THE CIRCLE OF SELF-GOVERNMENT:
AN OBSERVER’S FIELD GUIDE TO
ABORIGINAL GOVERNMENT OF SOCIAL SERVICES

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Abstract

In recent years, many Canadian Aboriginal leaders have taken their community along the path of self-government of social services. Understanding the complexity and analyzing these initiatives has been a problem for both Aboriginal leaders, social service providers, social work educators and social policy analysts. This article discusses the issues of self-government and provides an analytical tool, A Circle of Self-Government, for understanding the various levels of self-government. The article further identifies five types of agreements with the three stakeholders: the Band/Tribal Council, the provincial government and federal government.
Introduction

In recent years, Aboriginal self-government has become the paramount issue for Aboriginal people in Canada. Unfortunately, it is frequently promoted as a panacea for the host of social problems affecting Native communities. This is perhaps due to the recognition that these social problems are rooted in centuries of imperialism and oppressive colonialism. Presently, Aboriginal leaders are striving for self-government to break the yoke of colonialism, and consistently seek control over the development and delivery of services directed towards their elders and children (Stalwick, 1986). In every region of Canada, communities have gained varying degrees of community control of social services and, most frequently, child welfare programs (Armitage, 1993; Hodgson, 1993; Howse and Stalwick, 1990; Hudson and Taylor-Henley, 1987; McKenzie and Morrissette, 1993; Ricks et al., 1990; Taylor-Henley and Hill, 1990; Wharf, 1992).

Understanding this myriad of efforts for self-government is confusing and frustrating, both for those in the social service field and those striving for increased self-government. This article offers an "observer’s field guide" to identifying, understanding and analyzing the various self-government efforts by Aboriginal people in Canada. The model, The Circle of Self-Government, is intended to be a helpful analytical tool for Aboriginal decision-makers involved in the struggle for independence, for social policy planners involved in assisting self-government efforts, for social work educators involved in the professional development of Native and non-Native social workers and for professional social work practitioners involved in the delivery of services. Using The Circle, one can analyze a self-government program or policy and accurately assess the level of local control and degree of self-determination. It is designed to be a tool to critically interpret and understand the dynamics of the situation and assess whether or not the goals of self-government are being attained. This article reports part of the findings of a two year study examining Aboriginal self-government of social welfare services in two contrasting Native communities, Sheshatshit and Conne River. The project was directed by Aboriginal leaders and involved community consultation and input at all stages (Durst, McDonald and Rich, 1994). The information and analysis shared in this article have come from these discussions and reflect the need for greater understanding of self-government.

It is important to recognize that Aboriginal governments never conceded the right to control the affairs affecting their lives. This position is considered a fact by Native people and has not been refuted by the judicial system. However, it is a position that is not shared by mainstream Canadians, most political figures or public officials.

There is a serious need to address this misinformation among the public, politicians and public employees. A plan for a national education program regarding the inherent right of Aboriginal people to self-govern needs to be drafted and implemented. In addition, self-government needs to be viewed as an existing
right and not something that white bureaucrats can "bestow upon" Native groups. It is not a case of "giving" Native people programs but facilitating their entitled control.

Self-Government and Self-Determination

The topics of self-determination and self-government conjure up strong feelings and deep aspirations among different cultural groups in Canada. Like the Québécois, Native leaders see the survival of their language and culture as dependent upon the maintenance and continued development of their "distinct societies." However, there is the mistaken tendency to use the concepts "self-government" and "self-determination" interchangeably. Self-determination refers to the right and ability of a people or a group of peoples to determine their own destiny. Self-determination is both a principle and a practice. First, there must be the legal, political or structural framework to be "sovereign" and operate as a supreme authority within a defined geographic area. Second, the self-determining body must have sufficient financial resources, and third, the body must have an adequate "social infrastructure," the knowledge, skills and values (competencies) required to make self-determination happen. Self-government, in turn, refers to the decision-making directly affecting a people spanning political, cultural, economic and social affairs. Therefore, people can exercise self-government in making decisions regarding the welfare of their people without exercising self-determination. For example, the administration of social assistance in most Native Bands in Canada has been "devolved" to local Band offices. The Band offices hire local welfare workers who interview social assistance applicants, complete the necessary documentation and issue welfare cheques or sometimes food vouchers to be redeemed at a local store. The Band Council must enter a contract with the federal Department of Indian Affairs and should the Band employees deviate from the procedures and regulations of the federal government, the contract will be terminated; hence, there exists some degree of self-government of social assistance but little self-determination.

