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Developing a Self-Government Blueprint: The Community-Based Approach⁴

By Erling V. Christensen,
in partnership with the Lheit Lit'en Nation

As of February 24 of this year, there were 14 groups representing 43 bands involved in Community based Self-Government (CBSG) negotiations with the government of Canada. To date, over 50 million dollars have been spent on these negotiations, with only one group having reached the stage of negotiating an agreement in principle.

Simultaneously, there are numerous processes going on across the country whereby communities are attempting to heal themselves in order to become self-determining and ultimately self-governing. Both the phrases "self-determination" and "self-government" are used interchangeably and have thus lead to some confusion. We prefer to link the two concepts so that *self-determination* is both a process and a stage to be reached before there can be *self-government*. The federal government has a very narrow definition of self-government which may or may not require the process of becoming self-determining. Native communities, for the most part, see it in more complex ways as the culmination of a process.

For many, self-government is managing the communities' affairs independently from the Indian Act. It is the outcome of devolution of programs currently under the control of the Department of Indian and Northern Affairs (DINA)⁵ the return to Band Custom and the empowerment of a ruling body separate from the Indian Act and the election of a government chief and council. This new ruling body, or community authority, may be an elected chief and council or it may be of a more traditional reflection of authority such as a hereditary body through a clan structure or an Elders Council that in turn selects a chief and council.

One of the difficulties with current approaches to self-government is that authority is still held by the Federal government and is dependent, in part, on how DINA sees its fiduciary responsibility. This fiduciary responsibility is a double-edged sword. In one instance it is a mechanism whereby First Nations can insist upon government exercising its responsibilities to protect aboriginal people. In the other instance, it is an expression of paternalism whereby the same government and department will decide what those responsibilities are and how best to fulfill them. In a number of instances DINA has overturned band elections or referendums citing its fiduciary responsibility. In the case of

one nation, DINA gave as its reason for overturning a referendum returning to band custom the opinion that the nation was choosing a direction that was "too radical a departure" from what the government was comfortable with.

So what is a community to do? How can a community or band determine that its chosen course is the best one and the wisest one to fulfill its needs and the needs of its members?

The Need For a Blueprint

The challenge to Native communities is to design community political, economic, health and social service, legal, and cultural structures that will move the communities away from the paternalistic structures that were imposed upon them. Re-emerging societies need to develop their own unique systems that will take them into the future. The end result promises potential benefits, but doing it requires creating a vastly complex blueprint and infrastructure. The infrastructure is the framework that ensures that each nation or band reclaims their legitimate rights and powers in order to achieve their social and economic goals. There are many variations possible and desirable. Each will reflect the unique history and experiences of its people. This is one aspect of self-government that is confusing to non-natives who mistakenly think that there should be one structure and one form for all.

While communities will develop differing structures, the processes creating the blueprint can be similar. The reason for this is that native communities share many of the same problems and have to engage them in a similar manner. The history of oppression has left a legacy of pain and destruction that is all too similar. All communities share in the poverty, violence, and hopelessness that has come with dependency on the state and the historic destruction of their culture. There is a way out but it must include the participation of whole communities. All must be involved in the planning and the healing in order to create a new infrastructure that will wipe away the pain and give control and strength to the people so that they can become self-determining.

Creating the blueprint for a community requires combining a vast number of social, political and economic elements into a unified structure. A beneficial social structure involves many things; health and social services, justice systems, economic activities, environmental consideration, education and administration along with self-government structures. The process must go beyond what has previously been achieved because these elements must be defined and structured in such a way that they serve the needs and aspirations of the people.

A Grassroots Approach

One of the most efficient and effective ways of beginning the process is a comprehensive community survey in which people are asked what problems they see and how they would prefer to resolve them. The beginning of the healing process is to see yourself as part of the problem and as part of the solution. While such a survey focuses, out of necessity, on social problems such as family violence, poverty, sexual abuse, suicide, substance abuse, and jealousy, it must go much further. People need to be asked what they want to retain or redevelop in their culture and their unique history, including language. As well, they must be asked what they desire out of self-government and land claims. This will help set the frame for identifying economic development issues and potential. Community fair play is important in order to overcome the internal jealousies and injustices that exist all too often. This can be confronted by asking people how they want to govern and be governed. Elements of justice need to be explored, both collective and individual. Community rights do not have to come at the expense of individual rights. This can especially be true if community members are asked to identify desired rights and solutions to rights that have been infringed upon.

