Understanding the Impact of Self-Determination on Communities in Crisis

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ABSTRACT

Canada is struggling to recast its relationship with Aboriginal peoples in response to massive disparities, mounting resentment, and emerging political realities. The interplay of racism, paternalism and disempowerment has inflicted a serious toll in terms of social, health, economic, and cultural costs. Many Aboriginal people have lost their language and identity, and this spiritual loss is compounded by skyrocketing rates of alcoholism, substance abuse, domestic violence, suicide, diabetes, and heart disease. The need for structural change is broadly acknowledged by Aboriginal and non-Aboriginal leaders alike, but they disagree on how to hasten this transformation from colonial subjects to self-determining peoples. Central to most proposals for restructuring is establishing Aboriginal self-government as a basis for healing (Fleras, 1996, p.122).

KEYWORDS

Self-determination, cultural continuity, Indian Act, political renewal

INTRODUCTION

Despite the relationship between self-government and community wellness, for the most part, summarizing what the literature on indigenous politics (specifically that dealing with self-determination and governance) says about the relationship is fairly easy. While community wellness and healing are intricately tied to contemporary demands for self-government, there is very little written that addresses the relationship between self-determination and communities in crisis and even less attention is given to developing any measurable indicators of such a relationship. In fact, as Newhouse and Belanger (2004) argue, though the contemporary struggle for self-government "began with community statements and direction and concern with community well-being … [it has] become a conversation of elites: Aboriginal, government and academic," and well-being has become "a latent idea to be engaged only after self-government structures are firmly in place" (pp.183-184).

Though the relationship between governance and community health is largely ignored in the literature, it is crystal clear that there is a primary relationship between the two. That is, governance can be treated as a contributing factor to situations of crisis in communities and more importantly, that is useful in understanding why it is that crisis envelops some communities while others seem more able to deal with a crisis. Arguably, understanding the relationship between governance and community wellness (and thus, communities in crisis) will enable a more comprehensive understanding of community wellness and communities in crisis, and will enable a more adequate response to be developed and delivered. Exploring why this is so, and what can be done is a considerable task (to say the least). Nonetheless, this paper tackles this challenge and tries to explain the relationship between governance and communities in crisis through a cursory exploration of the existing literatures, a brief exploration of history, a brief discussion of the contemporary situation, and a forward looking discussion as to what can be done. Due to the nature of the topic and the extremely broad focus, this paper is cursory in nature and is intended to be a starting point for further discussion rather than the endpoint of said discussion and deliberation.

National Aboriginal Health Organization (NAHO)
Organisation nationale de la santé autochtone (ONSA)
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History Matters

Understanding the relationship between governance and communities in crisis is not simply a matter of defining and measuring indicators and/or causal factors. Understanding the relationship between governance and community wellness in its contemporary manifestation requires one to see beyond the gaps in the literature and to look at the historical relationship between governance and community well-being. Doing so provides a foundation for understanding both this relationship and the continued existence of communities in crisis, for it allows us to see how the destruction of indigenous systems of governance continues to impact community wellness and a community's ability to cope with crisis.

It is important to begin this conversation with a discussion of (traditional) indigenous governance or that which existed as the political system before it was officially replaced by the Canadian government (often with brutal force). Likewise, it is important to begin with an understanding that indigenous political systems are exceedingly different from those which were developed in Europe (such as the Canadian adaptation of the Westminster model). European systems of government were designed by, and designed to maintain the privilege and power of those 'superior beings' who claimed dominion over the earth and the right to rule other humans. They are systems of hierarchy, power and authority. Meanwhile, within the parameters of indigenous thought, governance is an expression of "'the way in which a people lives best together' … as a part of the circle of life, not as superior beings who claim dominion over other species and other humans" (Ladner, 2003a, p. 125). Indigenous political systems were and are complex structures of governance that were defined and created by each nation within a specific territory. The Blackfoot Confederacy, for instance, created a complex web of clan, society and bundle structures of governance at the sub-national, national and confederal levels, each of which operated within its set area of responsibilities or jurisdictions and in a manner defined and confined by their own constitutional order. [1]

Each of these constitutional orders provided for a system of responsible government that had the tools, jurisdictional authority and capacity to address the needs and aspirations of the nation and its subunits or constituent communities. Meaning indigenous systems of governance had the capacity, tools and authority to deal with situations of crisis within their communities. For instance, the complex web of Blackfoot systems of governance provided for a constitutionally defined system of situational leadership whereby specific societies and their leaders were given the responsibility for dealing with specific crises and/or situations such as war, the moving of camp and the buffalo hunt. As institutions of governance, these societies had very specialized skills/tools, authority and capacity that enabled good governance and good leadership that saw communities through challenges and moments of crisis without allowing the crisis to define or overtake the community. Just as in other indigenous political systems, these specialized institutions (societies in the case of the Blackfoot) were constitutionally defined and confined as was their authority and capacity. So too was their relationship to the community – institutions were responsible and accountable, and operated in accordance with consensual governance as it was operationalized and institutionalized in each nation's political system.

There are many examples of community histories which tell of the time at which indigenous political systems were established. Most of these histories shed light on the impetus for political change or the events/situations which created the movement (led by individuals and/or through a community process) which led to the adoption of a new political system. What is most interesting for the purpose of this paper and understanding the relationship between self-determination and community wellness/communities in crisis is that the impetus for political change was a situation that is best defined as communities in crisis.