For tens of thousands of years Aboriginal people in the Americas lived as sovereign nations. Their right to self-determination was never conceded to the Europeans, nor their right to control affairs affecting children and families (First Nation's Child and Family Task force, 1993:47). However, in these times absolute self-determination does not exist because no government, Aboriginal or non-Aboriginal, can act in total isolation from the larger society. In Canada, power is distributed among various levels of government. Federalism is the outcome of the liberal idea of division of powers enacted through the British North America Act (BNA and renamed the Constitution Act 1867) and which lives on in the Constitution Act of 1982. The BNA defines the powers and authority of the respective levels of government (provincial and federal) and permits the provinces to
establish governments at the municipal level. Hence, each Canadian municipality and province has the right to self-determination in some affairs and not in others.

The goals of self-government, which include goals concerning social welfare programs, are: 1) to increase local control and decision-making, including decisions regarding justice issues, income security and child welfare; 2) to recognize the diverse needs and cultures of Aboriginal peoples in Canada such as the need in the area of community justice for community reconciliation versus conventional punitive measures and deterrence; and 3) to provide accountability to local elected persons such as Band Chiefs and Councillors (Frideres, 1993:437). (It is recognized that some Bands have traditional Chiefs who are not elected). These three goals can be accomplished to varying degrees depending upon the level of self-government (degree of local control and decision-making).

It is evident that social programs such as child welfare need to operate in a local context. For example, decisions regarding child protection and the provision of alternative child care need to be made within the broader context of the family and the community, respecting cultural values. In turn, the shift in accountability from Ottawa or the province to communities will facilitate local empowerment.

The goals of self-government need to be understood and shared by Aboriginal leaders and public officials before negotiations can take place and agreements developed. Awareness and education need to be developed among provincial and federal officials before significant progress can be made. Community workshops need to be designed and implemented to prepare local leadership for increased control.

Further complicating matters, there is an emerging concern among First Nation women that self-government may not promote gender equality. Many Native women have rejected the position of the federal government to only negotiate with Band Councils and they demand that the Charter of Rights and Freedoms be applied to all Aboriginal governments. Their convincing arguments are based on the renewed consciousness of abuses from past treaties, legislation and the male-dominated leadership recognized by non-Aboriginal governments. A full discussion of this concern is beyond the scope of this article. On this topic, the reader is referred to the wisdom of Margaret Jackson (1994), Patricia Monture-O'Kanee (1992, Sharon McIvor (1991) and Margo Nightingale (1994).

Cassidy (1991:5) suggests that there are several pathways Aboriginal people can follow to attain self-government including: 1. land claim agreements, treaties, and constitutional statements; 2. judicial decisions and legislation; and 3. administrative change and renewed federalism.

The first pathway, through land claims agreements, treaties, and constitutional statements (constitutional change), in effect, attempts to enforce the original interpretation by Native people of the original treaties and land claim
settlements. In Treaty 6, the people of the Dominion of Canada agreed to provide the Plains Cree with a "medicine chest." Native people took this to mean that the Government of Canada would provide health and medical care. It is the spirit of the agreement that Native people demand the federal government acknowledge, rather than a simple literal interpretation. Hence, this pathway could lead to the federal government fulfilling its original commitment in both "spirit" and practice.

In the context of the constitutional statements, there are two strategies to entrench the right to self-government (Joe, 1991:63). One strategy involves a positive court judgement of Section 35(1) of the Constitution Act, 1982 which states, "The existing aboriginal and treaty rights of aboriginal peoples of Canada are hereby recognized and affirmed." The second strategy involves Native groups negotiating current or outstanding land claims agreements (see Coates, 1992). This strategy is based upon the tactic of ensuring that self-government is part of the comprehensive land claims agreements within the meaning of Section 35(3) of the Constitution Act, 1982, which allows for acquiring rights through land claims agreements.

