall impression is that the Department was not considered very helpful at this stage in the provision of either information or advice.

3.2.2 Initial Development Proposal

- ♦ Phase considered a useful exercise in consolidating views of self-government and an understanding of the implications of the program.
- ♦ The process was thought not to be clearly defined.
- ♦ DIAND appears to be imposing its priorities for ISG on communities.

Based on the Tribal Council's objectives for self-government, an Initial Development Proposal was submitted to the Region and HQ on December 9, 1987. The proposal was submitted approximately 6 months after the Tribal Council entered the process. The proposal outlined, in general terms, the process to be used to achieve self-government, a sample SERDC constitution, and a budget and action plan. It also highlighted some key issues for the Tribal Council, including jurisdiction over lands, settlement of land claims, and financial arrangements between the Department and the Council.

Information provided during this step took the form of letters of process clarification from the Department, an updated information kit, and correspondence with other tribal councils on questions of mutual importance. As in the preliminary stages of the process, the information was found to be technical and complex. The information failed to answer major questions, including the influence or relevance of treaties to the program.

Some of the strengths of this step of the process were that it consolidated the initial views of the Council on major issues, such as their definition of self-government, what was expected from the process, and an idea of how the program would affect individual communities. It also identified in a general way the goals and needs of communities entering the process and identified the resources required to achieve self-government.

Some of the concerns raised in this phase were that the Department was attempting to impose its own priorities for ISG on participating Bands, that the timing for achievement of ISG was frustrating, and that there was too much ambiguity in the process (i.e., it was not clearly defined). The opinion was expressed in the interviews that regional staff was too inexperienced to meet Tribal Council requests for information and advice. Interviews also indicated that the Tribal Council approach to ISG tends to be holistic, as opposed to the box approach used by the Department.

3.2.3 Preliminary Assessment

- ♦ The Preliminary Assessment was useful to the Council in that it identified potential problem areas deficiencies that had to be corrected.
- ♦ Specific assessment criteria were not provided to the Council.

The preliminary assessment of the Initial Development Proposal was conducted by Headquarters, and feedback was provided on May 26, 1988 (duration: 5 months). The proposal was assessed on a range of criteria including the readiness of member communities, current and potential economic base, the effectiveness of Council and Band administration, and the quality of leadership.

The feedback from the Department was felt to be adequate; however, the specific assessment criteria used were not provided to the Council. Interviewees indicated that the process could have been more consultative so as to reduce misunderstanding. Overall, the exercise was considered useful in that potential problem areas were identified, as were areas requiring further clarification.

3.2.4 Framework Negotiations

- ♦ Workshops: low attendance and limited results.
- ♦ No new progress at Council level to date.

On July 18, 1988, a contribution agreement for \$221,000 was concluded with the SERDC to develop a more precise outline of its objectives and issues for self-government. To this end, the SERDC undertook to conduct on-reserve workshops to discuss issues of importance and to assess how members felt about proceeding with the process. Co-ordinators were assigned to each reserve to organize the workshops and to represent the views of members to the Tribal Council.

In April 1989, an activity report was submitted to DIAND HQ outlining the status of activities for the first stage of the framework process. The activity report outlined in a general way some of the issues identified by the communities for negotiation, including a) a wish to return to past tribal customs to develop ISG; b) the desire to design and deliver community programs; c) the need to amend specific sections of the Indian Act such as extending the term of office for Chiefs and Councillors.

The SERDC has now begun a process of further on-reserve consultation and preparatory work and it is in the process of identifying specific issues for negotiation. A Framework Proposal is expected by the end of 1990. A consultant was hired to perform on-reserve preparatory work in conjunction with the Band co-ordinators and to prepare a draft Framework Proposal.

3.2.4.1 Workshops

- ♦ Workshops believed to be unfocused.
- ♦ Better idea required from the Department about what should be accomplished in the workshops.
- ♦ More graphic information (visual material) would be helpful.
- ♦ Positive aspect was initiation of dialogue at community level.

In 1988, three of the communities held workshops organized by their respective SGN co-ordinators. The workshops were generally facilitated by the Co-ordinator, and the Chief would usually attend to clarify issues or answer questions of interest to individual members. Communities and attendance were as follows:

- Little Black River: 18 persons
- Brokenhead: 10 persons
- Pauingassi: 80 persons

Members were informed about the workshops through Band newsletters and by posters at Band offices. An agenda for discussion was prepared, identifying such topics as what ISG means to Band members, how it can be achieved, and its implications for the community. Average organization time was two weeks, and each event lasted approximately 2-4 hours.

Indications are that the workshops were somewhat unfocused and tended to turn into Department-bashing. Of greater interest, however, was that there was evidence of a lack of understanding of the program and the process on the part of those presiding at the

workshops, which may account for some of the problems experienced. A more obvious problem from the standpoint of the co-ordinators was low attendance. Some of the interviewees indicated that a possible reason for this was that individuals felt intimidated about speaking in public, they did not understand the program or its implications, or they believed the program to be just another pie-in-the-sky idea from the Department.

Two advantages of the workshop phase were that it provided insight into the program and initiated dialogue at the community level. The greatest advantage of the workshop mechanism is that it can "solidify the views of the community in a relatively short period of time".

Workshops could be improved in several ways: a) a better idea is required of what the Department expects to be accomplished and conveyed; b) professional assistance is required in the organization and facilitation of workshops; c) the use of more graphic material with visual displays etc. may be helpful; d) the use of other tools such as questionnaires and discussion groups may promote input from community members; and, e) an increase in the workshops' budget.

3.2.4.2 Ratification Process: Council Level

The Tribal Council plays the role of coordinator. The process involves talking to the nine communities and coordinating the results.

3.2.4.3 Strengths and Weaknesses of Framework Negotiations Stage

It is too early in the process to identify strengths and weaknesses.

3.3 Resources, Funding Procedures and Audit

◆ Eligibility for funding has been handled primarily by DIAND HQ.

A contribution agreement was signed on February 16, 1988 for \$92,000 to support the process of research and consultation during the preparatory stage. Another contribution agreement of \$221,000 was signed on July 18, 1988 to support development of the Framework Proposal. Eligibility for funding was handled primarily by Headquarters; as a result, the regional SGNB is uncertain about the specific nature of the criteria used to determine eligibility.

4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT

This section assesses the success of the SGN process to date at the SERDC and whether some of the intended results have been achieved. It should be noted that the impact described here is very general in nature, given the experience of the Council in the process to date. Some of the short-term effects are discussed below.

4.1 Community Awareness

- ◆ **Program has increased sensitization of communities to the potential for long-term planning and developing a strong economic infrastructure.**

The interviewees expressed the view that the program has increased sensitization of Bands to the potential for planning long-term objectives and developing a strong community-based economic infrastructure, and to visualize a better future for their children. Communities are being encouraged to cultivate new community objectives and arrangements for program and service delivery. Ultimately, individual Band members and communities are coming to the realization that Indian self-government is close at hand.

4.2 Band Priorities and Planning

- ◆ **Bands being forced to examine their policy priorities to include preparation for Indian self-government.**
- ◆ **Changing relationship with the federal government.**

There is evidence from the interviews that the Bands and Tribal Council are being forced to examine their policy priorities to include plans for self-government at some point in the future. Program managers are being encouraged to look at the consequences of current decisions and how they will affect longer-term plans for operating Tribal Council programs and services. Consequently, many decisions at the Band administration and Tribal Council level are constantly under review. In addition, long-term goals and objectives are taken into account in current decision-making for program policy as well as some routine decisions.

Since 1978, the Tribal Council's organization has been evolving gradually, as have its administrative techniques. Programs and services are under continuous review to ensure that communities are being served as effectively as possible. During this evolution the Tribal Council has matured and with that maturity has found new ways to deal with the Department on a professional basis. There is also evidence that the Council has come to the realization in recent years that it can no longer attribute the frustrations of management solely to the Department. It too, must assume some of the responsibility for the sometimes difficult task of dealing with member communities and their concerns.

5. CONCLUSIONS

5.1 Process

Since the Tribal Council has not progressed beyond negotiating a contribution agreement for developing a Framework Proposal, experience in the process is limited. However, some serious concern was expressed that the Department is attempting to impose a standard model and process for achieving self-government. At the Tribal Council level, it is recognized that member communities are at varying stages of economic, social, and financial development. This makes use of a standard model difficult since many communities require a longer period to demonstrate a willingness to be self-governing and to identify potential areas of concern. Views on self-government also vary from community to community, putting the Tribal Council in the unenviable position of having to consolidate various points of view to satisfy the majority. The process should be made more flexible to fit individual circumstances.

From the point of view of the Tribal Council, the process as currently designed is too technical and complex. Furthermore, it was stated repeatedly that information should be simplified and the concepts for self-government made more clear. Some of the interviewees indicated that the workshops could have been more successful had the preliminary information been geared to the individual Band member rather than presented in legalistic language.

Longer organization time allowing for a more co-ordinated effort by Council management could have led to better attendance at workshops and more meaningful results.

As for the role of the Region, the Tribal Council indicated that the SGNB had not become involved in their situation until recently. In this regard, the Region was either seen to be too inexperienced to meet the demands of the Council, or their role was ambiguous relative to Headquarters. The

interviewees explained that if regional officials were kept informed of all aspects of the program and of individual files, they would have been and could be a valuable and convenient resource.

During the onsite visit at the SERDC, it became apparent that much of the preparatory and community consultation work had not yet been completed. The Council is now becoming active in developing a Framework Proposal and is working toward identifying issues for negotiation.