For example, the Haudenosaunee constitutional order (Kayanerenko:wa) was brought to the constituent nations by the Peacemaker at least a thousand years ago during what is described as "dark and troubled times" (Alfred, 1999). The political system, forged in crisis and blood-feuds, responded directly to the situation at hand. It was an attempt to respond to and overcome the state of community crisis based on a message of peace, power and righteousness. Further, this system provided the tools necessary to ensure against the return of those "dark and troubled times" such that a consensus based confederal governance was created as a means of maintaining peace within and among nations and a political order was established based on an understanding of "the way in which a people lives best together" (Monture, 1999).

Because indigenous governance "traditionally" was, by and large, viewed in terms of creating peace and living the best way possible (as people and as nations) together and within a territory, it is not surprising that indigenous systems of governance had the flexibility, adaptability and the capacity to respond to community needs – including those that developed in response to colonialism. Even with all of the chaos, crisis and community breakdown that resulted from colonialism, many indigenous systems of governance (if not the vast majority) proved able to provide

for the survival of nations by minimizing crisis and providing the necessary leadership and guidance. At the very least, leaders tried to minimize crises and work through difficulties without exacerbating the problems of colonialism. The fact that self-determination was a factor in community wellness and communities in crisis at the time can be seen in the negotiations of both Treaty Six and Treaty Seven, wherein both the Cree and the Blackfoot leadership agreed to sign the treaties (to share territory without ceding sovereignty) in so far as the Crown would assist them in keeping whiskey traders out. Since their relationship with these American traders were seen as destructive to the nation and the root of much of the crisis within, being rid of them was viewed as a way of facilitating the reestablishment of good governance and community wellness (Carter, 1993; Johnson, 2007).

Even subsequent to the establishment of reserves, and the consequent upheaval that was caused in the lives of individuals, communities and nations, many indigenous leaders and/or systems of governance were having some success in their efforts to help their communities cope. For instance, through the efforts of leaders and/or governments, the Haudenosaunee experienced a cultural revival during the early years of reserve life, while others such as Kainai (the Blood nation of the Blackfoot Confederacy) successfully defended their cultural and spiritual autonomy from the Canadian government's efforts to shut down the Sundance (Hill, 2006; Ladner, 2003a). Further, much to the credit of their systems of governance, many communities achieved great economic success in the early reserve years, largely due to the development of a highly competitive agriculture industry on reserves throughout Canada. Not surprisingly, this was an industry that was stifled by the Canadian government as it pursued policies that limited economic competition with non-native farmers, limited agricultural production on reserve and limited the amount of reserve lands that were being used for farming to facilitate the sale and/or lease of "surplus" lands (Carter, 1993; Hill, 2006).

Despite this early success in facilitating adaptation and in steering communities through the turmoils of life under a colonial regime defined by the whims of a foreign occupier (first the colonial administrators, then the Canadian state), and despite the treaties (as well as international and domestic law) which protected the sovereignty of indigenous nations (and thus their systems of governance and constitutional orders) (Henderson, 2000; Ladner, 2003c), the Canadian government set forth on a mission of political genocide. By political genocide I am referring to the federal government's policies and practices which were designed to eliminate indigenous sovereignty, indigenous governments and indigenous constitutional orders (Ladner, 2003b). However one chooses to look at, or candy coat this practice of regime replacement, the fact remains that the Canadian government (and its colonial predecessor) chose to impose their own system of governance over both indigenous nations and their lands.

Governance: A Determining Factor

Regime replacement did not provide for better government or governments that were more capable of dealing with the situations/crises that were being confronted in indigenous communities as they confronted the reserve system, loss of their territories, loss of their sovereignty, the elimination of historic economies (and thus, "job markets" and their associated remunerations), residential schools, mass unemployment, the destruction of their culture, the destruction of their communities by means of violence, alcoholism, and starvation (among other "issues" communities were confronting). Instead, regime replacement was designed to provide for easier federal control and administration. That is, band councils were created primarily to serve as puppets of the federal government and were charged with the responsibility of providing local administration for Indian Affairs.

It is also very important to understand that the band council system of government was designed as a temporary measure to provide Indigenous peoples with the opportunity to familiarize themselves with "civilized" government and to practice governing themselves (Ladner, 2003b; Tobias, 1991). The original plan was that once enough experience had been gained, Indigenous peoples would cease being Indians under the terms of the Indian Act and would be granted "self-government" by way of remodeling band councils as regular municipal governments (Ladner & Orsini, 2005). Thus band councils were not provided with the tools, jurisdictions and structures of accountability that are typically associated with government. Such that band councils have no decision-making ability that is not subject to the authority of the federal government,[2] no inherent or constitutionally defined jurisdictions or responsibilities and no ability to generate revenue (delegated or otherwise) or to create the financial capacity to operate as a government aside from government transfers and income from band owned businesses (Canada, 1989). Therefore, even though band councils have been delegated much administrative responsibility for federal programs, Indian Affairs still exercises control through financial transfers, departmental administrative and accountability requirements, the use of third party management, and its ability to override all by-laws (Canada, 1985; Elias, 1991).

Both the reality of the Indian Act band council government and the destruction of indigenous systems of governance contributed to conditions that enabled the creation of communities in crisis. Unlike "traditional" governments, band councils had no ability to deal with the problems facing communities in the past. They had no ability to provide for or regulate education, and thus they had no ability to deal with residential and day schools or the crises that these institutions caused (and continue to cause) in communities. They had no ability to fight for the interests of the community for purse-strings were (and continue to be) controlled by Ottawa and they lacked the legal ability to hire a lawyer or to congregate for such purposes. They had no ability to provide for the daily needs of their people or to deal with crises that plagued (and continue to plague) reserves such as starvation (the lack of rations), poor health, substance abuse, and poor housing. Addressing such issues required programs and finances that band councils had no access to and no ability to develop. Beyond these inabilities that resulted from a lack of legitimacy (perceived or actual), lack of jurisdiction, lack of autonomy, and lack of revenue, many band councils have also proved themselves unable to disable communities in crisis because they lacked the necessary leadership skills, responsibilities and accountability. While leaders associated with traditional governance were raised to be leaders because they exhibited the requisite characteristics for good governance, those who succeed in the hyper-democratic processes of band government elections often do not exhibit characteristics of or knowledge of good leadership and good governance – and they simply cannot cope.