Another pathway is laid through the rendering of judicial decisions in the courts and the making of provincial and federal legislation (legislative change). This strategy depends upon the delivering of rulings which include instructions to the federal government outlining its commitments and how to fulfil them. The decisions decreed in the judicial process may lead to the development of legislation that federal bureaucrats can follow to fulfil their responsibilities.

The third pathway involves administrative changes at the program level. These administrative changes involve negotiated agreements between the federal government and the Native organizations. Canadian federalism suggests a framework for self-government to be negotiated through a renewal and restructuring of federalism (administrative change and renewed federalism) by way of community-based initiatives (Cassidy, 1991:5). Federalism allows for the sharing of power; hence the opportunity exists for the federal government to negotiate and develop cooperative agreements which facilitate the self-government process. The Federal Policy Guide, Aboriginal Self-Government, (Canada 1995) emphasizes this approach of jurisdictional sharing through negotiations with Bands, provincial and federal departments.

The three avenues of constitutional change, legislative change and administrative change in the context of a renewed federalism, are interconnected. The topic of Native self-government is indeed a complex issue and Native leaders differ amongst themselves on the preferred path to self-determination. Some of the strategic differences between Native leaders can be understood through analyzing the context in which they are operating. For example, those leaders who are pursuing comprehensive land claims are attempting to negotiate self-government within the overall claim agreement. Prairie communities with long-standing
treaties are attempting to negotiate self-government within existing treaties. Many of the leaders of the national Assembly of First Nations have placed considerable energy in fighting for constitutional changes that have produced discouraging results. Other communities are active in achieving greater local control through community based initiatives or administrative change. However, in all of these efforts, Aboriginal leaders are working with limited and insufficient financial resources and stressed personnel. The leaders are placed in the difficult position of deploying scarce resources. This situation inhibits the process towards self-government.

Cassidy (1991:7) pointed out that

... self-government may be seen as a reflection of sovereignty and self-determination, but it is important to understand that many First Nations also believe... that some forms of self-government can be a denial of sovereignty.

A central component could be some form of power sharing comparable to a municipal type of structure and this is the form of Native self-government emerging in some regions of Canada and implied in recent federal policy statements (Canada, 1995). This strategy raises serious concerns for some Aboriginal leaders.

If self-government is going to reflect sovereignty and lead to greater self-determination, the sources of First Nations' powers and the sharing of powers between First Nations and Canadian governments must be expressed in practical arrangements that grow out of nation-to-nation relationships (Cassidy, 1991:8).

Cassidy's point is a challenge to provincial and federal bureaucrats who constructed and managed a social welfare structure, including the child welfare system, that has systematically undermined the sovereignty of Native people (Durst, 1992:191). In addition, the challenge is compounded by a Canadian society that views the pursuit of self-determination as "a threat rather than an inextinguishable entitlement" (Cassidy, 1991:9).

The Circle of Self-Government

Many cultures of Indigenous Peoples prefer to interpret the phenomena of the world in the form of completing circles. With this understanding, life and its events move gently in a circle, eventually returning to their points of origin; hence all things are connected and nothing is truly separate. It has been five centuries since the arm of capitalism and imperialism reached across the Atlantic, setting in motion the destruction of autonomous, self-supporting and self-governing Indigenous nations in what became known as the Americas. Hence, *The Circle of Self-Government* began five centuries ago at a time when the people of the First Nations enjoyed independence, autonomy and self-determination, a state from which they lived since "time immemorial."
The following Circle of Self-Government has been developed from earlier conceptual work by Boisvert (1986), Johnson (1991), and Hudson and Taylor-Henley (1987) and Taylor-Henley and Hudson (1992). The important works by Taylor-Henley and Hudson (1987, 1992) presented a continuum of self-government using the common terms "integrated," "delegated" and "autonomous" to describe the levels. Johnson (1991) described the highest level as "federalism." Earlier work on the model analyzed self-government as a ladder with five "steps" of increasing degrees of self-determination (Durst, McDonald and Rich, 1995). This linear approach implied in these models was criticized for representing a Eurocentric and male orientation to understanding the topic.