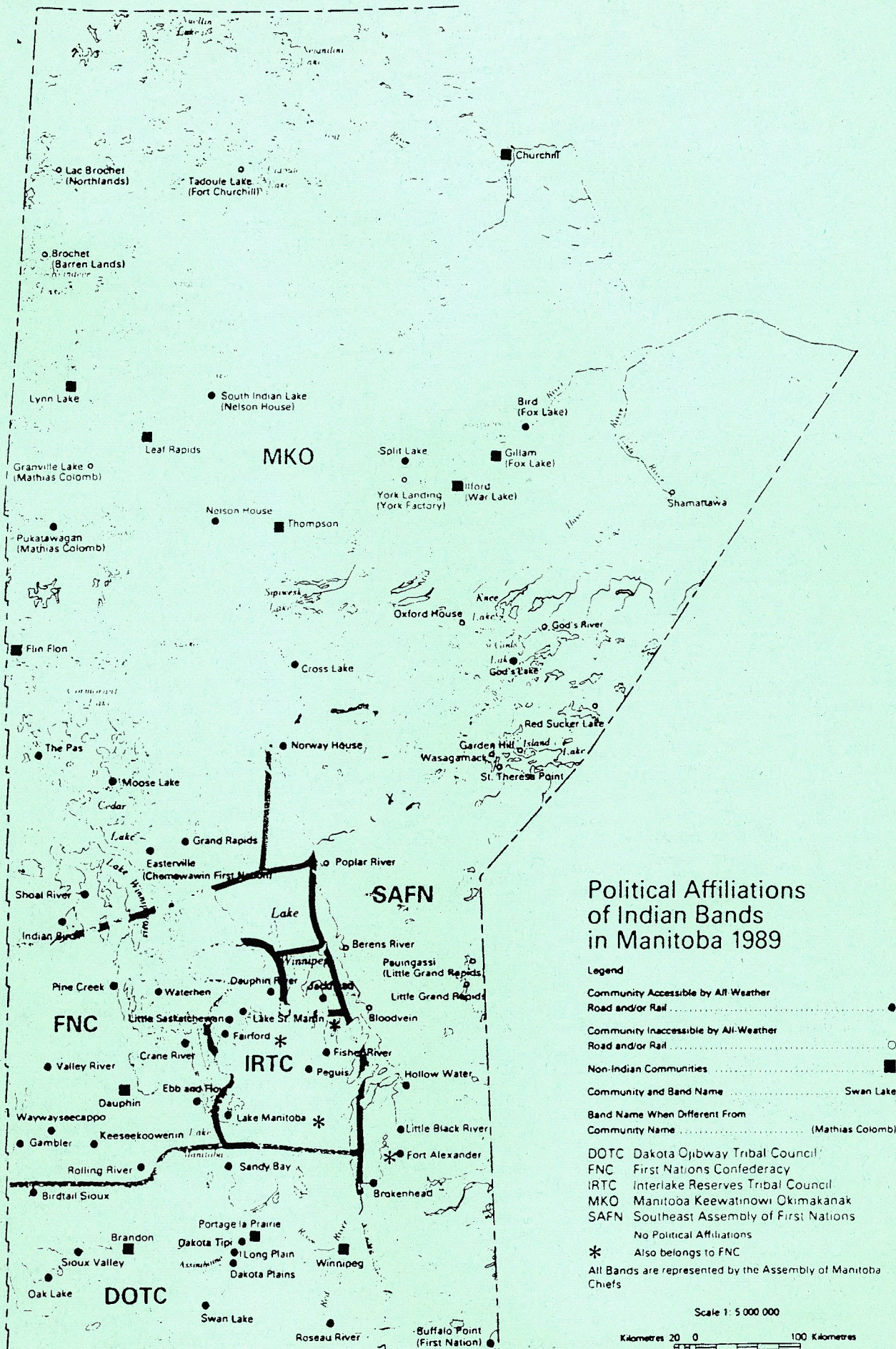
5.2 Impact

The most notable impact is that the Council has taken greater responsibility for its actions and those of its member communities since its inception in 1978. Although this has occurred independent of the SGN process, the Council has matured in recent years in the areas of administration, finance, business, and program delivery. To this extent, the relationship between the Department and the Council is always evolving to include greater and more flexible responsibilities. As long as this process continues, the transfer to a self-governing system should be smooth and relatively problem-free.

One of the key results to date at the SERDC has been increased awareness and dialogue at the Tribal Council and community level with regard to the meaning and implications of self-government. Such a development is a necessary first step in a process that requires intense thought and long-term planning.

APPENDIX A

Location Map



Political Affiliations of Indian Bands in Manitoba 1989

Legend

- Community Accessible by All-Weather Road and/or Rail
- Community Inaccessible by All-Weather Road and/or Rail
- Non-Indian Communities
- Community and Band Name
- Band Name When Different From Community Name
- DOTC Dakota Ojibway Tribal Council
- FNC First Nations Confederacy
- IRTC Interlake Reserves Tribal Council
- MKO Manitoba Keewatinowik Okimakanak
- SAFN Southeast Assembly of First Nations
- No Political Affiliations
- * Also belongs to FNC
- All Bands are represented by the Assembly of Manitoba Chiefs

Scale 1:5 000 000

Kilometres 20 0 100 Kilometres

Published under the authority of
The Hon. Pierre H. Cadieux, P.C., M.P.,
Minister of Indian Affairs and
Northern Development,
Ottawa, 1989
GS-26-030-EE A1
© Minister of Supply and Services Canada

APPENDIX B

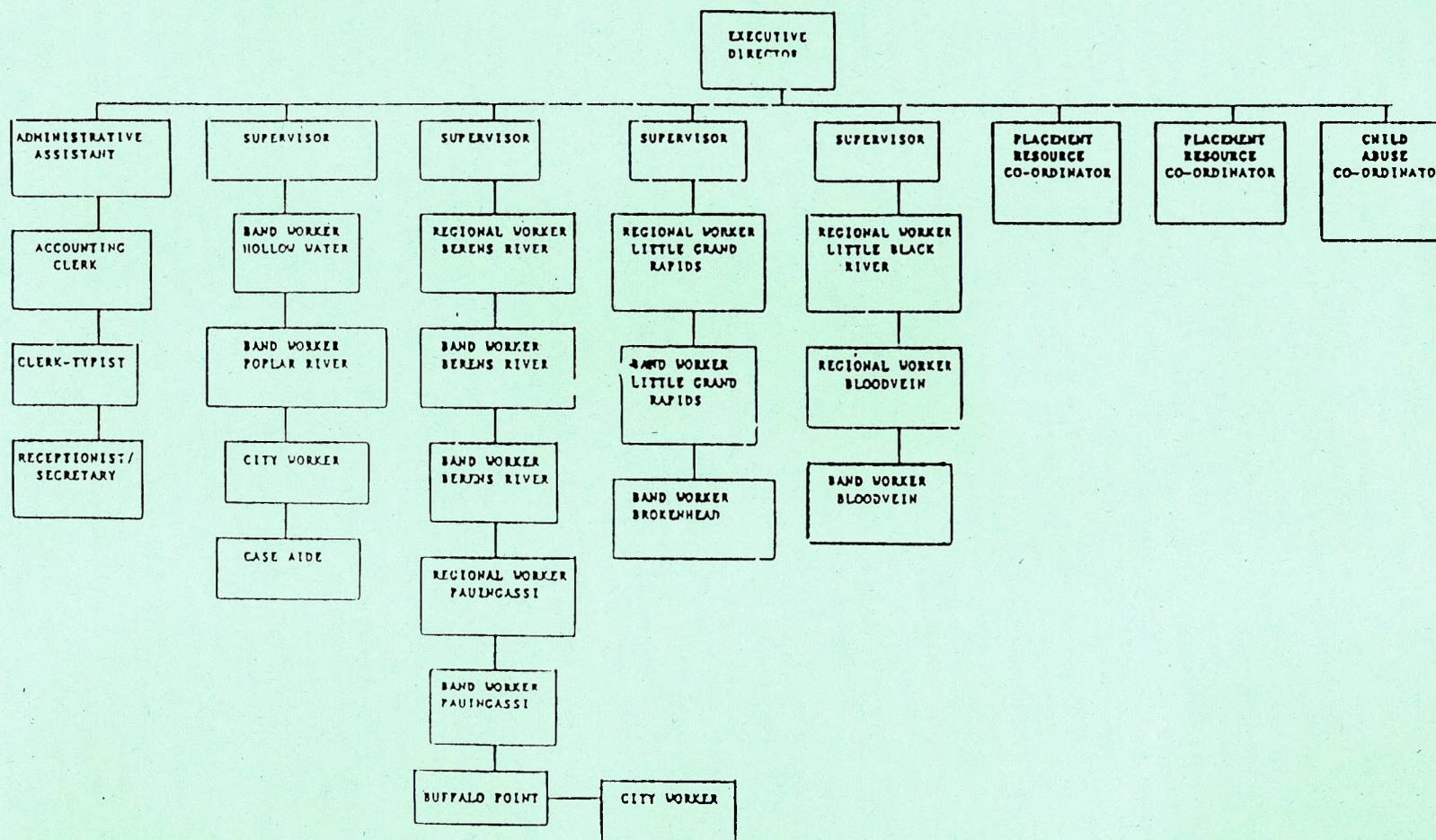
SERDC Child and Family Services Organization Chart

SOUTHEAST CHILD AND FAMILY SERVICES

ORGANIZATIONAL CHART

SOUTHEAST CHILD AND FAMILY SERVICES

ORGANIZATION STRUCTURE



APPENDIX C

Summary of Case Study Findings

SUMMARY OF CASE STUDY FINDINGS

PROCESS

Community Consultation and Preparatory Work

- ◆ Initial information from Department not considered helpful.
- ◆ Program thought to be limited in scope.
- ◆ SGN is merely a vehicle for reaffirming what was already given in Treaties.
- ◆ There is a desire to enact laws in accordance with tribal customs.

Initial Development Proposal

- ◆ Phase considered a useful exercise in consolidating views of self-government and an understanding of the implications of the program.
- ◆ The process was thought not to be clearly defined.
- ◆ DIAND appears to be imposing its priorities for ISG on communities.

Preliminary Assessment

- ◆ The Preliminary Assessment was useful to the Council in that it identified potential problem areas and deficiencies that had to be corrected.
- ◆ Specific assessment criteria were not provided to the Council.

Framework Negotiations

- ◆ Workshops: low attendance and limited, results.
- ◆ No new progress at Council level to date.

Workshops

- ◆ Workshops believed to be unfocused.
- ◆ A coordinated effort by Bands and the Department about what should be accomplished in the workshops.
- ◆ More graphic information (visual material) would be helpful.
- ◆ Positive aspect was initiation of dialogue at community level.

IMPACT**Community Awareness**

- ◆ Program has increased sensitization of communities to the potential for long-term planning and developing a strong economic infrastructure.

Band Priorities and Planning

- ◆ Bands being forced to examine their policy priorities to include preparation for Indian self-government.
- ◆ Changing relationship with the federal government.

APPENDIX VII

Tobique Indian Band: A Case Study for the Evaluation of Self-Government Process

Table of Contents

EXECUTIVE SUMMARY

1. INTRODUCTION	1
1.1 Purpose of the Case Study	1
1.2 Methodology	1
2. PROFILE OF THE BAND	2
2.1 Location	2
2.2 Demographics	3
2.2.1 Population	3
2.2.2 Education	4
2.2.3 Housing	4
2.3 Economic Activities	8
2.3.1 Labour Force Data	8
2.3.2 Current Economic Activity	10
2.4 Employment Opportunities	10
2.5 Political Process and Administrative Structure	11
3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS	13
3.1 Atlantic Region SGN Unit Organization and Process	13
3.2 Planning and Development of Community-Based Self-Government	13
3.2.1 Community Consultation and Preparatory Work	15
3.2.1.1 Information Dissemination	15
3.2.1.2 Community Views on SGN Process	16
3.2.2 Preliminary Assessment	16
3.2.3 Framework Negotiations	17
3.2.3.1 Workshops	18
3.2.3.2 Issues for Negotiation	19
3.2.3.3 Information, Resources and Consultation	22
3.2.3.4 Ratification Process: Band Level	22
3.2.3.5 Strengths and Weaknesses	23

3.3	Self-Government Negotiations	24
3.4	Resources, Funding Procedures and Audit	24
4.	SELF-GOVERNMENT NEGOTIATIONS: IMPACT	25
4.1	Band Management Capacity	25
4.2	Band Accountability	26
4.3	Policy Consultation	26
4.4	The Community	27
5.	CONCLUSIONS	27
5.1	Process	27
5.2	Impact	28

APPENDICES

- APPENDIX A: Workshop Questionnaire
- APPENDIX B: Tobique Self-Determination: Evolutionary Process
- APPENDIX C: Summary of Case Study Findings

TABLES AND FIGURES

Table 1	Total Population On- and Off-Reserve	3
Table 2	Major Occupational Groups by Sex	8
Table 3	Band Framework Proposal - Issues for Negotiation	20
Table 4	Funding and Nature of SGN Contributions	24
Figure 1	Population Growth Rates	5
Figure 2	Band Population: Age and Sex Distribution	6
Figure 3	On-reserve Education Statistics	7
Figure 4	Labour Force Statistics	9
Figure 5	Band Political Structure	12
Figure 6	Atlantic Region SGN Process	14

EXECUTIVE SUMMARY

The purpose of this report is to present the findings of one of four case studies conducted for the evaluation of the Self-Government Negotiations (SGN) Process. This case study deals with the Maliseet Nation at Tobique (Atlantic Region).