Band councils now operate within a rubric of delegated jurisdictions which provide an illusion of government –governments which have the capacity to address the problems, needs and aspirations of communities. For the most part, however, this is just an illusion as band councils continue to operate within the same system that defined and confined them in the past. Such that while a band council may now have the delegated authority to operate schools and to provide social services, their capacity to act and to respond to the needs of communities is still limited by the fact that bands simply administer federal programs and do not have the real capacity to act, as they lack financial resources, jurisdiction and are both accountable and financially dependent on the federal government. What this means in terms of community well-being is that band governments are unable to respond to the needs of the community and thus cannot generate the resources and programming needed to respond to situations of crisis or the sustained crisis that has enveloped some communities. Thus, even when a band government tries to force ahead, enabling healing and well-being rather than crisis (the continued disabling of communities), most are unable to act for they lack the ability and the resources to govern. This situation changes when a band council overcomes its legitimacy crisis and leadership deficit, and increases its capacity to govern; shedding some light on the fact that there is both a direct correlation between governance and community well-being, increased self-determination and communities in crisis.[3]

Contributing Factors and the Contributions of the Governance Literature

According to the literature (current trends), self-determination is a contributing factor in enabling/disabling communities in crisis (or in ameliorating those conditions which enable/disable). By this, it is meant that self-determination as it is operationalized by governments (creating structures of government, mechanisms of accountability and jurisdictions) can both enable and disable communities in crisis and/or ameliorate or exacerbate those conditions which can result in communities in crisis. Understanding the relationship between self-determination and community well-being and the contributions that governance has played in creating conditions that enable/disable communities in crisis allows us to better understand the twin phenomenon of communities in crisis and community well-being.

While a separate summary has been provided to NAHO, it is important to review in brief what the literature on governance has said about the relationship between self-determination and communities in crisis over the past 15 years. This task is relatively simple as the idea of community well-being and its relationship to governance has largely been overlooked in the indigenous governance literature, and no attention has been paid to the relationship between self-determination and communities in crisis. The reason for this is also simple, as the relationship is taken as a given and the literature has instead focused on pressing issues pertaining to the legal, political and constitutional justification for self-government and its scope and form.

For instance, like the early literature (Boldt, 1993; Franks, 2000; Gibbins & Ponting, 1986; Little Bear, Boldt & Long, 1984; Pocklington, 1991; Ponting, 1997), the Royal Commission on Aboriginal Peoples (RCAP) (1992, 1993, 1996) set forth to explain self-government and its justification conceptually, historically, constitutionally, morally, and politically. For RCAP, self-government was just part of the equation for renewing the relationship (based on four principles: mutual recognition, mutual respect,

sharing, and mutual responsibility) which, when taken as a whole, would ameliorate crises in communities and facilitate community wellness. Though RCAP spends much time developing models and explaining why self-governance is essential for developing capacity and meeting community needs and aspirations, it never fully explains the relationship between governance and community well-being, or how increased self-determination impacts communities in crisis. It is simply assumed and asserted but never measured and no indicators for measurement are advanced.

Beyond the RCAP, there has been little written on the nuts and bolts of implementation. Instead, a growing body of literature had developed in law and politics that engages theoretical debates pertaining to matters of constitutionality (jurisprudence and legal, historical and political justification) and scope. Much of this literature, including the work of Henderson (1994, 1996, 2000, 2006, and 2007), Ladner (2001, 2003*a*, 2003*b*, 2003*c,* and 2009) and Borrows (1994, 1997 and 2002) – not to mention the work of Barsh and Henderson (1996), Little Bear, Boldt, and Long (1984), Brock (2004), and White (2002) – does not directly address the impact of self-determination on communities in crisis. For instance, Henderson's work on indigenous governance and self-determination has largely focused on ideas such as treaty federalism, Aboriginal tenure and dialogical governance while encouraging the rebuilding of nations, indigenous legal orders, treaties, and the treaty relationship through constitutional law. While not the focus, Henderson's work does address the disconnect between indigenous histories, laws and cultures and the imposed system of colonial rule (the *Indian Act*). Although he does not discuss in any measurable way the impact of increased self-determination on community wellness a dramatic impact seems to have been taken as a given.

Though most of the scholarship does not, there are several key authors who have more substantively joined the discussion of self-determination and its scope and justification of self-government with a discussion of community wellness and consideration of the impact of self-government on communities in crisis. For instance, in their attempt to explain Aboriginal history and demands of self-government to Canadians, Mercredi and Turpel (1993) framed self-government as a necessity for poor and powerless communities who lack responsible government and are unable to govern within, and respond to the needs of their communities. For them, self-governance (or increases thereof) will serve to heal communities and will create capacity (institutional and human) for communities to manage internal disputes and problems, address matters of individual and community wellness, and address issues of dependency. In the mean time, several other scholars (Cairns, 2000; Flanagan, 2000; Widdowson & Howard, 2008) have argued that self-determination will negatively impact community wellness and thus argue that self-government may negatively affect and/or even result in situations of communities in crisis. For instance, Flanagan (2000) has argued that, self-government increases the prevalence and severity of communities in crisis by causing further marginalization, reducing the leadership and governing capacity and exacerbating poverty of Aboriginal peoples.