The model of self-government outlined below was developed from these earlier works, in an effort to address this deficiency. It was one that members in the Innu community of Sheshatshit, Labrador and the Micmac community of Conne River, Newfoundland found to be in harmony with their perspective. *The Circle of Self-Government* is comprised of five points arranged in a circle which signify varying degrees of self-determination: 1) Autonomy: Historical/ Federalist, 2) "Benevolent" Colonialism, 3) Integrated, 4) Co-management/ Delegated, and 5) Co-jurisdiction.

It must be understood that the model does not represent a closed circle but begins with "historical autonomy." Aboriginal people lived autonomously and harmoniously long before the beginnings of the so-called "western civilization." The circle returns to "autonomy" but under a new federalist arrangement where power is shared.

**Figure 1. A Circle of Self-Government**

1. Autonomy: Historical/Federalist

2. "Benevolent" Colonialism

5. Co-jurisdiction

3. Integrated

4. Co-management/Delegated
1. Autonomy: Historical/Federalist

Most Canadians have an identity that is comprised of more than one cultural or ethnic group. Consequently, how they identify themselves depends upon circumstances. If Canadians travel outside of their country, they may identify themselves as "Canadians"; yet, if they are travelling within Canada they may identify with a province, region, or ethnic/cultural group. The news magazine *Maclean's* (January 3, 1994:11) appeared to take delight in pointing out provincial differences in its annual special report, "How We Differ." Its poll claims that Newfoundlanders (57%) surpass even Québécois (49%) as identifying with their own province before the country as a whole (national average: 22%). These differences are further manifested in the existence of many and varied types and levels of interprovincial policies and legislation. The suggestion that citizens have several different governments with differing authorities, powers, areas of jurisdiction, and even geographic areas is a familiar one for Canadians.

In some jurisdictions, the respective government has exclusive and absolute control. No higher or lower government can interfere, at least directly. Therefore, it is possible to establish Native government of social services which has complete and absolute control over agreed upon jurisdictions. The arrangement is congruent with the federal system and a part of the federal structure. It is this model of "Federalist Autonomy" that the Federation of Saskatchewan Indian Nations is pursuing as it plans its approach to child welfare. Because these leaders are holding onto this high ideal, there are fewer Native child welfare agencies operating in Saskatchewan than in the province of Manitoba. At first it appears that the Saskatchewan approach is radical and adversarial in nature which inhibits a negotiated agreement. However, the Federalist Autonomy is not as radical as might be first thought, since it can be accomplished within the framework of an amended Canadian federalism. Prior to contact with white society, Aboriginal people lived for thousands of years in "historical autonomy" and now some groups are seeking to complete the circle by achieving a modern "federalist autonomy." These groups argue that accepting less would be a compromise and thus favour holding out for complete autonomy.

2. "Benevolent" Colonialism

Although this component of the model is not self-government by any measurement, it nevertheless fits into the typology. In the past, programs were imposed by an external structure, without adaptation or consultation with the consumers of the services. There has been an abundance of literature supporting the argument that education and child welfare programs such as residential schools and child adoption were policy instruments of deliberate and systematic assimilation and even cultural genocide (Armitage, 1993:134). These programs and policies are rejected and not accepted as "self-government" by any definition.
Moving from extreme to more subtle forms of "benevolent" colonialism in social programs, one could include the presentation of "cultural awareness workshops" for non-Aboriginal social workers or the establishment of childcare receiving homes in northern Native communities for children deemed to be "in need of protection." Although alternatives such as these are an improvement over a complete absence of cross-cultural training for social workers or the placing of children in institutions in larger southern centres, they can represent subtle and, in certain contexts, insidious forms of colonialism. The fact they might have been "well-meaning" makes them no less oppressive.

3. Integrated

The Integrated point refers to a type of self-government that incorporates Native input into existing structures. In social services, utilizing Native foster homes, hiring probation officers with Native ancestry, and establishing community social assistance appeal committees are examples of how Native participation is incorporated. It does not mean significant change to the structures, programs or policies of the mandated government. The Department of Social Services in the Northwest Territories has successfully applied this model to all of its social service programs by incorporating Native advice and direction into "provincial-like" programs. In the early seventies, territorial authorities in the (then called) "Department of Social Development" actively sought the consultation and participation of Native organizations and employed and trained local Aboriginal community workers to deliver social service programs.