The objective of the case study was to assess the effectiveness of the SGN process and its short-term impacts. Based on the findings of the evaluation, recommendations will be made regarding the process and areas for improvement.

The methodology employed was as follows: the community was selected on the basis of its experience with the process. Participation was confirmed by letter from DIAND-Evaluation Directorate and through telephone calls from the contractors. Prior to the onsite visit, SGN files (both Atlantic Region and Headquarters) were reviewed and selected SGNB and Regional staff were interviewed. These file reviews and interviews were undertaken to obtain a preliminary perspective on the Atlantic Region process and on progress to date at Tobique.

An initial meeting was held with the Chief to review the case study methodology. Authority to review self-government files was obtained and interviews held with the Chief, Councillors, the SGN Co-ordinator, program managers, workshop facilitators, and elders. The selection criterion was experience with and participation in the Band's SGN process.

The case study found that the Band considers the process both complex and technical. Band officials suggested that fewer steps and players in the overall program would reduce complexities, shorten delays in responding to requests, and enhance the probability of success. Delineation of responsibilities between the Region, Headquarters and the Band was unclear. Assessment criteria were also unclear. The Band would like to see more meaningful communication from the Department. Band officials also want a more flexible government model for achieving self-government. Community members would like to see more importance paid to their particular customs and circumstances. The Band has looked inward and examined its past to determine how it might use tribal principles to govern itself in the future. All parties involved see this as a constructive step.

A lack of progress can be attributed to breaks in continuity, which are related to the availability of funding to the Band. This problem appears to have been solved recently, and no major interruptions are anticipated in the future. Band management argues that the frequency of Band elections creates difficulty in planning, implementing and maintaining a constant community strategy.

The most apparent impact is that the community has, in a relatively short time, made efforts to develop the administrative and technical skills necessary to meet existing demands. These skills are vital to the ultimate implementation of self-government. Administrative restructuring has enhanced management's ability to meet community needs. The adoption of a portfolio system has given the Chief and Council more time to plan and perform non-routine functions. Self-government appears to have made the Band administration more accountable and responsive to community priorities, as opposed to simply meeting the requirements of departmental procedures.

1. INTRODUCTION

1.1 Purpose of the Case Study

This report is one of four case studies being prepared as part of the evaluation of the Self-Government Negotiations (SGN) process. The evaluation examines the status of the program as of July 31, 1989. To assess the short-term impacts of the process, communities with the most seniority within their respective stages were chosen for case studies. The participating bands are the Maliseet Nation at Tobique (Atlantic Region), the Southeast Resource Development Council (Tribal Council-Manitoba Region), Whitefish Bay (Ontario Region), and Alexander (Alberta).

The objective of this case study of the Maliseet Nation at Tobique is to assess the effectiveness of the SGN process and its short-term impacts. Based on the findings of the overall evaluation, recommendations will be made regarding the process and areas for improvement.

1.2 Methodology

The communities participating in the evaluation were selected on the basis of experience with the process. Tobique was selected because it has one of the oldest contribution agreements for the framework negotiations stage (January 1987).

Before conducting the onsite case study, a review was conducted of DIAND Atlantic Region files at Headquarters and of selected regional Self-Government Negotiations Branch (SGNB) files. In addition, interviews were carried out with Headquarters staff, the former regional Director of the SGNB, and the Regional Director General of the Atlantic Region. The purpose of the file reviews and interviews was to familiarize the evaluators with the SGN process in the Atlantic Region and to obtain a preliminary departmental perspective on the progress at Tobique.

During the onsite visit at Tobique, a file review was undertaken of the self-government process, and a series of interviews was held with the Chief, Councillors, the SGN Co-ordinator, program managers, workshop facilitators, and elders. Interviews were conducted on the basis of experience and participation in the SGN process at Tobique. An initial meeting was held with Chief upon arrival to discuss the case study methodology.

The following is a detailed list of interviews conducted at Tobique during the week of October 10-13, 1989:

- Chief
- SGN Co-ordinator
- Membership Officer
- Education Officer
- Economic Development Officer
- Welfare Services Officer
- Lands and Housing Officer
- Manager-Salmon Farms Ltd.
- Workshops Co-ordinators (3)
- ISG Secretary
- Selected Councillors and Elders

2. PROFILE OF THE BAND

2.1 Location

The Tobique Band reserve is situated on the Saint John River, 28 kilometres south of Grand Falls and 195 kilometres north of Fredericton, New Brunswick. The Maliseet Nation was established in 1801 at Tobique, where a total of 18,000 acres was originally set aside for the reserve. However, 12,000 acres were later alienated by squatters. The current size of the reserve is 6,731 acres, and it is accessible by road, railway, and water. The Maliseet Nation is a signatory of the Peace and Friendship Treaties signed by all Maliseet Nations in 1725, 1752 and 1778. The Band is currently a member of the Union of New Brunswick Indians.

2.2 Demographics

2.2.1 Population

The Tobique Band had a total registered population of 1,341 as of September 30, 1989. Of these 943 (70.3 per cent) reside on-reserve, and 398 (29.7 per cent) reside off-reserve.

Between 1976 and 1988, the total registered population increased by 80 per cent or 589 members. The distribution of this increase is 349 members on-reserve, for an increase of 67.6 per cent, and 240 members off-reserve, for an increase of 109 per cent.

TABLE 1
TOTAL POPULATION ON- AND OFF-RESERVE
MALISEET NATION AT TOBIQUE
1976 - 1989

<u>YEAR</u>	<u>ON-RESERVE POPULATION</u>	<u>OFF-RESERVE POPULATION</u>	<u>TOTAL POPULATION</u>
1976	516	220	736
1977	516	219	735
1978	533	211	745
1979	564	215	779
1980	585	215	802
1981	591	220	811
1982	611	215	826
1983	621	221	842
1984	639	225	864
1985	669	267	936
1986	732	495	1,227
1987	854	436	1,290
1988	865	460	1,325
1989 (Sept)	943	398	1,341

Source: Indian Register, 1976-1989

Figure 1 depicts the annual growth rate on- and off-reserve between 1976 and 1989. During this period, the average annual growth rate of the on-reserve population was 4 per cent, while the off-reserve average annual growth was 6 per cent. The sudden increase in the off-reserve population between 1985 and 1988 can be attributed to a large extent to the number of registrants obtaining Indian status as a result of Bill C-31, An Act to Remove Discrimination from the Indian Act.

The Band population at Tobique is relatively young, with 82.8 per cent of the 1988 registered population under the age of 45. Furthermore, about half the population is under the age of 24.

Figure 2 shows the distribution of the population by sex: 626 males (47.2 per cent of population) and 699 females (52.7 per cent). The figure also shows that 42.3 per cent of the population falls within the median age group of 15 to 34 years. In addition, less than 9 per cent of the community is over the age of 55.

2.2.2 Education

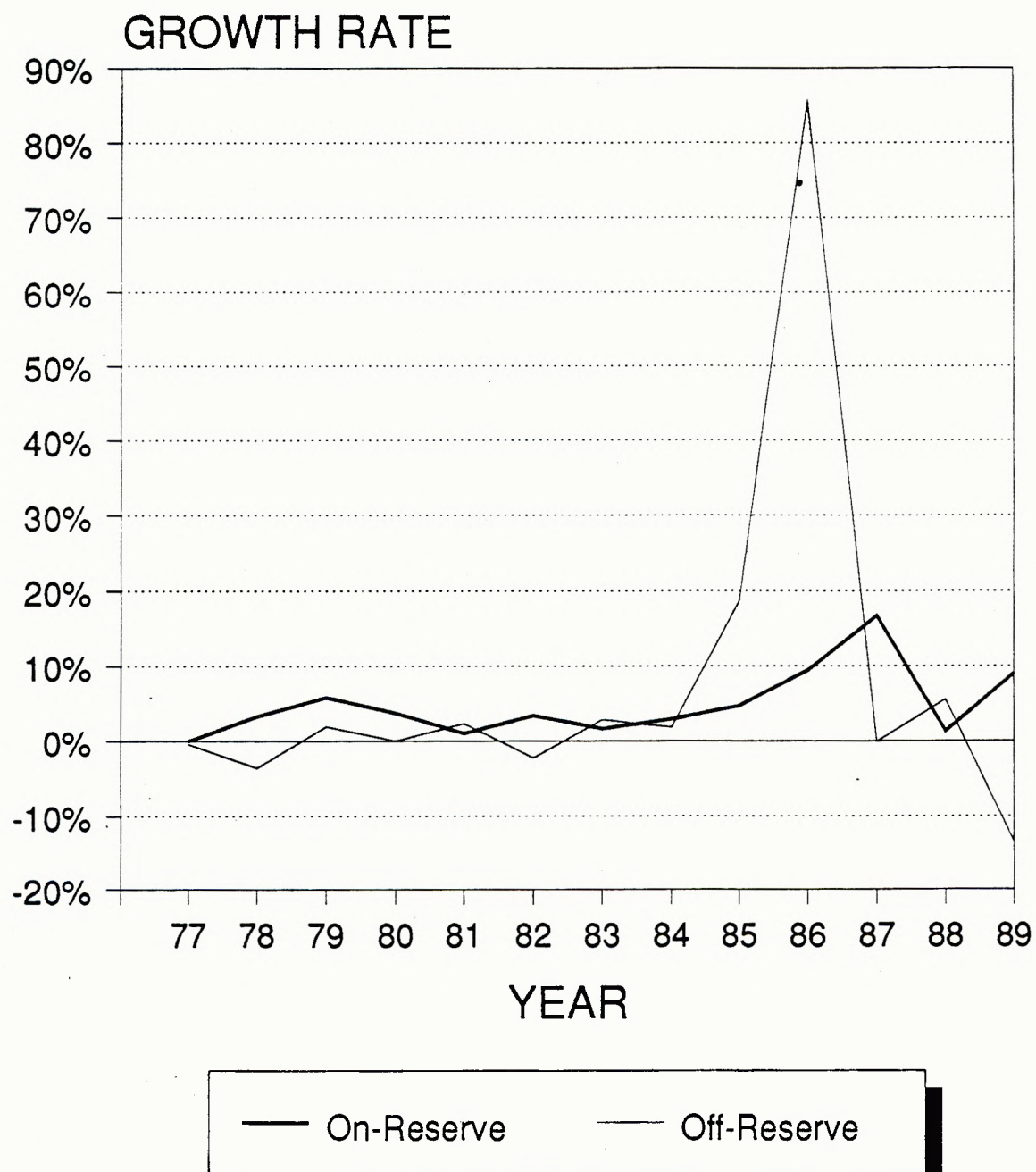
The educational attainment of the population aged 15 and over according to the 1986 Census is presented in Figure 3. Twenty-four per cent (85 persons) have less than a grade 9 education, and 50 per cent (180 persons) have between grade 9 and grade 13, with 10 per cent holding a high school diploma.