Stepping Beyond the Theoretical: Does it Really?

Though the vast majority of articles and reports (governmental and NGO) assume self-determination to be a worthy goal, there is little discussion of the relationship between governance and communities in crisis and/or community well-being. That said, there is a small – but expanding - body of governance literature being produced (mainly by the Harvard Project and policy institutes) that speaks directly to this issue and to the positive affect that increased self-determination has on conditions that enable/disable communities in crisis and to the relationship between self-determination and community wellness.

Equating community well-being with economic development, the Harvard Project on American Indian Economic Development contends that there is a direct correlation between good governance and economic success (community well-being) and more importantly, that nation building (defined as practical sovereignty, effective governing institutions, cultural match, strategic orientation, and nation-building leadership) is a requisite of successful economic development (Cornell, 2006; Cornell & Kalt, 1995). Beyond conceptualizing the relationship, the Harvard Project's case studies (stories from communities) demonstrate how communities in crisis can be transformed through increased self-determination (nation building) thus effectively demonstrating the power of self-determination and the importance of this relationship.

Likewise, policy institutes such as the Institute for the Research on Public Policy (IRPP) and the Canadian Policy Research Networks (CPRN) are engaging in studies which examine community wellness and its relationship with governance. In her paper for the CPRN, Abele (2004) argues that policy innovation in the form of changes to the Indian Act system of government is needed if community health is to change. Meanwhile, in publications by the IRPP, Papillon (2008) has assessed the impact that the James Bay Northern Quebec Agreement (JBNQA) and the subsequent self-government agreements have had on the quality of life

among the Cree and Inuit and concludes that, while there has been some measurable positive impact, results have been mixed. A parallel examination of these two articles is extremely interesting. While Abele aptly explains why changes to the Indian Act are required (especially to its corresponding system of governance), if real change is to occur in terms of community well-being, Papillon reminds that increasing self-determination by altering the political system, enabling delegated jurisdictions and creating responsible and accountable government will accomplish little if issues of capacity (human and fiscal) are not adequately addressed.

Meanwhile, there exists a growing body of literature outside the confines of the governance literature which offers further insight to the relationship between self-determination and community wellness and the conditions that enable/disable communities in crisis. While the primary focus of this literature is suicide, and not community-wellness or communities in crisis more generally, there is much to be gleaned despite the lack of attention paid to matters of governance and self-determination. Focused on identifying and understanding "factors associated with community-level variability in youth suicide rates" (Chandler & Lalonde, 2008, p. 68), the work of Chandler and Lalonde (2008) suggests that cultural continuity is a primary factor in suicide (and thus community wellness) and that "suicide rates will be lower in those bands that have achieved a measure of success in reconnecting to their traditional past and in building ties to some shared future" (p. 70). Chandler, Lalonde and Hallet (2007) also identify knowledge of language, as well as "band level measures of community control over the delivery of health, education, child protection and policing services, and the achievement of a degree of self-governance" (p. 392) as protective factors in suicide variability, and thus community well-being and resiliency.

While the authors of these studies do not address the form that self-government or community control has taken in these situations and while knowledge of language and indications of cultural continuity do not necessarily mean that the self-government or community control reflect and/or incorporate indigenous traditions and political systems, it would seem as though there could be a corollary relationship. The existence of language and cultural continuity could be indicators of a continued presence of traditional governance, or at least knowledge thereof as indigenous languages containing within them political and philosophical teachings about both governance itself and the "way we live best together" more generally. Either of which could positively affect community well-being and a community's capacity to enable/disable communities in crisis.

Looking at this literature as a whole, it is evident that there is a definitive correlation between self-determination and community well-being, and that self-determination may be a determining factor in enabling/disabling communities in crisis and in understanding resiliency. While the likes of Flanagan, Cairns and Widdowson (2008) are likely to disagree, it is assumed (and sometimes argued) that increased self-determination will positively affect community wellness and thus the ability of leadership to more effectively deal with crises in communities. The reasons are fairly simple and all stem from problems associated with the existing system of band council government under the Indian Act. Indian Act governments are often described as lacking legitimacy (both inside and outside their reserves). To provide for effective and efficient government, institutions need to be perceived as having legitimacy. This is particularly true in this situation as the Indian Act system of governance was forcibly imposed on indigenous collectivities. This lack of cultural continuity and the commonly held perception of band councils as little more than a colonial institution (the arms-length operation of the federal government) is quite problematic given that the findings of both the Harvard Project and the literature examining factors in suicide point to cultural continuity or fit as important indicators of the twin phenomenon of community well-being and communities in crisis.

Legitimacy, in this case requires the establishment of a government or governments which are responsible to and accountable to its citizens rather than to the federal government such that they have the ability to respond to the needs of the people (spending power). Ideas of a responsible and accountable government run throughout this body of literature and are key to understanding why self-determination has an impact on conditions that enable/disable communities in crisis and why there is a relationship between self-determination and community wellness. This is because creating responsible and accountable governance is not necessarily about forging and/or (re)creating indigenous governments that have the capacity to respond to the conditions that enable/disable communities in crisis. Though easier and more effective with institutional change, numerous leaders and communities have shown that some semblance of responsible and accountable government can be achieved without dismantling the Indian Act but by emphasizing self-determination, taking control of the machinery of government within the community and thus emphasizing community priorities, needs and aspirations.