Hodgson (1993) describes similar child welfare innovations in the Yukon Territory where a First Nation Justice Council developed child welfare intervention plans for department social workers using consensus decision-making. Wharf (1992) provides an example of Aboriginal input in an urban setting in reference to the creation of a "Native Child Welfare Unit" in Vancouver. The Unit was designed to play an active role in developing child welfare policy and procedures, as opposed to just being limited to service provision.

4. Co-management/Delegated

In the Co-management/Delegated structure, specific and identified programs are negotiated by an Aboriginal agency. "Delegation is authority bestowing authority. Any authority can delegate its authority to another" but "it cannot delegate authority it does not itself possess" (Boisvert, 1986:68). The co-managed or delegated model is structured in such a way that final control rests with the "senior" governing party. Power or responsibility is delegated from one party to another and is not, therefore, based on an equal partnership. If the parties are in agreement, this arrangement can be established with minimal bureaucratic difficulties and can
operate effectively in certain circumstances. The child welfare tripartite agreements between the Native agencies, and the provincial and federal governments are characterized by this structural model. These agreements operate with the federal government as "funder," the provincial government as legislator and authority, and the Indian government as service provider (Hudson and Taylor-Henley, 1987).

The final liabilities and responsibilities remain with the province but are co-managed and delegated to the local level permitting greater local control and decision-making. The current federal policy of the Department of Indian and Inuit Affairs regarding the establishment of Indian Child Welfare Agencies requires that the Native organization (band or tribal council) accept the respective provincial child welfare legislations. Furthermore, as a general rule, the federal government restricts the funding agreement to Bands where there are at least 1000 on-reserve children (0-18 years). It is a "take it or leave it" policy that not all Native organizations accept. The leaders of the Federation of Saskatchewan Indian Nations have not accepted this policy, arguing that their right to protect and care for their children has never been relinquished and the province cannot delegate power it does not possess. This has stalled progress towards the establishment of Native child welfare agencies. However, a number of Manitoba Native organizations have agreed to accept provincial legislation and now have the most comprehensive Native child welfare structures in Canada. Studies by McKenzie and Morissette (1993) and Hudson and Taylor-Henley (1987, 1992) provide comprehensive evaluations of the tripartite agreements in Manitoba. These critiques offer constructive suggestions for avoiding some of the difficulties other Bands have experienced.

As stated above, most Bands in Canada administer their own social assistance programs. In July of 1994, the federal government abruptly cancelled its contract with the Piatpot Band in Saskatchewan. One of the main reasons the government suspended the contract involved the Band's practice of issuing social assistance to off-reserve Band members. According to federal officials, these off-reserve members were supposed to seek assistance from provincial authorities. Hence, the contract with the Piatpot Band was suspended, demonstrating that even though the Band has some degree of autonomy or self-government, they held little self-determination. According to the funders, the Band's decision to provide financial assistance to members off-reserve was not its to make.

An analytical examination of these programs using The Circle of Self-Government demonstrates that so-called "self-government" may not be self-determination. In fact, as some Native leaders argue, some levels of self-government may actually be detrimental to the goals and aspirations of self-determination if they serve to coerce the Aboriginal community into providing services and programs that are dictated by non-Aboriginals.
5. Co-jurisdiction

It is possible and feasible within the Canadian system to negotiate and implement a co-jurisdictional arrangement in an identified area. This arrangement could take the form of a joint and equal partnership or a partnership that recognizes that one party holds exclusive jurisdiction while delegating the responsibilities to another party. An example of this type of arrangement is found in the Canadian health care system. The provision of health care is a provincial responsibility but, in the name of national interests, the federal government provides policies affecting the entire country. The co-jurisdictional arrangements pertaining to health are currently debated as the federal government wants to set the agenda through national standards which the provinces do not necessarily accept. For example, the government in Alberta has been pressing for private billing which the federal government has rejected and has threatened to withhold federal funding.

Two additional examples of co-jurisdictional agreements are the Canadian Pension Program and the Unemployment Insurance Program. These programs are national in scope but are provincial responsibilities under the Constitution Act, 1982. Yet, the provincial government in Quebec has opted out of the federal pension program and sought direct transfer of funds to establish its own program. These co-jurisdictional arrangements require formalized linkages and support systems between the partners.