2.2.3 Housing

There were 235 housing units on the reserve as of October 1989, housing a total of 943 people. Although there are cases of doubling-up, the reserve is building an additional 13 units. Of these, seven are being subsidized under Bill C-31 and six under a CMHC housing project. According to the Band administration, there is still a serious shortage of housing on the reserve, primarily because C-31 families wish to return to the reserve. Furthermore, the subsidies for construction do not always cover the costs of labour (labour costs to Band average \$11,000 to 15,000/unit). The Band is using its own labour to construct the homes, gaining construction experience through Employment and Immigration training programs.

Figure 1

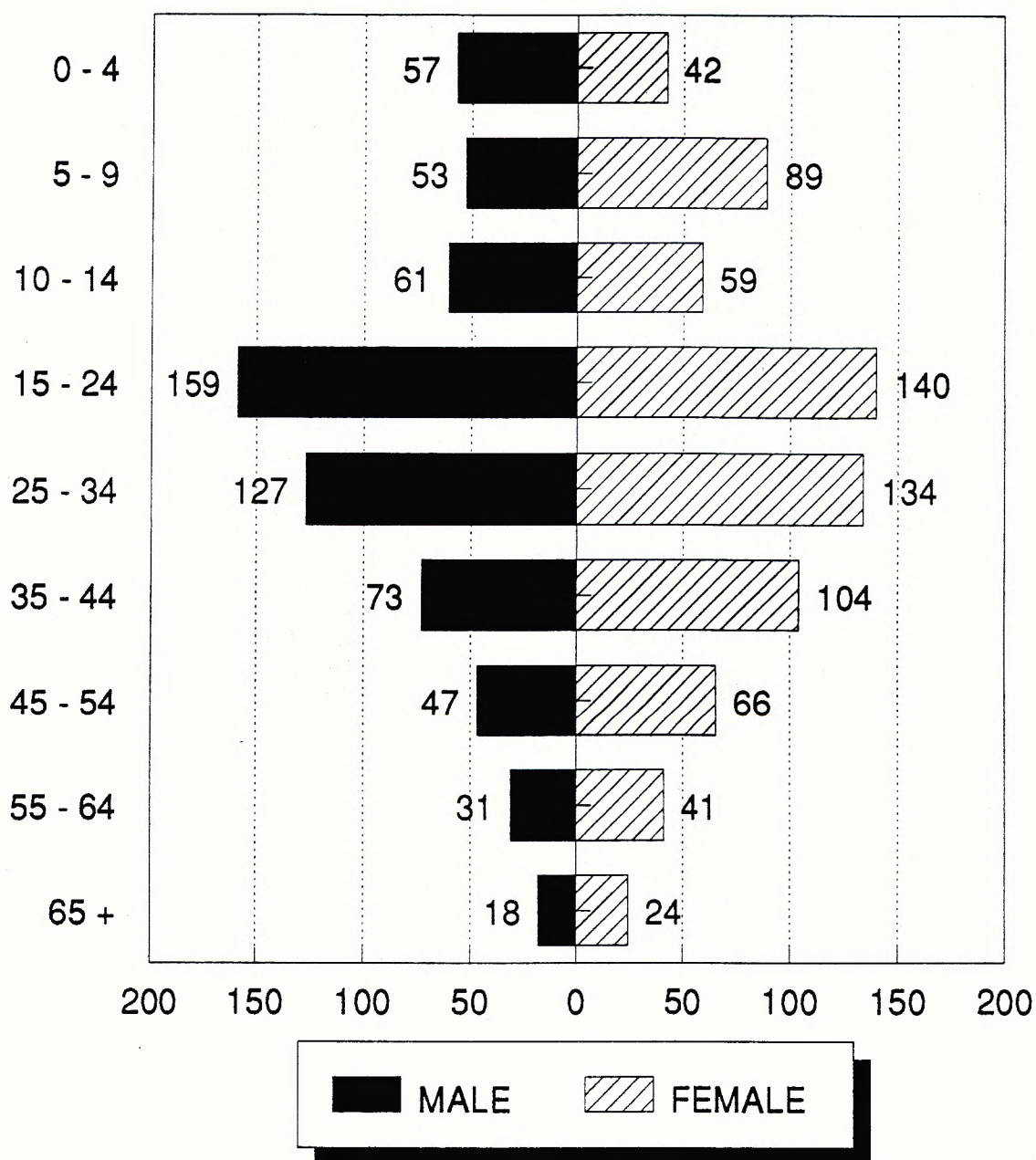
ANNUAL GROWTH RATE ON- AND OFF-RESERVE 1976-1989



SOURCE: INDIAN REGISTER, DEC 1976-1989

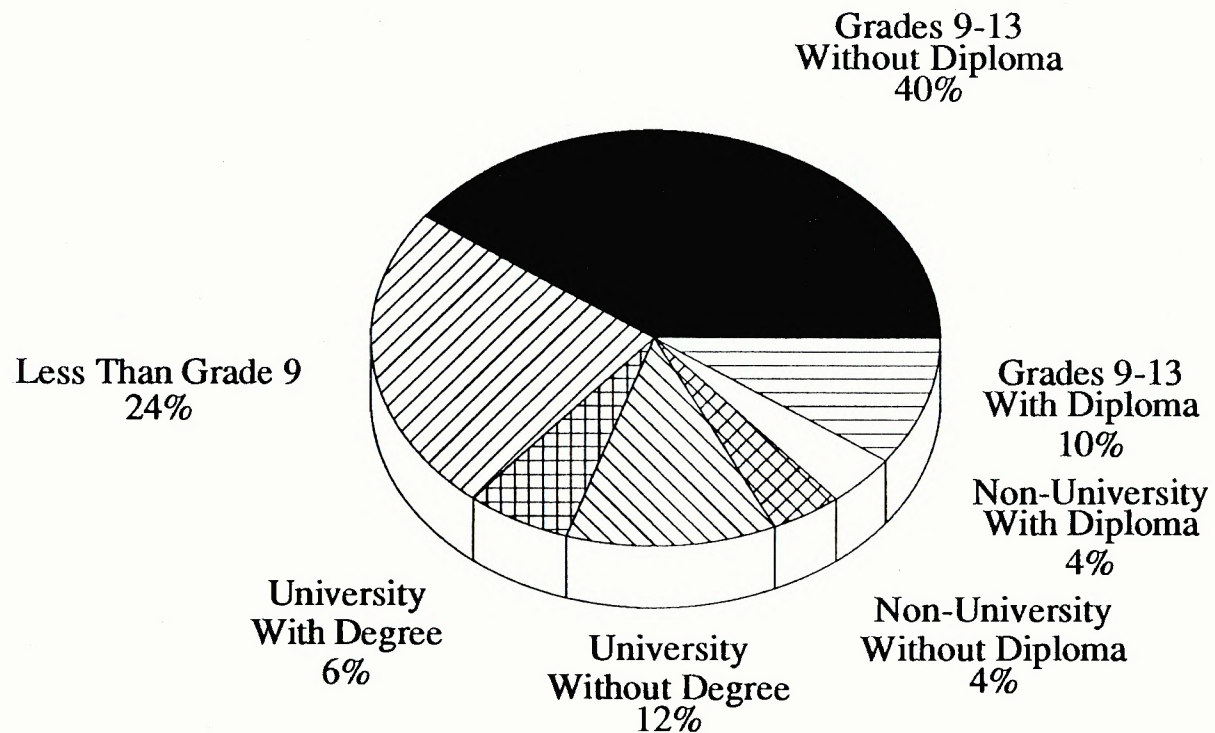
Figure 2

TOTAL BAND POPULATION BY AGE AND SEX



SOURCE: STATISTICS CANADA CENSUS, 1986

ON-RESERVE EDUCATION STATISTICS POPULATION AGED 15+



Source: 1986 Census

Figure 3

2.3 Economic Activities

2.3.1 Labour Force Data

The number of individuals who listed an occupation in the 1986 Census was 150; 70 (47%) of these individuals were male and 80 (53%) were female. Principal occupational groups were clerical and related occupations (20% of total), service occupations (17%), construction (13%), and administrative (10%). According to the Census, the average unemployment rate on-reserve is 56.1 per cent. The average unemployment rate for the 15-24 age group is 66.7 per cent, and 48.3 per cent for the over-25 age group. Table 2 provides a detailed description of the major occupational categories for Tobique delineated by sex.

TABLE 2
MAJOR OCCUPATIONAL GROUPS AT TOBIQUE BY SEX

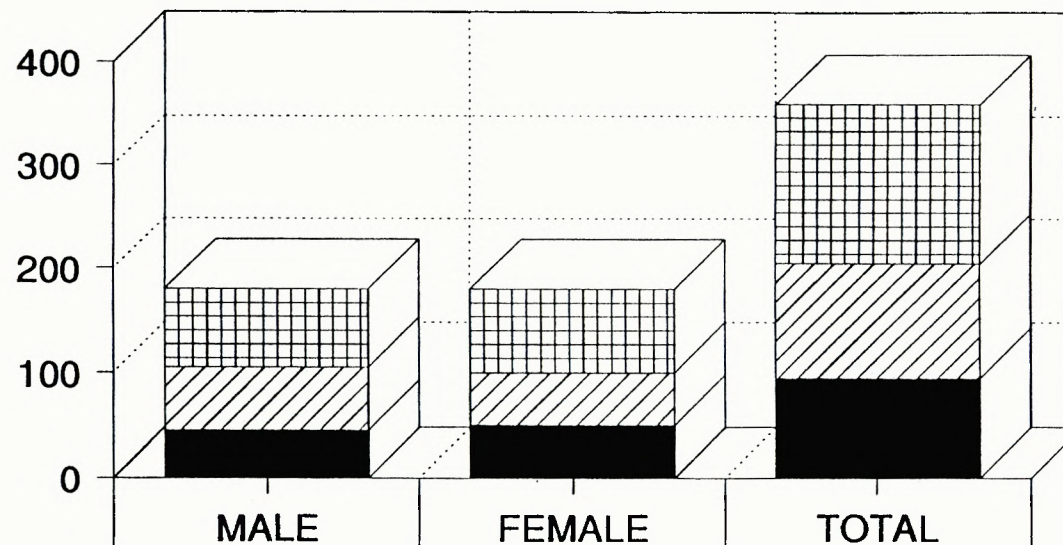
Employment Group	Total	Male	Female
Managerial, Administrative	15	10	5
Teaching, Related	10	5	5
Technical, Social, Religious, Art.	20	5	15
Clerical, Related	30	5	25
Sales, Related	5	0	5
Service Occupations	25	10	15
Primary Occupations	15	10	5
Machining, Fabricating, Assembly	5	0	5
Construction Trades	20	20	0
Transport Equipment Operating	5	5	0
TOTAL	150	70	80

Source: Statistics Canada, 1986 Census.