For example, during the 1980s, Ermineskin First Nation utilized its oil royalties to alleviate the housing crisis (both the shortage and the sub-standard nature of existing stock), address issues of cultural continuity (through language and cultural programming), and to increase its human capacity and rates of education (through the establishment of Maskwachees College in Hobemma). More recently, Membertou First Nation and Osoyoos First Nation have created very successful business ventures which have been used to create employment opportunities, create community infrastructure, address poverty, and increase both the capacity (human and fiscal) of government and the community at large. In so doing, governments in these communities have demonstrated much ability to create responsible and accountable governments which are able to emphasize and respond to community priorities, needs and aspirations. However, even these communities with their seemingly endless financial resources are not always able to respond as their resources and their capacity (jurisdictional and otherwise) are still controlled by Indian Affairs in so much as it is the federal government that sets priorities, controls budgets (including trust funds) and holds bands accountable (even attempting to do so when revenue is generated by the band). Such is the case with Ermineskin First Nation which has had a very tumultuous relationship with Indian Affairs, and has in recent years been plagued by a lack of accountability and responsibility to the community, accompanied by bankruptcy, gangs, poverty, and violence.

Having the ability to effectively address issues of community wellness and/or the resiliency to deal with crises as they arise is not simply a matter of community's having the financial ability to do so or having some semblance of economic success. The Harvard Project argues, there exists a direct correlation between good governance and economic success both of which are necessary to provide for community well-being, to create resiliency and to address those conditions that enable/disable communities in crisis. Good governance requires nation building. This is something that arguably did not happen during the Ermineskin's years of economic prosperity (their oil dependent cash-cow years), but which is happening in both Membertou and Osoyoos.

Arguably however, developing institutions of good governance which emphasize accountability, principles of responsible government and engaging in a nation-building project can not be gauged or measured by economic indicators or for reasons that such development will enable economic success. The two do not necessarily go hand and hand and one cannot be taken as an explainable variable or a causal effect of the other. There are many phenomenally successful nations in the world with good governance that have not achieved economic success yet have established, just as there are economic successes that have not developed, good governance.

For many indigenous communities, good governance is simply about creating capacity and acting as a responsible, accountable government or governments and leadership that actively strives to facilitate community wellness and to address the priorities, needs and aspirations of the community. Thus it is more a matter of providing effective governance and having a leader with vision and commitment and less about providing effective administration for Indian Affairs. In other words, it is not simply a matter of programs and policy, it is about leadership with vision and the capacity to make effective change, to enable community well-being, to address those conditions that enable/disable crises, and to foster resiliency. What such visions and leadership capacity entails is highly contested within the existing literature on indigenous governance. While Alfred (1999) argues that enabling well-being and community resiliency will require elite driven-change whereby Indian Act leaders are replaced by traditionally grounded leaders and structures, Monture (1999) argues that such change will emerge from the grass roots as women rebuild communities through families, a renewal of traditional teachings and local mobilization, and still others suggest that it will take traditionally-minded nation builders with business savy. Whatever the case, if leaders are to enable well-being and foster resiliency, they must have a vision that will empower their community, leadership skills that enable them to steer community mobilization, and transformation and a capacity to re-create governance in a manner that responds to the needs, priorities and aspirations of community. In short they must be champions for change. But not just champions for change as they must be champions that are grounded in their culture (thus, acknowledging the importance of cultural continuity) and who are nation-builders with the ability to create and/or inspire both elite-driven and grass-roots change.

Interestingly enough, having travelled far and wide in Indian Country, it is often those communities that do not have the resources and those communities that are experiencing conditions which are typically associated with crisis which exhibit such leadership (within the band council system or otherwise). Such was the case during the early days of the so-called Lobster Wars at Eskinuopitijk First Nation (Burnt Church, New Brunswick) where several women from the community (later joined by several families) began to challenge the state of crisis that had taken root in the community. Following these women and their families, people stood up and joined together as a

community in search of the means for economic well-being, and began to talk about and rebuild their rights as a nation (and thus, their nationhood). While tensions turned the community's attention away from rebuilding their own community to the confrontations and violence between theirs and the settler society, the initial events forged the net that links community together through rights and responsibilities and gave them the sense of shared vision and a new future for the collective.

This episode of political mobilization demonstrates that increased self-determination (no matter its location) can positively affect community well-being even when it is the traditional leadership (in this case clan mothers and "traditional"/district chiefs) that show the vision and leadership and begin to operationalize responsible government. Even though this transformation at Burnt Church was relatively short lived and the community slowly slipped back into perpetual crisis (or a perpetual state of non-resiliency and crisis), this episode of mobilization shows the tremendous impact that traditional leadership and increased self-determination among traditional peoples can have on a community's well-being.

Thus, as this example and the literature on understanding suicide in indigenous communities reminds us, it is not about effective governance (formal or state-based Indian Act band government) as an enabler of economic success that facilitates community wellness, creates resiliency and increases capacity to deal with/overcome challenges and crises. It is not simply a matter of finding a cultural match between the systems of governance and the community or integrating tradition into the political system (as the Harvard Project suggests), for this disregards the integration and/or the role of tradition in community life (Chandler & Lalonde, 2008) and the affect that this has on community wellness.

Beyond this is the fact that this ignores the role of both tradition and self-determination outside of the parameters of the "recognized" formal institutions of governance – which are in this case the state-based Indian Act system of governance. This is most important for the purposes of this paper because increases in self-determination that positively affect the conditions that enable/disable communities in crisis may involve the traditional leadership as was the case at Eskinuopitijk First Nation. Traditional leadership became the champions of change during the so-called Lobster Wars empowering the grassroots to mobilize and to take back their self-determination as individuals and as a community. Individuals were empowered, the community transformed as a sense of hope and the community was renewed as Mi'kmaw traditions of governance were reclaimed. Clan mothers, community members and the Keptins (members of the Sante Mawiomi or Mi'kmaq Gran Council) envisioned a renewed community and actively pursued a political life separate from the Indian Act band council. In short, what they achieved in a very short time (yet unable to sustain) was to remind the community and its members of their potential rather than their shortcomings because as a community they had the strength to stand up for their rights and in so doing they held the potential to reduce dependency (in its multiple manifestations which includes political dependency) and to increase resiliency.