Sometimes the initial jurisdictional responsibility is unclear or under dispute, as in the hydrocarbon (oil and gas) development off of the coast of Newfoundland. When Newfoundland agreed to join the Confederation of Canada in 1949, the responsibilities of oil and gas development and the possibilities of financial royalties where not considered. Naturally, a new agreement concerning co-jurisdiction was necessary and was developed in the 1980s.

There are few examples involving Aboriginal people, although one that comes to mind is the wildlife agreement in the Northwest Territories. Although wildlife is generally a federal responsibility, the Territorial government holds some responsibilities that supersede federal rights. One cannot help but make the comparison with the early development of child welfare rights in North America, which followed legislation dealing with cruelty to animals! There is some indication that a repeat occurrence is underway with the self-government of wildlife superseding the self-government of children.

One example of a co-jurisdictional model is the unique child welfare agreement between the Spulumbchein Band Council in British Columbia and the provincial and federal governments. In 1980, concerned about the care of their children, the Spulumbchein Band Council passed a bylaw asserting control over all Band children, including those living off-reserve (Armitage, 1993:160). Although the action appears to exceed the legal mandate of the Band, the federal government
agreed to fund the Band's efforts and the provincial government respected its authority, thus permitting a co-jurisdictional arrangement.

The James Bay and Northern Quebec Agreement between the Crees and Innu of Quebec and the Province of Quebec established co-jurisdictional structures through a comprehensive land claim agreement (Morantz, 1992). Most other examples of co-jurisdictional models are based upon administrative arrangements at the Band level.

An example of a limited co-jurisdictional agreement involving Native child welfare is found in Manitoba. The Hollow Water Council has arranged some control over the legislative and administrative aspects of child welfare services, taking its agreement beyond a "delegated" model approach (McKenzie and Morissette, 1993 and Taylor-Henley and Hill, 1990).

Although The Circle is incremental in its points or levels of self-government, Native governments can evolve past or "skip" some levels (see Figure 2). A Band can easily move from colonialism to federalist autonomy "skipping" intermediary levels. The rate of progress towards more autonomy does not require a Band to move in incremental steps. Also, the leadership in a community may elect to pursue a level of self-government that holds less autonomy for any number of reasons. One reason for such a decision would be to allow time for the training and development of local people. Taylor-Henley and Hudson (1992:21) found that some Native leaders were concerned that provincial supports and consultative resources would be withdrawn and experienced officials would "walk away in the name of Indian self-government." The Micmac Band in Conne River has recently completed a Human Resources Inventory which identifies, on one hand, future positions in the social services and, on the other hand, the skills of community residents. Their strategy for self-government allows time to offer training and education to their people.

Another reason for "holding" at one level may be related to "diseconomies of scale." In small isolated communities, it may not be feasible from a practical or financial perspective to attempt an autonomous service; hence a co-jurisdictional approach may provide a superior service. Specialized health services are examples of technical and professional services that are best shared through agreed upon arrangements.
A Myriad of Funding Arrangements

Responding to the increasing pressure from Native groups for greater community control, the Department of Indian and Northern Affairs issued a policy statement in 1982 endorsing the transfer of federally administered social services to Native communities (Shewell and Spagnut, 1992:91). The policy further stabilized a national trend toward agreements between the three levels of government, Native Band/Tribal Councils, provincial and federal governments. By 1994, there were 55 First Nation agencies delivering child welfare and family services with another 58 scheduled to begin by 1999. If these services proceed as planned, 95% of all on-reserve Native children will be under the care and protection of First Nation agencies by the year 2000.

To the casual observer, there appears a confusing myriad of service agreements with phrases such as "fed-prov-band tripartite agreement." Quite simply, there are five different types of service agreements that are identified in the 1987 federal report, *Indian Child and Family Services in Canada*.