Figure 4 indicates that 205 individuals participated in the labour force in 1986, which is 56.9 per cent of the population aged 15 years and over.¹ Approximately 50 per cent of those employed (i.e., 48 persons) were considered full-time. Those with part-time work held positions in community programs and services as well as seasonal agricultural and construction work.

¹Census of Canada, 1986, Issue #94-108, pp. 213-214.

LABOUR FORCE STATISTICS OF ON-RESERVE POPULATION 15+



NOT IN LABOUR FORCE
UNEMPLOYED
EMPLOYED

EMPLOYED
 UNEMPLOYED
 NOT IN LABOUR FORCE

SOURCE: 1986 CENSUS

Figure 4

According to 1988-89 Tobique Band statistics, there are 364 persons participating in the labour force (120 employed, 244 unemployed), of which 79 are employed through community programs and services (41 female, 38 male) and 42 are employed through private ventures. The unemployment rate is reported to be approximately 67 per cent.

2.3.2 Current Economic Activity

As of July 1989, the economic infrastructure at Tobique was primarily service-based. A major source of employment is administrative and service positions with the Band, including clerk/secretarial work and program and operations management in the areas of community and social services, housing, and education. The Band has also taken advantage of CEIC programs to train individual members for the construction trades. In this regard, the community is employing local labour to build 13 homes on-reserve. Traditional employment is in salmon fishing and agriculture (e.g., potato and blueberry harvesters). Many members of the community are hired as harvesters locally and in Maine. Other employment activities include craft shops, welding, trucking, and some forestry work.

2.4 Employment Opportunities

The main effect of the self-government initiative upon employment opportunities has been greater awareness that a more firmly established economic infrastructure is required if the Band is to achieve a degree of self-sufficiency. In this regard, the Band has proposed a number of projects to create jobs over a ten-year period. The most promising areas are in tourism development on-reserve and the creation of small retail and service businesses. Such projects are currently being planned by the Band administration.

One project with potential for job creation is the salmon hatchery currently under construction. The idea for the project was submitted to DIAND in the spring of 1987; the Department gave the community \$41,000 to conduct feasibility research. The feasibility study found that the project would benefit the community and recommended that one of four sites be chosen. Funding totalling \$575,000 was secured through the Native Economic Development Plan (\$400K-operations, \$175K-construction), as well as a loan of \$1.6 million from the Toronto Dominion Bank for construction. Employment opportunities in this project include administrative, technical, operations, and security positions. The hatchery is slated to begin operation in 1990 and expects to make a profit after the fifth year.

2.5 Political Process and Administrative Structure

Since 1983, Tobique has been governed by a Chief and Council elected every two years pursuant to the Indian Act. The size of the Council is related to population (one Councillor per 100 members). As of October 1989, the Band Council was composed of twelve councillors and the Chief. Community meetings are held on an ad hoc basis.

The administration model is a portfolio system; specific functions and activities are delegated by Council to an officer employed by the Band. The organization chart (Figure 5 on the following page) depicts functional areas at Tobique, including

- Education
- Social Services
- Economic Development
- Lands and Housing
- Membership
- Health Services
- Band Police
- Construction
- Maintenance

The Chief is ultimately responsible for the administration of the Band, provides the necessary leadership to develop policy, and is directly accountable to the membership. The Band Council is responsible for developing policy in concert with the Chief, represents the views of the community to the Chief, and makes decisions of community importance. Reporting directly to the Chief and Council are the Band Manager, who is responsible for the administration of programs, a finance officer who oversees the administration of expenditures and accounting procedures, and a legal adviser. The ISG Co-ordinator reports directly to the Chief and Council.

Prior to 1983, the Band employed a committee system; issues that came before Council were directed to committees composed of councillors (appointed by the Chief) and Band members (elected at large). The administration of the Band was a shared responsibility between the Chief and Council and DIAND. This system was considered more community-oriented; however, as responsibility for program delivery has shifted to bands, Tobique required a more efficient administrative structure. The interviews indicated that since this structure was implemented, Tobique's band management has become more efficient as well as more assertive when dealing with the Department.

THE MALISEET NATION AT TOBIQUE

POLITICAL STRUCTURE

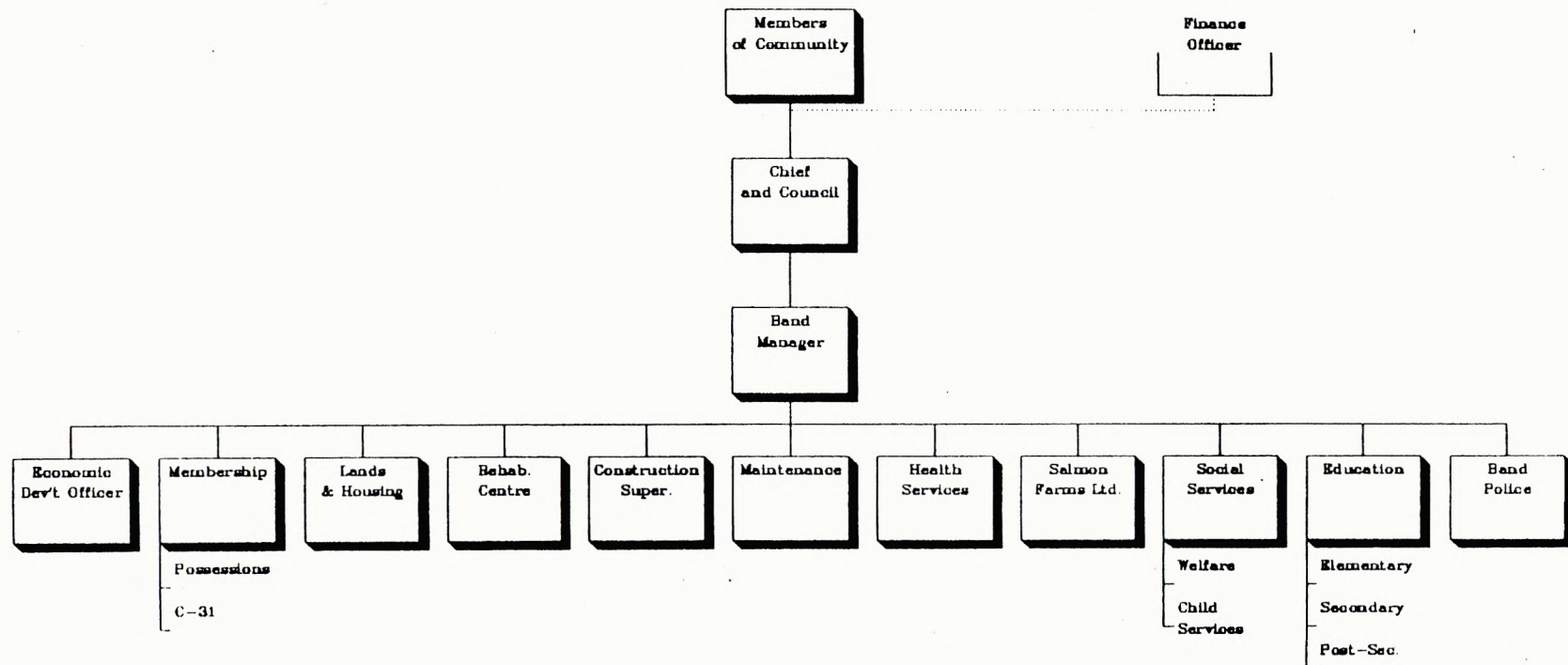


Figure 5

Source: Interviews—Oct./89

The Band currently has an outstanding debt of approximately \$600,000 (as of March 31, 1989). A Financial Management Plan was developed in 1986 to assist the Band in reducing its debt; however, the plan has yet to be implemented. The Band currently administers a program budget of approximately \$7 million per annum.

3. SELF-GOVERNMENT NEGOTIATIONS: PROCESS

This section illustrates the SGN process in the Atlantic Region as well as the SGN process at Tobique. The community had requested negotiation of self-government arrangements early in 1985, prior to Cabinet's authorization for a national ISG program in November of that year, and a process had not yet been fully defined.

3.1 Atlantic Region SGN Unit Organization and Process

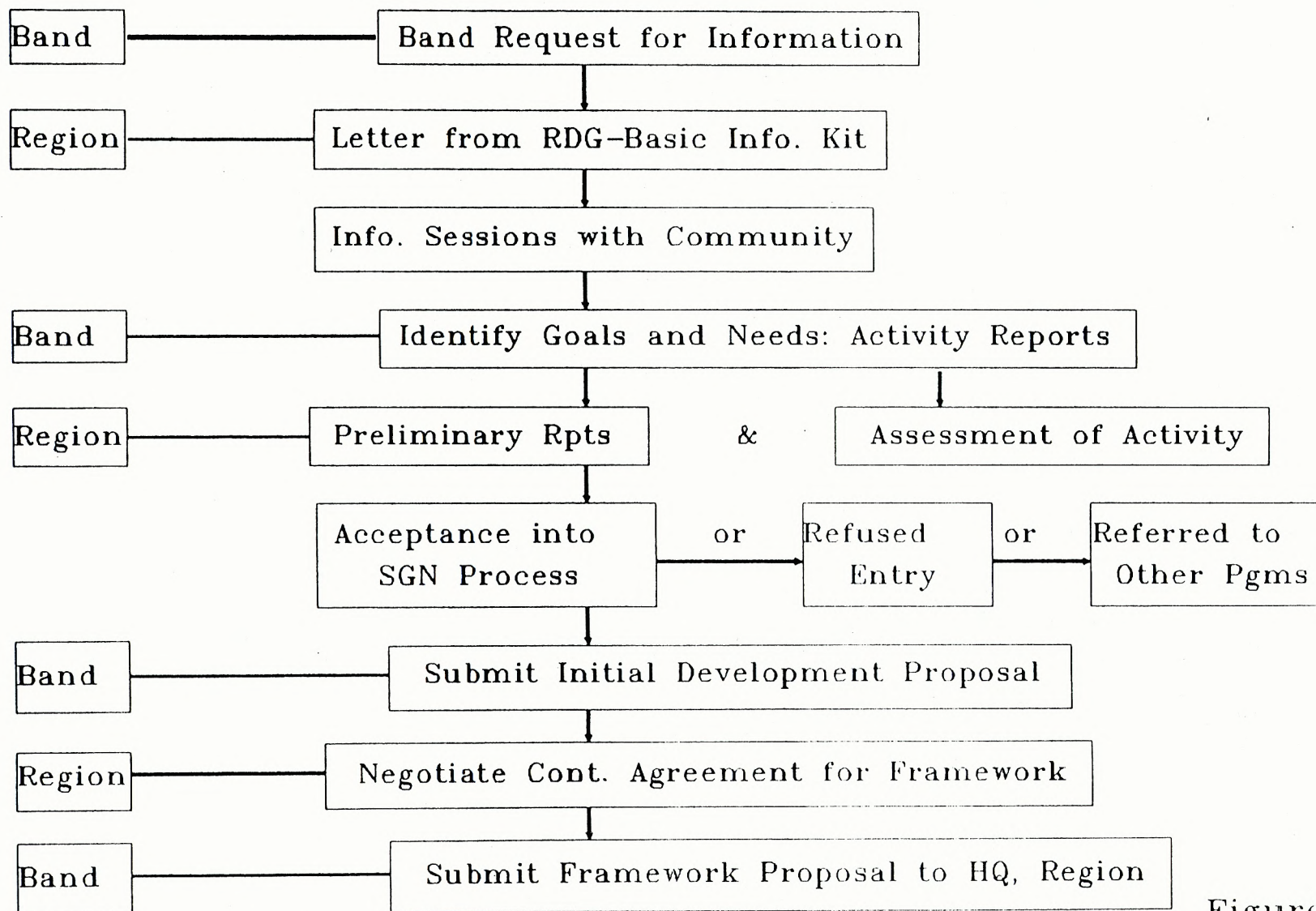
The SGN unit in the Atlantic Region has a Director, who administers the program and is responsible for most of the liaison duties between the Bands/Tribal Councils and the Department, and a fieldwork officer assigned to the program half-time who acts as a resource officer for the community. In addition, a clerk (1/4 time) is responsible for all secretarial and clerical duties. The SGN process as understood by the Atlantic regional staff is presented in the chart on the following page. It depicts responsibilities as seen by the Region as well as those of the community.