The potential for traditional governmental structures, philosophy and leadership to be pivotal factors in enabling/disabling communities in crisis is very much supported by the literature of scholars such as Alfred (1999) and Monture (1999). They argue that the transformation of leadership and/or institutions of governance will positively affect and even transform communities, suggesting that the impact that the resurgence of traditions, traditional leadership and traditional governance will have in terms of community wellness, in creating capacity for dealing with/overcoming crises, and in dismantling a perpetual state of crisis will be tremendous. As Kirmayer, Simpson, and Cargo (2003) suggest, self-government is a critical component of community healing or in "repairing the ruptures and discontinuity in the transmission of traditional knowledge and values, and asserting their collective identities and power" (p. 15).

As Monture (1999) argues, it is through the rebuilding of communities from the ground up using traditional infrastructure (mothers, families, clans, and governments) and indigenous philosophy (traditions) that communities can address issues of dependency on the state, transform community wellness and truly come to operate self-determination. Thus, as Chandler and Lalonde (2008) and Monture's (1999) work reminds, it is not just about the role of tradition and self-determination outside the parameters of "recognized" and/or "traditional" institutions of governance, it is the presence of tradition itself. As McBride's (2003) work on the healing journey of the Sault Saint Marie Tribe of the Chippewa points out, revitalization can have a tremendous impact on both individuals and the community as a whole. Because the healing journey of the Chippewa focused on traditional teachings pertaining to clans, clan responsibilities and the responsibilities of individuals within and to the clans, the process really had a tremendous impact on the individuals and the community as it focussed on creating awareness of one's role within the collective. This is just as John McKnight (2002) suggests, by focussing on the abilities of individuals rather than the negatives,their needs, individuals and communities can be

transformed as people learn to care for themselves and each other – reducing both dependency and crisis and increasing community capacity and resiliency.

Returning now to institutions of governance, the literature reminds us that self-determination may not have a measurable affect on community wellness and the government's ability to ameliorate (or simply lesson) the conditions that enable/disable communities in crisis. As Papillon (2008) points out, because Ottawa holds the purse-strings and the ability to set agendas and hold governments financially accountable, those communities that have negotiated self-government often face the same constraints and problems that confront Indian Act band councils – the lack of money and the lack of control over fiscal resources. This holds true even in situations where control over finances have been handed over to the indigenous government (not simply as a manager or policy administrator but as a government which is able to set and implement its own agenda), for the simple reason that most indigenous governments lack adequate resources. Thus, without dealing with issues of dependency and resources adequate for governance (not simply administration), increases in self-determination may have a negligible or even a negative effect on community wellness as governments need the resources to fund services that will address community needs. Simply put, without increased resources, self-government (or arguably, self-administration) has the potential to negatively effect community well-being as increased administrative responsibilities have not necessarily been accompanied by increased financial resources and are therefore unable to engage in "business as usual" let alone in a way that more effectively responds to community needs and aspirations. Such was the case for the James Bay Cree, who as a result, have spent much of the last 25 years trying to renegotiate self-government and its implementation (Papillon, 2008).

As Papillon, Abele and others point out, there are also institutional realities that work against self-determination and the ability of communities to enhance their resiliency and more effectively deal with conditions which enable/disable communities in crisis. Such that even if a leader or group of leaders were to emerge within the band council system who simply unilaterally exercised increased powers of self-determination (creating responsible and accountable governments), their capacity to govern with a long-term vision and/or engage and sustain long-term commitments (community development) is completely diminished by the two-year election cycle mandated by the Indian Act. While the problems resulting from the perpetual election cycle (with a two year cycle, governments are either newly elected or preparing for and seeking an election) could be remedied with changes to the electoral system as is being proposed in Manitoba, this still leaves the Indian Act system of government virtually unchanged. Tinkering with the Indian Act will not resolve the problem. Incremental change does not address the institutional reality of the Indian Act or the fact that it was designed to facilitate the authority and control of the Canadian government (through Indian Affairs) over Indians and reserves.

Beyond this, even when self-government is supposedly achieved, leaders are confined and defined by institutional realities that also work to diminish their capacity such as the use of negotiated and delegated jurisdictions (as compared to inherent rights, indigenous constitutional orders and/or treaty federalism/constitutionalism). Leaving aside issues of fiscal dependency, the reason for this has been explained as negotiated inferiority meaning that self-government does not create a jurisdictional foundation for government that is separate from federal and provincial oversight and parliamentary supremacy (the supremacy of federal and provincial governments). Such that indigenous governments are still unable to respond to the needs and aspirations of communities and provide really creative transformative governance for they are required to meet and/or beat all federal/provincial laws in the area of influence (jurisdiction), with federal and/or provincial governments retaining the ability to rule inoperative those actions which it sees fit. Further, the Charter and the Canadian Constitution poses even more restrictions on and institutional parameters around the so called self-governing governments (Ladner & Orsini, 2005; Henderson, 2000; Ladner, 2001). With these limitations in mind, it becomes very clear that self-government as we know it is little more than self-administration, and while self-administration enhances a community's ability to address the needs, aspirations and demands of the community, its ability to do so is quite limited (though less so than those communities governed by the Indian Act).