Once such a comprehensive survey is done in a community and the findings interpreted, they must be shared with all in a community. This can lead to identifying areas needing attention, whether it is more education or workshops to deal with specific problems. Without this there can be no self-determination. If others determine for you what your needs are, it is just another form of paternalism. With this information the community can develop a blueprint for action.

Putting the Blueprint Into Action

With the community's problems identified and people's involvement structured, the process of self-determination can begin. The blueprint becomes the basis for developing an infrastructure for self-government. It is a fluid infrastructure for it serves two purposes, one of healing and one of planning.

The healing process must include education and workshops. It must be adequately researched in order for people to get the systematic and consistent help that they need for problem solving. Out of this healing process comes an understanding of what people want from their lives and from their community. Healing leads to self-control and self-determination

If the healing process is developed with all of a community's problems and desires in mind, it can help inform the ways a community wants to devolve

responsibilities to the community level from governments. If problem solving is done by jumping from crisis to crisis there will be no adequate follow-up and the community will not regain control over its own affairs.

The planning process involves all aspects of self-government. It includes identifying those areas that the community wants to control and develop. The information comes from many sources, including the community survey, legislation, current practices, etc.

Figure 1. This is a self-government model currently being implemented by the Lheit-Lit'en Nation in British Columbia. As you can see, the key is to involve all members of the community in all aspects of the Nation's present and future operations. Source: Lheit-Lit'en Nation

The devolution of programs to the community level is an important plank in the process for infrastructure development. It is also important for economic development. As has been pointed out by many people, without decent housing and jobs there will be no long term solutions. With devolution, a community can create jobs and income that will stay in the community. It will also serve as an impetus for community members to take more training and education for there will be jobs for them in the future. With additional revenues in the community other economic development can take place. This is true in both urban and non urban environments. There is much potential that exists in the people living on reserves and small communities that has historically been wasted since the advent of the Indian Act, but with devolution of services, programs, responsibilities and budgets more job creation will take place and there will be greater need for trained members in these communities.

Along with a self-government infrastructure, there will be new structures for selection of community leaders in ways that are desired by the communities themselves. This requires communities to clearly express and codify their justice initiatives and areas of control. As well, there can be an expansion of local by-laws to be more inclusive and thus become a community "code of ethics." Such a code of ethics can also be the basis for identifying which laws will devolve from Provincial and Federal jurisdictions and which laws are more desirable to be left in place or to participate in joint ventures. Again, the development of this legal infrastructure must be community driven and not imposed by an outside or inside authority.

The way to ensure full disclosure of information and options is to keep the community fully informed. This has and can be done by regular monthly meetings, weekly workshops, and a sharing of all working documents as they are drafted and revised. For reasons of efficiency and to ensure that the process does not get bogged down, one community doing this has ensured that the political and administrative structures are kept separate. In the past many problems have occurred because politics and programs were not kept separate. Figure 1 shows how one process evolved into an infrastructure blending traditional and contemporary methods. In this case, the community decided that they wanted an Elders Council to be the senior policy and adjudicating body for the community as a whole, though day to day planning and operations were done through a political and administrative system.

The Creation of Self-Government

Self-government is putting in place the infrastructure and developing the capacity to be self determining. A final step is, of course, the negotiating with both levels of government the jurisdictional right to self-government. That right exists on a constitutional level but the practical application must