3.2 Planning and Development of Community-Based Self-Government

In 1983, the Band administration was reorganized from a Band Council committee structure to a portfolio system. One rationale for the change was to provide more flexibility for the Chief and Council to pursue non-routine issues, including self-government.

In April 1985, the Band approached the RDG of the Atlantic Region with its desire to pursue self-government arrangements. The regional office, not yet prepared to administer a self-government program, passed the request to Headquarters which provided research money for a joint investigation of the community's goals and objectives for self-government and alternative funding arrangements. The Band's investigation lasted approximately 13 weeks spread over the course of a year (April 1985 - August 1986).

SGN PROCESS IN THE ATLANTIC REGION



Source: Interviews, Atlantic SGNB

Figure 6

The objectives of self-government from the perspective of Tobique are to obtain greater autonomy from the Department, to have control over the affairs of the community, and have the ability to enact laws according to community customs.

3.2.1 Community Consultation and Preparatory Work

- ♦ Initial information from Department not considered helpful because it was too technical.
- ♦ Non-continuous process at the Band level.
- ♦ This step gave the Band time to explore the meaning of ISG.

Based on their objectives, the community submitted the first draft of its Initial Development Proposal to the Region and HQ on August 15, 1986. On December 11, 1986, a final report was presented by the Band describing the history of the community and the current system of government. Emphasis was placed on community involvement in the decision-making process at Tobique through open weekly Band Council meetings and general monthly Band membership meetings. The report stated that a main objective of seeking self-government was to acquire control over Band affairs and the delivery of programs.

3.2.1.1 Information Dissemination

The information provided to the Band at this stage was a description of the Sechelt and Cree-Naskapi models. Very little departmental information was given other than the goals and objectives of the proposed SGN process. The Band conducted its own research to a large extent, visiting the Sechelt reserve in British Columbia and the Navajo Nation in Arizona and examining the Northwest Territories and Yukon Acts. The Initial Development Proposal was based on this research and the experiences of other communities and models for self-government.

Once the Department had the authority to implement the community-based self-government process in 1986-87, additional information was provided, including the basic guidelines of the process and a detailed description of program goals and objectives. The main criticism of this information was that it was too technical and not very helpful in practical terms when the Band was trying to explain the program to its membership.

3.2.1.2 Community Views on SGN Process

Interviews suggest that this step was very useful in that it gave the Band the necessary time to explore what it believed self-government to be. In addition, the Band was forced to look closely at its past in order to plan its future. Awareness was created of the need to consider such issues as administration, the economy, justice, resources, taxation, and program delivery before entering the process fully.

The main criticism at this stage of the process was that the Department was unprepared to deal with the community request at the time. In addition, the resources, both professional and financial, were considered inadequate to meet the needs of the community.

Research and progress at the band level was interrupted at various times over the course of the year, primarily because of an underlying belief that because there was a fixed sum of money and specific expenses, the process was to be put on hold as soon as funds were depleted and until another instalment was paid. This assumption proved problematic over the course of the process.

3.2.2 Preliminary Assessment

- ♦ **The Preliminary Assessment was useful to the Band in that it identified potential problem areas and deficiencies to be corrected.**

The preliminary assessment of the Initial Development Proposal was conducted by Headquarters between August and December 1986. The proposal was assessed on a range of criteria including the readiness of the Band, current and potential economic base, the effectiveness of band administration, and the quality of leadership.

Consultation with the Band during this stage took the form of advice as well as negotiation. Three drafts of the proposal were submitted before the final report was accepted. The Department had identified specific concerns in the draft proposals, such as land claims and justice, which it argued could not be discussed in the context of self-government. The Band indicated that the Department was delaying the process because they did not know how to handle Tobique's concerns. The realization that not all issues could be negotiated produced some frustration on the part of the Chief, Council and some community members.

It was indicated in the interviews that, overall, the preliminary assessment was a valuable exercise; from the outset it served to identify problem areas between the community and the Department. However, delays and the inexperience of the Department in dealing with specific issues were considered major drawbacks of the process.

3.2.3 Framework Negotiations

- ♦ Workshops were a useful tool to gather and assess community ideas; however community involvement was limited.
- ♦ Very little negotiation during this stage; most work was development of the Framework Agreement.
- ♦ Band argues that there are too many steps in the process.
- ♦ Unclear responsibilities between Band, HQ, and Region.
- ♦ Departmental advice was helpful, but long delays in feedback.
- ♦ Process considered inflexible.
- ♦ Funding criteria are unclear.
- ♦ The Indian Act requirement for elections at two-year intervals has limited the Band's flexibility to plan a longer term self-government strategy.

In January 1987, a contribution agreement for \$70,000 was concluded with Tobique to enable the Band to develop a more precise outline of its objectives for self-government. To this end, the Band organized three workshops on-reserve to discuss issues of importance as well as to assess how members felt about proceeding with such a process. In addition, the Band participated in three workshops off-reserve with other Bands and the Department, providing an opportunity for exchange of information and concerns regarding the implementation of the self-government process in the Atlantic Region. Workshops were held in Toronto, Yellowhead, and Moncton between the summer of 1987 and February 1989.

In July 1987, an activity report was submitted to DIAND HQ outlining the status of activities for the first six months of this stage of the process. Two on-reserve workshops had been held during this time. Upon request, the Department provided an additional \$40,000 to refine areas needing further work.

On January 20, 1988, a supplementary report was submitted to the Department addressing the issue of administration of justice on the reserve. This issue had proved contentious in the past, and the Band wished to clarify various aspects of its original proposal. Throughout the remainder of 1988, the Band planned what it wished to see included in its Framework Proposal and submitted a detailed discussion paper in early 1989. The discussion paper outlines the areas of importance to the Band, the problems in the self-government process to date, a process for negotiation, and the ratification process at the Band level.

In February 1989, the Department drafted a discussion paper providing preliminary responses to the issues raised by Tobique. The areas of potential disagreement arose in the administration of justice and land title and management. The Band has since clarified these issues through the Framework Proposal.

On September 13, 1989, subsequent to the evaluation date, Tobique submitted its Framework Proposal to the ADM Self-Government. The field work for this case study took place during October 1989.

3.2.3.1 Workshops

The three on-reserve workshops were conducted in 1987 at 2-3 month intervals and organized by the workshop co-ordinators. The workshops were generally led by the ISG Co-ordinator and facilitated by a workshop co-ordinator. The Chief often spoke at the sessions to clarify issues or answer questions.

Members were informed about the workshops through the Band newsletter and posters at the Band office. An agenda was prepared by the workshop co-ordinator outlining the topics to be discussed. Organization time for the workshop was generally two weeks' notice, and each event lasted approximately 2-3 hours. Guest speakers and observers were invited to the sessions, including departmental lawyers (DIAND HQ), a representative from the AFN (who discussed the future of bands in process), and other regional departmental officials.

The objective of the workshops was to inform members about the self-government process as well as to hear their views. Members were initially approached with a questionnaire (see Appendix A) which asked basic questions on what members thought of the process and what self-government meant to them. Discussion groups were usually organized to discuss responses to the questionnaires or issues of general interest. Attendance at the workshops ranged from 125 participants in Workshop I to 80 in Workshop II and 40 in the final

session. Although there was much interest and controversy at the beginning of the process, interest waned over time as issues became better refined.

Feedback at the workshops was often harsh. Members expressed some concern about the Department's intentions with the program, including the possibility of Tobique becoming a municipality and a transfer of certain powers and responsibilities over Indian affairs to the province. It was stated clearly that members did not wish the province to have any jurisdiction on reserve lands. Another response was that the Chief and Council were elected to represent them and that it should be up to them to gauge the views of the community and proceed with the program as they saw fit.

Interviews also indicated that the membership expressed concern about the achievement of self-government. There is a strong perception that as self-government is implemented, members will lose current benefits provided by the government. Very little information was given to the Band to provide basic answers to such concerns.

It was expressed in various interviews that the workshops (or "Band meetings") were useful in that the Chief and Council were able to assess the views of the membership on a very important topic. In addition, the meetings were an ideal mechanism for informing members of the objectives of self-government and involving them in the decision-making process.

3.2.3.2 Issues for Negotiation

In the Framework Proposal, a range of issues was identified by the Band for negotiation. Table 3 contains a summary of the nineteen subjects proposed in the September 1989 submission and clarified through the discussion papers prepared by the Band and the Department.

TABLE 3
ISSUES FOR NEGOTIATION

ISSUE	SPECIFIC CONCERNS
1. Legal Status and Capacity	- Assume legal status of a government with legislative and executive powers
2. Structure of Government	- Propose a representative structure of government, including some aspects of traditional Maliseet government. It may also include a council of elders or elders' senate.
3. Constitution of Tobique	- To enact a constitution that would allow for collective and individual rights. It would define the powers of the government, the membership, and the relationship between the government and the administration. The judicial, executive, and legislative powers of the nation would be defined.
4. Justice	- To have legislative authority with respect to the maintenance and organization of a court with civil and criminal jurisdiction and including civil procedures.
5. Election Procedures	- To enact an Elections Act that would include guidelines for eligibility for office, by-elections, length of term, duties of electoral officers, etc.
6. Citizenship	- To enact citizenship legislation including guidelines for residency, entitlement, immigration and emigration, and citizenship/membership.
7. Lands and Resources	
7.1 Title and Management	- To enact laws respecting management and acquisition of land where the province would not have the right of expropriation, deeds and certificates of ownership, and zoning.