Creating Resilient Communities

The literature postulates (typically as an assumption) that self-determination positively affects community wellness. It also shows both that institutional change is necessary to have a measurable effect but that such an effect may be negligible if processes facilitating self-determination are not adequately supported. Given this, one must ask what must be done to increase and facilitate self-determination in such a way that it positively affects community well-being and

the conditions that enable/disable communities in crisis. Stepping beyond the confines of the existing literature, one must also ask why it is that some communities are resilient or more resilient and whether there is some sort of correlation with governance. While the previous sections of this paper addressed the current situation (and its historical context), findings of the literature and then proceeds to examine the relationship through the literature, this next section presents the views of the author and is an attempt to engage communities in crisis from a perspective of self-determination and governance.

As has been argued by the Harvard Project (Cornell, 2006; Cornell & Kalt, 1995) and others such as Borrows (1997) and Little Bear, Boldt and Long (1984), if self-determination is to be meaningful it must be grounded in, and consistent with the culture of the community. Beyond this, if self-determination is to be effective and is to achieve meaningful results – particularly in terms of community wellness, creating resiliency and dealing with conditions which enable/disable communities in crisis – than it must be an expression of that community (beyond cultural compatibility) and provide for effective governance (broad ranging, efficient, accountable, and responsible). This can be readily achieved using indigenous constitutional orders. indigenous constitutional orders, meaning the political structures and legal systems of each nation that were in effect when the Canadian government engaged in regime replacement under the terms of the Indian Act. In other words, the system of government, law, political philosophy, societal rights, and/or responsibilities that emanate from the teachings of each nation. In some cases, an indigenous constitutional order may be a singular oral document such as the Great Law of Peace or it may be derived from multiple sources such as bundles, songs and stories.

It is important to remember that at no point during colonization (contact, treaties, confederation or beyond) have Indigenous peoples ceded to the newcomers their constitutional orders or subjected themselves to the powers of foreign authorities, be they French, British or Canadian (Macklem, 2001). By and large, these indigenous constitutional orders were instead maintained and protected by the treaties and/or by the terms of the original relationship between indigenous nations and the newcomers. Recognized or not, no rights and responsibilities were delegated by indigenous nations to colonial nations and there is little legal grounds (other than a myth of legal magic stemming from the magical incantation which transferred territorial ownership upon discovery) to assert a claim of jurisdiction over or to govern indigenous nations or their territories.

Simply put, Indigenous peoples did not cede their sovereignty, or give up their constitution orders or their system of government. Rather, they negotiated agreements and formalized relationships that dealt with such matters as creating and maintaining peace and friendship between the nations, favourable trading relationships, the sharing of resources (such as land) within one's territory, and the terms or laws that would govern their relationship. As such, treaties recognized and affirmed a right to self-government and sovereignty for each nation (newcomer and indigenous) within indigenous territories. They did not limit such rights, except in areas of jurisdiction that were explicitly delegated or dealt with in each specific treaty (Cornell, 1988).

Today, these constitutional orders are protected through the treaties and through Section 35 of the Canadian Constitution which recognizes and affirms Aboriginal and treaty rights (and thus, indigenous constitutional orders as these are the foundation of Aboriginal rights and are protected by the treaties and the original relationships). Therefore, Section 35, as so many have argued, contains within it the inherent right to self-determination (not simply self-administration); a right which is recognized in but not created by the Canadian Constitution. Self-determination is a right and a responsibility vested in indigenous constitutional orders and as such contains all jurisdictions essential for contemporary indigenous governance in Canada. In the words of Henderson, Benson and Findlay (2000), the right to self-determination is vested in "Aboriginal legal orders, laws and jurisdictions and unfolded through Aboriginal and treaty rights" (p. 433) and it contains all matters of jurisdiction, subject to the limitations agreed to in each nation's treaty, historic or future.

This is very important for the purposes of this paper, as it enables the creation of effective and efficient meaningful governments. It enables governments which have unlimited potential and jurisdictions limited only by indigenous constitutions. Once operational, therefore, indigenous governments operating under the auspices of their own constitutional orders would have the ability to adapt and respond to meet the needs of a community. More importantly, the current system of government would have to be replaced and/or renewed as indigenous constitutional orders provide for a completely different system of governance based in indigenous philosophies, understandings of the good life and the way a people live best together. For the Plains Cree, this means a system of governance which is grounded in and which operationalizes Cree first principles: respect, responsibility, humility, and control (of self). In short, this means a system of honourable governance,

where indigenous governments are defined and confined in accordance with indigenous philosophies and thus the actions of governments are so defined. Honourable governance therefore requires that governance involves community (not just as an output) and work towards strengthening the community. It requires living as a community – meaning that as a community we start picking up the pieces and looking after each other as all are our relations.

What is required is nothing less than radical transformation. Indigenous communities, and indeed indigenous governance, requires radical transformation if some semblance of honourable governance is to be achieved. This is the case despite the fact that the framework for such governmental philosophies and practices already exist in indigenous knowledge and traditions (traditions and knowledge which continue to exist in some semblance or another despite years of colonial decay). They exist and define the meaning of honourable governance within each nation – for it is the language and traditions of each nation that holds the blueprint for honourable governance. This is not to suggest that honourable governance is replicating institutions of the past. Rather, honourable governance involves engaging in community development or engaging in the process of rebuilding the nation and reengaging its self-determination. For this to happen, communities need to decide what it means to be a people, what it means to live as a nation today, and how they want to govern themselves and live together in the best way possible. Allowing traditions and languages to guide this process will make it honourable and/or will make honourable governance achievable for indigenous worldviews, understanding of family and community, and responsibilities are embedded therein. That is to say, actualizing and living those responsibilities to family and community that is expressed in the various languages and traditions would radically transform communities from the ground up, as would the re-integration of families and building consensus among families as the basis of governance.