These agreements are based upon two important prerequisites. First, the political and administrative timing needs to be correct. Political motivation must exist on the part of the federal and provincial authorities. There also needs to be a "readiness" at the Band level. The Band leadership must be prepared to invest considerable time, effort, and resources negotiating a funding agreement.
Second, the jurisdiction of control from a legal standpoint needs to be accepted and agreed upon by the negotiating parties. This acceptance needs to be established at least on an interim basis which is open for re-negotiation. For example, the "protection of children" is viewed by the courts as a provincial responsibility under the respective child welfare legislation. However, Native leaders often do not accept this premise, arguing that the protection of children was never conceded. In order to reach an agreement that involves child protection, Native leaders have been forced to include the respective province. To further complicate the arrangement, the overall responsibility of all Native people falls under federal jurisdiction and, therefore, the federal government is involved in the funding of these agreements. The types of agreements are listed below and, breaking from accepted practice, the author lists the Band first. Articles, papers and reports normally list the federal government first, followed by the province, and then the Band. There is a hierarchy implied, giving the federal government a superior status. In addition, this paper attempts to avoid phrases such as "a devolution of responsibility," because it implies a similar "downward" transfer of responsibilities from a power placed above another one in an hierarchial fashion.

1. Band-Federal Bipartite
   For many years, the federal Department of Indian and Inuit Affairs delivered services on reserves and in Native communities, sometimes hiring local workers. Rather than deliver the service directly, federal officials have entered into bipartite agreements with local Band/Tribal Councils. This type of funding agreement was pioneered in the area of social assistance program, various support services for families and children, and services to disabled persons and elderly.

2. Band-Federal/Band-Provincial Double Bipartite
   This arrangement has two distinct and separately negotiated agreements with the Band/Tribal Council and both the federal and provincial governments. An example of this agreement might involve the Band delivering a provincial program such as child protection having arranged separate federal funding. This type of agreement can place the Band in a central position of power and can utilize the government structures and services to best serve the community's interests.

3. Band-Provincial-Federal Tripartite
   Most noticeably, the tripartite agreement is used in the funding of child welfare services and, in effect, it is a consolidated double bipartite agreement (Shewell and Spagnut, 1992:93). In the earliest agreements, the Band/Tribal Council was seldom an equal partner, as the Provincial and Federal officials negotiated an agreement with limited input from the Band. Within the context of
such agreements, a scenario can arise in which the "feds" hold the purse strings, the province has the legal hammer, and the Band is left with the dirty and impossible task of addressing major social problems with insufficient human and fiscal resources. The level of self-government of child welfare is currently capped at a co-management/delegated level of self-government, given the federal government's position that provincial legislation is the final authority. This restriction, imposed by the federal government's unconditional acceptance of provincial legislation, clearly limits the community's ability to exercise self-determination regarding child welfare issues. Shewell and Spagnut (1992, p.94) argued that these agreements seldom result in any significant community control.

4. Band-Provincial Bipartite

As Native groups gain greater control, agreements negotiated between the Band/Tribal Council and the respective province, which exclude the federal government, will develop. These agreements would involve services that the province delivers which have no federal jurisdiction. Such agreements might include specialized contract services for elders or disabled people for as rehabilitation services. In Ontario child welfare services fall under a federal and provincial agreement entitled the "Canada-Ontario 1965 Indian Welfare Services Agreement," wherein federal responsibilities are transferred to the provincial government in Queen's Park. Hence, under this umbrella agreement, Native Bands can establish Band-Province Bipartite arrangements.

5. Provincial-Federal Bipartite

In a colonial spirit, the provincial-federal bipartite agreements have the federal government providing the funds and the province delivering provincial programs to Native people, on and off reserve. The programs, legally a federal responsibility, are, in effect, "purchased" by the federal government from the province. Some services such as those for young offenders are contracted in this way, resulting in little or no participation from the service consumers, the Native people themselves. In these prov-fed agreements, all services are accessed through the province. An example of this type of agreement is the "back door" funding agreement between the province of Newfoundland and Ottawa, through which federal funds are transferred to the provincial government for a variety of programs for the Innu and Inuit in Labrador. These funding agreements were established to address a gross oversight of the Newfoundland/Canada Terms of Union, 1949, which neglected to even mention First Nations people. Feeling pressured by Native groups, regional managers in Labrador engaged a modest level of consultation and cooperation with Band leaders, often in conflict with senior administrators in St. John's, Newfoundland. However, the consultation is voluntary and the provincial-
federal agreements are colonial with the control over spending resting with the province.