- | | | |
|-----|---|--|
| 7.2 | Natural Resources | <ul style="list-style-type: none"> - Non-Renewable: control over lands and resources. - Renewable: protection of timber, wildlife, fish, etc. |
| 8. | Environment | <ul style="list-style-type: none"> - Control over issues such as water purification, industrial waste, water sewage, sanitary disposal, etc. |
| 9. | Capital Projects | <ul style="list-style-type: none"> - To have executive authority over local work projects, regulation of construction and use of buildings, and control of housing standards. |
| 10. | Education | <ul style="list-style-type: none"> - Control over curriculum planning, budget control, and school operations. The Band also wishes to operate its own school board. |
| 11. | Health Services | |
| 12. | Social Services | <ul style="list-style-type: none"> - Includes control over income assistance to all residents; child welfare services; adult care; and community social services. |
| 13. | Succession | <ul style="list-style-type: none"> - Propose to have authority over succession of property, including the development of regulations to ensure the protection of descendants. It will also provide protective measures against alienation by non-Indians. |
| 14. | Communications | <ul style="list-style-type: none"> - An Act will be established to protect and strengthen cultural and social values. |
| 15. | Professional Development and Training | <ul style="list-style-type: none"> - Job training and professional development is and will be a priority toward the achievement of self-determination. |
| 16. | Business, Economic Development and Labour | |

- | | | | |
|-----|---|---|---|
| 17. | Government Financing and Revenues | - | Community proposes to establish the legislative authority to make laws regarding corporate taxation to raise revenue that will be levied only on non-Indian corporations (e.g., utilities). |
| 18. | Financial Arrangements Between Tobique and Government of Canada | - | A new transfer payment system will be negotiated between the Federal government and Tobique. Funding responsibilities will be established. |
| 19. | Purchase of Services (Provincial and Municipal) | | |

3.2.3.3 Information, Resources and Consultation

Information at this stage was primarily in the form of advice, principally from Headquarters. As Tobique progressed through the process and the regional SGNB acquired greater experience, more time was spent with regional officials.

In 1988, meetings were held between the Band, the federal negotiator, and the Director of Self-Government Negotiations to clarify various issues in the proposal. The particular issues were structure of government, guidelines for election, land ownership, financial transfers and accountability, and the justice system. In May 1989, a contribution agreement of \$20,000 was negotiated to conclude the Framework Agreement. Subsequent meetings and correspondence continued to clarify specific issues and to provide the necessary foundation for framework negotiations.

It was indicated in interviews that the advice provided by the Department was generally helpful in that it focused the information from the Band level. The main criticism, however, was that there were often long delays between submitting a report or memo and receiving a response.

3.2.3.4 Ratification Process: Band Level

The ratification process at Tobique for the final agreement will be by referendum and will proceed as follows:

- one year of workshops on final package (two per month)
- Council meetings designated to allow members to present briefs

- referendum in accordance with DIAND guidelines
- legal advice will be secured on key items

3.2.3.5 Strengths and Weaknesses of Framework Negotiations Stage

The main strength of this step was that the negotiating parties were able to clarify and understand the main issues of concern to the community and define the terms and parameters for negotiation. Although there was much criticism at the Band level about the complexity of the process, it was generally agreed that this stage was helpful. Providing a solid foundation for negotiation was indicated as very important for the Band administration and departmental representatives.

Of particular importance to the community at this stage was the involvement of the membership in the process. Although attendance at band meetings was low, this tool proved important in ensuring as much participation as practicable. The mechanism was useful in providing information as well as receiving feedback and comments on specific topics.

Combined with the clarification of issues was a greater understanding at the Band level of the process and its implications. It was indicated in interviews that "this initiative is for keeps" and that it would be difficult to turn back if and when the Community achieves its goals.

The most significant weakness identified at this stage was that the federal government is attempting to impose a standard process upon a specific set of circumstances. During this stage in particular, the Department's process for drafting an agreement is seen as rigid, complex and narrow in scope in that there is a clear delineation between what is negotiable and what is not. From the perspective of the community, this is viewed as a serious impediment to progress.

In concert with this general comment, the community and regional staff noted that there is confusion over the responsibilities of the Region, Headquarters, and the Steering Committee. The Band is often contacted for information and is being asked to deal with various parts of the Department. It was argued that there appear to be too many levels in the process and an unclear definition of roles.

Delayed response time for inquiries and submissions was another problem area identified. The Band interviews in particular indicated that there was a great deal of frustration over the length of time required for the Department to respond to routine questions.

3.3 Self-Government Negotiations

The Tobique Band has not yet entered into self-government negotiations. Although the scheduled signing of the Framework Agreement was November 2, 1989, the Department indicated that a number of extenuating circumstances, including the management of the Band's deficit, had yet to be settled. It has been indicated by the Band that the agreement is expected to be signed within the next year. A schedule of events for the achievement of self-government has been included in Appendix B.

3.4 Resources, Funding Procedures and Audit

The following table provides a detailed funding chronology for the self-government process at Tobique since January 26, 1987. The table outlines each contribution by source and purpose. Eligibility for funding was determined primarily at Headquarters; as a result the regional SGNB is uncertain as to the specific nature of the criteria.

TABLE 4

Funding and Nature of SGN Contributions to Tobique

<u>Date of Contribution</u>	<u>Level of Funding</u>	<u>Source</u>	<u>Purpose</u>
January 26, 1987	\$ 60,000	HQ	- Developmental work
March 19, 1987	\$ 10,000	HQ	- Extension of Jan. 26
October 27, 1987	\$ 40,000	HQ	- Extension of Jan. 26
March 2, 1988	\$ 15,000	HQ	- Develop Framework Proposal and Clarify Membership Issues
August 15, 1988	\$ 45,000	HQ	- Finalize Framework Proposal
December 22, 1988	\$ 45,000	HQ	- Organize and Host ISG Workshop in Moncton for Maliseet Nations and Department
March 16, 1989	\$ 3,000	Region	- Supplement to Dec. 22
May 1, 1989	\$ 20,000	HQ	- Clarify Framework Proposal
TOTAL FUNDS ALLOTTED	<u>\$238,000²</u>		

²Source: Atlantic SGNB: Tobique Band File.

4. SELF-GOVERNMENT NEGOTIATIONS: IMPACT

This section assesses the short-term impact of the SGN process at Tobique.

4.1 Band Management Capacity

- ♦ SGN led to a change of administrative structure that allowed greater flexibility of management.
- ♦ The administrative structure allows Tobique to respond more quickly to community needs.
- ♦ Through the self-government program, the Band is being forced to look inward in order to plan its long-term objectives.

With the reorganization of the Band's administrative structure, the Chief and Council acquired the ability to pursue non-routine issues such as fostering economic development in the community and planning long-term objectives for developing community infrastructure. The portfolio system has also enabled the Chief and Council to delegate routine matters to program managers along with administration and planning functions. In addition, the responsibilities of the Chief and Council have been redesigned to allow them to resolve short- and long-term policy issues and devote a greater proportion of their time to assessing current community priorities.

Under new arrangements with DIAND for program delivery, Tobique has been given greater flexibility to respond to community requirements by assessing the needs of the community and establishing priorities for program goals with the Department. This arrangement provides the necessary foundation and experience for the community to develop a management structure independent of departmental guidelines.

As a result of entering the self-government program, the Band has inevitably begun to look closely at its tribal customs and cultural history, and to determine how these elements can and should be applied to future practices. When the community was put under the wardship of the government of Canada, many band customs were set aside or forgotten. In planning for self-government, the community has had to take a hard look at itself and determine how it is to govern itself given its past and the constraints it now faces. Planning long-term objectives is being seen as a new function requiring new skills.

4.2 Band Accountability

- ♦ **Chief and Council are accessible through regular Council and Band meetings.**
- ♦ **Band developing community approaches for self-examination.**

Prior to the self-government program, the Band administered programs and services in strict accordance with departmental guidelines. With program delivery at Tobique highly structured through DIAND, the Chief and Council were more accountable to the Department than to the Band membership. Through self-government, there is an awareness that the Chief and Council have to take more responsibility for their decisions. In identifying and ranking the needs of the community, the Band administration is making some of the difficult decisions once made by the Department.

The community has also begun to be included in the decision-making process. In the interviews, it was often noted that self-government offers a unique opportunity to influence the future of the community. Therefore, members said that they wanted to be involved in a serious way in the final decision-making process.

4.3 Policy Consultation

- ♦ **Increased consultation with DIAND on programs and services.**
- ♦ **Redefinition of relationship between Band and Department.**

Since Tobique entered the SGN process in 1985, there has been a redefinition of roles and responsibilities between the Department and the Band. Prior to entry into the program and the reorganization of the Band administrative structure, the Department had overall control of program delivery and Band policy, with some input from the Chief and Council. Currently, the Band has greater responsibility for program delivery, although subject to departmental guidelines. Such responsibility includes communicating regularly with the Department regarding social, economic, and financial priorities in the community. Increased consultation has generally brought enhanced awareness and understanding of respective positions and issues of mutual importance.

4.4 The Community

- ♦ Since entering the SGN process, the Tobique community, as an entity, has indicated a willingness to assume responsibility for its actions.
- ♦ There has been a rapid evolution of the community decision-making function and process in response to increasing government pressure for results and decisions.

The SGN process has produced both positive and negative results for the evolution of the community. On the positive side, the community has had to develop managerial and financial expertise to deal with the demands placed upon it. In this regard, individual band members have developed a renewed interest in obtaining training to enable them to contribute to meeting the needs of the community at large. On the negative side, the community has had to evolve quickly to deal with the routine responsibilities of management and leadership. It was widely felt that the community is becoming involved in a range of activities that require various types of expertise not always found on-reserve. In these cases, the Band is often forced to find expertise off-reserve temporarily until such time as skills can be acquired by Band members.

5. CONCLUSIONS

5.1 Process

From Tobique's perspective, the self-government process is both complex and technical; as a means of achieving the goal of self-determination, the process involves too many steps and players. The interviews revealed that because of the complex nature of the process, feedback from the Department was often delayed, resulting in time lags between outputs. The number of players in the process added to the frustration felt at the Band level. It was felt that the responsibilities of the Region, Headquarters and the Band were clouded, especially during the early stages of the process. Submissions had to be made, for example, to Headquarters and the Region, be examined by the Steering Committee (the role of which was unclear), and feedback was given by a number of individuals throughout the Department. From the perspective of the community, the role of each of these entities is unclear.

Similarly, the interviews showed that the criteria for assessment were either unclear or not made known to the Band. In the Framework Negotiations step in particular, interviews indicated that it was often difficult to determine the criteria being used by the Department to assess activity reports and submissions. Although there was communication between the Department and the Band, it was usually in the form of editorial advice or a restatement of the relevant guidelines or terms of reference for submitting properly documented outputs.