There is no limit to the potential that this holds for rebuilding strong, capable, resilient communities or for addressing those conditions that enable/disable community wellness. This is because the mere process of renewing constitutional orders has the potential to facilitate community healing, community building and capacity building. Renewing governance and creating honourable governance will require community discussion (involving all people within that nation) as the renewal of the constitutional order and the meaning of honourable governance will have to be negotiated within each nation. Indigenous peoples will need to engage in processes of decolonization for indigenous governments and indigenous constitutional orders have not been predominant in indigenous politics since the Canadian government institutionalized the *Indian Act* system of government in 1876.

Just as the Haudenosaunee say of their treaties (Williams, 1982), such as the Covenant Chain, indigenous constitutional orders need to be dusted off and polished by the people of the nation. Rekindling and re-empowering indigenous constitutional orders, or dusting off and polishing these orders, offers the potential for rebuilding communities. It provides the opportunity for communities to engage in a dialogue about the meaning of the community today, its history of colonization, its history, philosophy, and its system of governance (as many have not been educated in this way). Engaging such discussions and empowering Indigenous peoples to take control of their communities and to decide (and create) how they want to govern themselves and/or live together in the best way possible, could serve as the foundation for a community healing journey. Just as discussions of clans and clan responsibilities did in the case of the Sault Saint Marie Tribe of the Chippewa (McBride, 2003), engaging in such discussions of indigenous constitutional orders and the manner in which they function(ed) in and structure(d) communities through the clan systems could serve as a community building process. Such processes are advocated by community development scholars such as John McNight (2002), for they empower individuals to take up their place in the community/government while also reminding clans, families and governments to take up their roles and responsibilities within the community (especially vis-à-vis those conditions that enable/disable communities in crisis).

Looking Forward

Such discussions alone (not to mention the actual process of rebuilding communities and governance) holds great hope for rebuilding strong, healthy, resilient communities. Such outcomes and the actual processes of renewing constitutional orders, creating honourable governance, and grass-root level discussions, however, will not be possible nor enough without engaging in some semblance of decolonization. This is because the contemporary reality of Indigenous peoples (as individuals and communities) is one of extreme disconnect. Though inconsistent with indigenous cultures, there has been normalization of state and individualized violence, sexism, heteronormativity, racism, power, and institutionalization of neo-colonialism. That is, while indigenous cultures emphasize balance, respect, responsibility, humility, inclusivity, a different understanding

of power (as an individualized spiritual journey), and gender (constructed not as a physical characteristic but in terms of responsibilities – often including multiple genders), which stand against power (as an expression of hierarchy, control and authority). Life today is characterized by power (as understood within the western-eurocentric context), male-privilege, violence (perpetrated by the state and individuals), heteronormativity, and exclusivity.

This disconnect has wreaked havoc on the lives of Indigenous peoples, and arguably, its causes constitute the primary conditions that enable/disable communities in crisis and explains why most communities lack honourable governance and lack the resiliency required to deal with situations of crisis. Further, this extreme disconnect appears almost impossible to overcome because of the successes had by the colonizers as so many people lack even an elementary understanding of indigenous political traditions or understand how indigenous constitutional orders (teachings) were operationalized as governance. But it can be overcome. To overcome this disconnect, and enable the conversations needed to create honourable governance, to rebuild communities and to address those conditions that enable/disable communities in crisis, communities will need to engage in a process of decolonization that puts issues of gender and disconnect at the centre or forefront of such discussions.

This will be an onerous task, but as Henderson (1994) reminds us, it is one that is absolutely necessary. Thus, any discussions about recreating government and rebuilding communities that are ready and able to deal with situations of crisis or to deal with those conditions that enable/disable communities in crisis, must emphasize considerations of gender, and other areas of disconnect. This has to occur and it must be at the heart of the radical transformation called for earlier in this paper both because that radical transformation needs to be inclusive and guided by language and tradition. It is through understanding colonization as a gendered process that one begins to explain and understand the violence, poverty and power imbalances that are prevalent in indigenous communities today. Without a radical vision of governance that focuses on disjuncture, decolonization, rebuilding community, and creating honourable governance guided by language and culture which attempts to bring community into governance and emphasizes family as a unit of governance and collective responsibility, self-government/self-administration alone will not be able to deal with the issues facing communities. That is to say, while a government's increased self-determination may serve to increase community resiliency and/or ameliorate those conditions that enable/disable communities in crisis, only a radical transformation will champion the change that is necessary. What is truly needed is radical transformation whereby communities as a whole begin to actualize or operationalize self-determination (by becoming self-determining) by reducing dependency and renewing the family/community as networks of responsibility. Only such radical transformation will truly empower communities, facilitate responsible and honourable governance and facilitate a resiliency whereby they are readily able to dismantle crises and deal with the challenges that confront indigenous communities.

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END NOTES

1. Bundles are spiritual beings that contain knowledge, teachings and ceremonies. Apart from the spiritual, within the Blackfoot political system there are several major bundles that contain responsibilities for governance and in turn exist as institutions or structures of governance. These bundles are the foundation of the political system as they give it order, a political philosophy and they contain many of the laws and instructions for both government and the nation. Together with the holders of the bundles and their councils that are charged with responsibilities set forth in the bundles, the teachings, ceremonies, laws and philosophies contained in the bundles exist as a structure or institution of governance (alongside clans and societies).

2. Band councils have the ability under section 81 of the Indian Act to make by-laws in a variety of areas of interest to local governments (including traffic regulations [excluding speed], the establishment of dog pounds, the construction and maintenance of local infrastructure such as roads and ditches, and the regulation of bee-keeping) (Canada, 1989).

3. For examples see Membertou and Osoyoos First Nations.