Concluding Comments

Aboriginal communities are at different levels and stages in relation to their independent paths to self-determination (Durst, McDonald and Rich, 1994). The path to self-determination is not the same for all Native groups and it must be kept in mind that all communities are not at the same stage. Diversity must be expected. Their distinct paths and perspectives must be considered in policy making. This applies to both outside social service professionals and inside community residents.

As stated earlier, "self-government" does not necessarily mean self-determination. The level of self-determination depends upon the position on The Circle of Self-Government. How much real control does a community have in seeking its goal of self-government of social welfare services? It is a complex question which needs to be considered in relation to constitutional and other legal issues, treaty rights, and status under the Indian Act. One consequence of dependence upon federal funding is a limit to the scope of self-government.

The path to self-government is also predetermined by a series of interrelated circumstances and conditions. One of the most obvious conditions is the availability of leadership. The community needs competent and dedicated individuals who are committed to completing the arduous process of gaining greater control of social services. Every community has its competent leaders, but there are limitations both in terms of the number of individuals and the demands placed upon them. In most communities, the same individuals are consistently called upon to assume leadership responsibilities and are thus over-taxed, often leading to "burn-out." Leader burn-out impedes the process to realizing self-government.

Within some communities, there is also a healing process which must occur, beginning with the leaders. The model of Community Holistic Circle Healing from the Hollow Water First Nation, Manitoba requires that the leaders themselves undergo a healing and team-building process before they can provide the leadership required for the goal of self-determination (Lajeunesse, 1993). The need for healing extends beyond the political and administrative leaders to a range of service providers: social workers, child care workers, foster parents and others (Zapf, 1993:152). In addition, the process of self-government that leads to greater control requires that all political stakeholders be equal partners. Collaboration, negotiation, and consultation are necessary to generate the tripartite agreements between the three stakeholders (the Band, the federal, and the provincial governments) and mutual respect is a key component to the success of this process.

In order to achieve this state of collaboration, a process of political efficacy must occur within the community. The community must achieve a level of
empowerment and gender equity that is recognized, acknowledged, and assumed both within the community and by both the federal and provincial players. The community has to assume control first, and that control has to be accepted by all of the respective players. Within some First Nations communities, the struggle for status and the achievement of land entitlement has empowered their leaders and revived a cultural spirit. In other communities, the struggle for land claims, opposition to logging, mining and flooding, and standing up for other Native rights has built solidarity amongst the people and facilitated the development of community leaders. Recent conflicts and the on-going five centuries of resistance have had a positive residual effect in developing a sense of empowerment both in the leaders and among the community as a whole. In recent years, community leaders have developed a greater sense of local control and a growing spirit of political efficacy.

When the members of a community are not empowered, the community can become divided with internal strife and its leaders are not in a position to assume greater self-government. The community will be stalled at a level of self-government described as the Integrated model. On the other hand, a community may be empowered and enjoying a strong sense of political efficacy but provincial and federal government officials continue to relate to Aboriginal people in a colonial and oppressive manner. No matter how hard the community leaders try, because they are not viewed as equal partners by government officials, their path will be riddled with "policy roadblocks." There is a danger that a community will encounter these roadblocks and revert to the strategy of conflict, which can undermine and ultimately destroy the collaborative process based on the mutual respect and equality of the three governments. Self-government is a process which can be placed on a circle of self-determination, The Circle of Self-Government. The level of self-government that a community seeks depends upon a number of factors and it appears that the path is influenced by such factors (Durst, McDonald and Rich, 1995). Hence, different communities will choose different paths. First, a community that is moving forward requires a sense of political efficacy. At the internal level, the leadership must have the personal strength and mental health to gain the respect and support of the community members, which may involve the leaders participating in a personal healing process. But before the process can begin the community must have resolved the political struggle with the external system and begun the process of negotiation as equal stakeholders. This process requires that the provincial and federal officials view the community leaders as partners, hence changing their negotiation approach from a colonial orientation to a relationship of equals. It also requires that the community leaders then shift their orientation from the political struggle to the social needs of the community. Although they are interconnected, there is a shift in community direction from
political advocacy to social service as the need to address social concerns increases as a community objective.

Just as each Aboriginal community is unique, so too is its path to self-government.
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