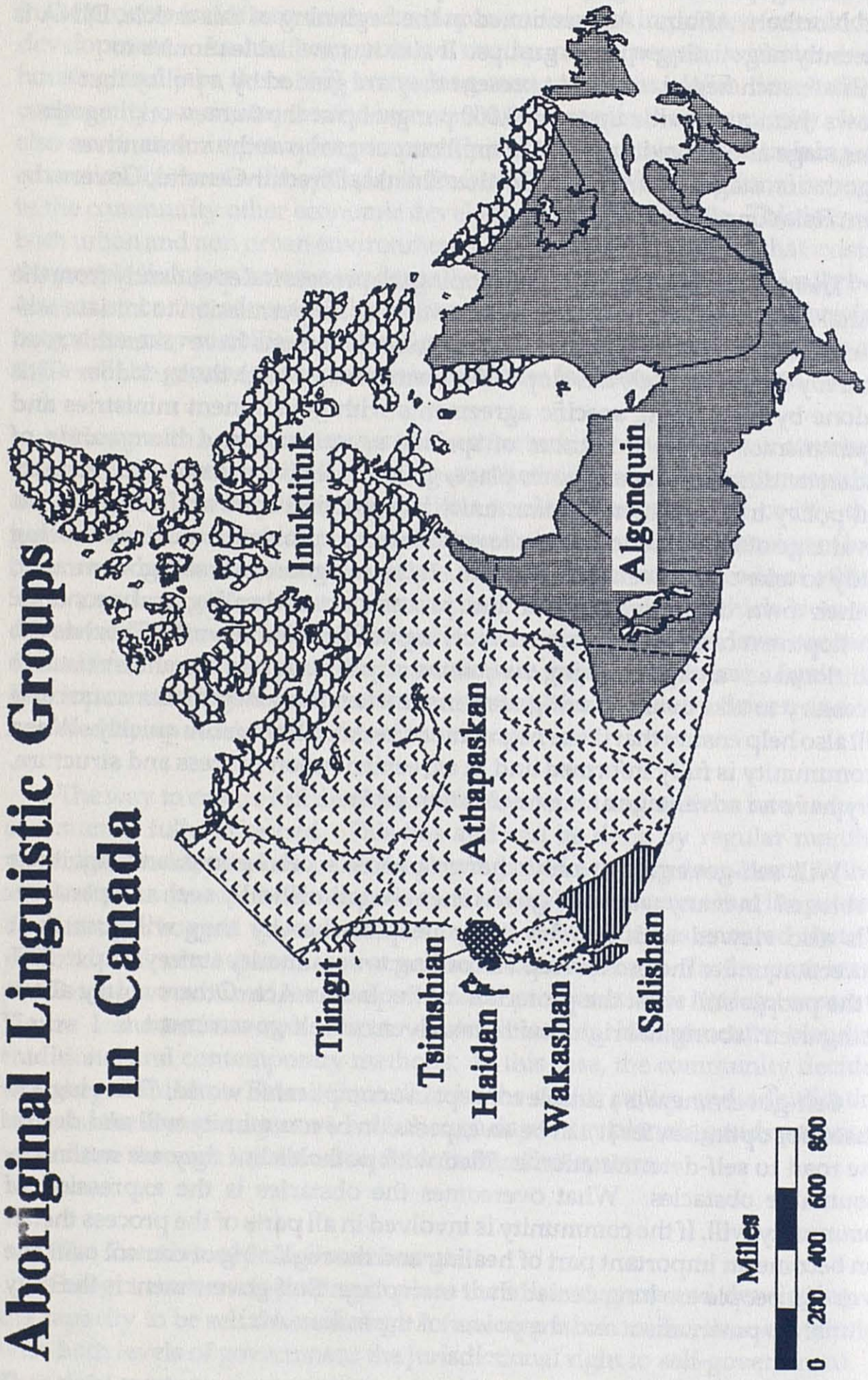
also be negotiated with government, in particular the Department of Indian and Northern Affairs. As mentioned in the beginning of this article, DINA is currently negotiating with 14 groups. It also has available monies to facilitate such negotiations. At present they are guided by a policy that allows them to provide up to \$400,000 per group at the framework negotiations stage and a maximum of \$1.5 million per group at the substantive negotiation stage, according to Gordon Shanks, Director General, Government Relations Branch of DINA.

There is much to be said for developing the process independently from the formal DINA process. It is not necessary to wait for permission to initiate self-determination or self-government. A number of nations have taken this road whereby they effectively develop self-government through the back door. This is done by negotiating specific agreements with government ministries and departments. When a number of specific agreements and memoranda of understanding have been put in place, giving effective control over budgets and policy interpretation, a community has practical control. This gives the advantage of taking serious steps to solve internal problems and thus of being ready to take over government control. By moving towards self-government, at their own determined speed and process, much healing and economic development can occur within an evolving political framework. This has the additional advantage of giving the community the information and structures necessary to take over full self-government when those negotiations start and will also help ensure that those negotiations be completed more quickly. When a community is fully informed and in agreement upon process and structure, they have an advantage at the negotiation table.

Will self-government only change people's perceptions and not their problems? In many ways self-government is optimistically seen as a panacea. It is also viewed with fear by many people whereby they will lose their protection under the Indian Act. According to community surveys, up to 30% of the people still want the protection of the Indian Act. Others worry about losing their "aboriginal right" with the advent of self-government.

Self-government is a simple concept in a complicated world. There is good reason for optimism for it can be an expression of community will and desire. The road to self-determination is filled with potholes but they are not insurmountable obstacles. What overcomes the obstacles is the expression of community will. If the community is involved in all parts of the process then it can become an important part of healing and the regaining of control over the lives of a people too long denied their own place. Self-government is the only solution to paternalism and the power of the Indian Act.

Aboriginal Linguistic Groups in Canada



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