One of the major points of contention is the use of a standard model and process for achieving self-government. Some members stated that each community has its own set of tribal customs, priorities and circumstances, including varying population size and quality of leadership. It was stated that these elements should all be taken into account and that the departmental model be used as a tool or outline rather than an entrenched approach. Particular reference was made to the "constraining timeframes".

During the onsite visit to Tobique, it was found that the process had been interrupted at various stages. The belief that the process ceases as funds are depleted seemed to be a source of frustration for the Department and the Band. When the Department requested outputs as required by the contribution agreements, the Band would sometimes respond that there were not adequate funds to complete the required work. After completion of the case study the regional SGNB indicated that this attitude appears to be fading. It has been conveyed to the Band that the program is intended to be a continuous, progressive, and evolutionary process. The Band has indicated that it agrees with this explanation and is now carrying out work on a regular and constant basis.

Another problem expressed by the Band was that the frequency of elections makes it difficult to plan, implement and maintain a constant community strategy. The Chief in particular emphasized that elections every two years place undue pressure on the Chief and Council to plan long-term objectives.

5.2 Impact

The most apparent effect of SGN on the community is that the community has had to develop administrative and technical skills to meet demands placed on the system by both the Department and the community in a relatively short period of time. This has placed a strain on the community's labour force. It is clear that such evolution is desirable, although community members cautioned that it must be tempered with a realistic pace if it is to be sustainable throughout the process.

The change in the administrative structure at Tobique has brought about noticable changes in the efficiency of management to meet the needs of the community. With a portfolio system, the Chief and Council noted that there is more time to plan and perform other non-routine functions. Self-government appears to have created an awareness that the Band administration has become more accountable and responsive to community priorities, as opposed to satisfying departmental procedures.

Combined with this sense of administrative responsiveness is a redefinition of Band and departmental responsibilities and roles. With greater control over program delivery, the Band is becoming more assertive in acquiring from departmental sources the tools necessary to gain control of routine decision-making authorities.

Finally, since the Band entered the program, it has been undertaken a process of self-examination and reflection, enabling it to determine how it wishes to use tribal principles to govern itself in the future. This process is viewed as constructive by all actors.

APPENDIX A

Workshop Questionnaire

QUESTIONNAIRE

PLEASE NOTE:

We have always maintained that we will not go into self-determination until a referendum is conducted and a strong majority supports the concept. In the meantime we request that you assist us in defining the concept of self-determination.

1. AGE

18 - 24

☐

25 - 30

☐

31 - 35

☐

36 - 40

☐

40 and over

☐

2. SEX

MALE

☐

FEMALE

☐

3. WHO SHOULD CONTROL TOBIQUE AFFAIRS?

TOBIQUE

☐

D.I.A.

☐

OTHER (SPECIFY)

☐

4. SHOULD TOBIQUE ACCEPT A FEDERAL OR PROVINCIAL DEFINITION OF SELF-GOVERNMENT?

YES

☐

NO

☐

5. SHOULD TOBIQUE CONTINUE TO DEVELOP THE CONCEPT OF SELF-DETERMINATION?

YES

☐

NO

☐

6. ARE WORKSHOPS REQUIRED?

YES

☐

NO

☐

7. DO YOU AGREE THAT TOBIQUE SHOULD CONTINUE TO CONTROL ITS OWN AFFAIRS?

YES

☐

NO

☐

8. HOW SHOULD THIS BE ACCOMPLISHED?

9. WHAT DOES SELF-DETERMINATION MEAN TO YOU?

APPENDIX B

Tobique Self-Determination: Evolutionary Process

T O B I Q U E S E L F - D E T E R M I N A T I O N
E V O L U T I O N A R Y P R O C E S S

P O L I T I C A L E V O L U T I O N							E C O N O M I C A L / S O C I A L / P O L I T I C A L E V O L U T I O N						
PURE EXPLORATION	IDENTIFICATION OF ISSUES	EXPLORE SELF-DETERMINATION CONCEPTS	ANALYSIS OF SELF. - DET. CONCEPTS	REVIEWING PROS/CONS OF SELF - DET.	SELECTION OF STRUCTURES AND TYPES OF SYSTEMS	POLITICAL DIRECTION TO PURSUE DETERMINED	DETERMINED POLITICAL CANDIDATE	EXPLORING POLITICAL/SOC. ECONOMIC BASE FOR SELF-DET.	EXPLORING ECON. OPTIONS	DEVELOPING POL./ECONOMIC SELF. - SUFF.	IMPLEMENTATION OF ECON/SOC. POLI. STRUCT.	COMMUNITY REFERENDUM	T O B I Q U E S E L F - D E T E R M I N A T I O N
1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	

APPENDIX C

Summary of Case Study Findings

SUMMARY OF CASE STUDY FINDINGS

Process

Community Consultation and Preparatory Work

- ◆ Initial information from Department not considered helpful because it was too technical.
- ◆ Non-continuous process at the Band level.
- ◆ This step gave the Band time to explore the meaning of ISG.

Preliminary Assessment

- ◆ The Preliminary Assessment was useful to the Band in that it identified potential problem areas and deficiencies to be corrected.

Framework Negotiations

- ◆ Workshops were a useful tool to gather and assess community ideas; however community involvement was limited.
- ◆ Very little negotiation during this stage; most work was development of the Framework Agreement.
- ◆ Band argues that there are too many steps in the process.
- ◆ Unclear responsibilities between Band, HQ, and Region.
- ◆ Departmental advice was helpful, but long delays in feedback.
- ◆ Process considered inflexible.
- ◆ Funding criteria are unclear.
- ◆ The Indian Act requirement for elections at two-year intervals has limited the Band's flexibility to plan a longer term self-government strategy.

Impact

Band Management Capacity

- ♦ SGN led to a change of administrative structure that allowed greater flexibility of management.
- ♦ The administrative structure allows Tobique to respond more quickly to community needs.
- ♦ Through the self-government program, the Band is being forced to look inward in order to plan its long-term objectives.

Band Accountability

- ♦ Chief and Council are accessible through regular Council and Band meetings.
- ♦ Band developing community approaches for self-examination.

Policy Consultation

- ♦ Increased consultation with DIAND on programs and services.
- ♦ Redefinition of relationship between Band and Department.

The Community

- ♦ Since entering the SGN process, the Tobique community, as an entity, has indicated a willingness to assume responsibility for its actions.
- ♦ There has been a rapid evolution of the community decision-making function and process in response to increasing government pressures for results and decisions.

Notes sur les œuvres

Les habitants de la Côte Ouest

(Photo en bas à gauche)

Les Indiens qui demeurent présentement le long de la Côte Ouest du Canada sont de la même descendance d'habiles marins qui ont navigué sur l'océan du Nord Pacifique, bien avant l'arrivée des Européens, dans des canots taillés à la main. Afin d'assurer leur subsistance, ces habitants affrontaient quotidiennement les risques d'une région fréquemment appelée le "cimetière marin du Pacifique". Le "Westcoasters" est un hommage visuel pittoresque à la volonté indomptable et courageuse des habitants de la Côte Ouest.

et sur les artistes ...

Roy Henry Vickers

Roy Henry Vickers, un Tsimshian de la Côte, a passé son enfance à Kitkatla, un ancien village Indien situé sur une île à l'embouchure de la rivière Skeena en Colombie-Britannique. Plus tard, sa famille s'installa dans la région de Victoria où il suivit des classes d'art. Il ne pouvait pas comprendre les peintres européens et les "grands maîtres". Ainsi, il se tourna vers l'art de son patrimoine Tsimshian et c'est ici qu'il découvrit sa créativité.

Dans peu de temps, ses œuvres d'art donnèrent de grandes espérances et il fut admis à l'institution "Gitanmax School or Northwest Coast Indian Art" à Ksan, Hazelton en Colombie-Britannique. Suite à deux années d'études sérieuses à Gitanmax, Roy a évolué en un artiste de forte compétence et possédant une aptitude prononcée à sensiblement marier les formes contemporaines et traditionnelles. (Roy est aussi un talentueux conférencier à l'Université et acteur de télévision.) Ses sculptures et peintures font partie des grandes collections publiques et privées au Canada, aux États-Unis et au Japon.

Creation

(Photo du milieu)

Si nous utilisons les paroles de cet artiste " ... les créations significatives sont guidées par les œuvres du Créateur et sont considérées sacrées. C'est de la nature que les peuples autochtones adoptent le symbolisme." Ainsi, la "Création" devint la première de ses peintures Iroquoises. C'est un œuvre qui décrit en symboles physiques une vision d'anciens concepts spirituels Iroquois : l'Île Tortue — la Terre, le Grand Arbre de la Paix — Fraternité et Unité, l'Aigle Gardien — le Gardiennage du Créateur, et le Soleil — notre Frère Aîné.

Arnold Jacobs

Arnold Jacobs est un artiste Iroquois des Six Nations qui se révèle en tant qu'interprète et historien de la culture abondante de son peuple. Suite à ses études en art spécialisé à l'école Central Technical de Toronto, Arnold continua de développer ses techniques distinctes au cours de treize ans d'expérience dans le domaine de l'art commercial. Ses travaux sont reconnus au niveau international.

L'expression créative d'Arnold est centrée sur les symboles de la terre et du ciel — tels que les eaux, les quatre vents, le tonnerre et le soleil. Pour lui, ces éléments et phénomènes vitaux sont aussi des forces spirituelles qui devraient nous inspirer une juste reconnaissance au Créateur.

*Traduction:

"... meaningful traditions are governed by the works of the Creator, and are believed to be sacred. It is from nature that the Native peoples adopt symbolism."

"The Goose and the Mink"

(Photo en haut à droite)

L'oie et la martre du Nord offrent une représentation vive symbolisant la lutte interminable et universelle entre le bien et le mal, les forces de la vie et de la mort.

Nous voyons dans la création animée et inanimée — dans celle de la proie et du prédateur ainsi que dans les variations entre les soleils éclairci et obscurci — une accentuation du conflit continu entre ces forces et le sentier qui les divise.

Jackson Beardy

Jackson Beardy est le cinquième fils d'une famille de 13 dans la communauté indienne isolée d'Island Lake quelques 600 kilomètres au nord de Winnipeg au Manitoba.

À l'âge de 7 ans, il fut privé de son chez-lui et de son langage et passa douze années désorientées et traumatisantes dans un pensionnat. Jackson a donc vécu son adolescence à lutter pour se réconcilier avec les deux mondes des indiens et des blancs. C'est à ce moment-là qu'il partit vers le Nord en vue de réapprendre les usages et les préceptes de son peuple.

Plus tard, méconnu et ne connaissant aucun autre artiste Indien au Canada, il développa une forme d'art particulière décrivant les légendes traditionnelles et la nature en images créatives, symboliques et d'une coloration unique. Avec le temps, ses peintures ont pris place parmi les collections reconnues à travers l'Amérique du Nord et l'Europe. Sa mort récente en décembre 1984 fut une perte déplorable pour le Canada.