Native Nation (re)Building: From Economics to Community Building

A People, Policy, Place Seminar
Presented on August 3rd, 2017
Charles Darwin University
Alice Springs Campus

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Native American/Indigenous Studies Emphasis
Kansas State University, Manhattan KS, USA
Acknowledgement & Gratitude

The People(s)
- Eastern and Central Arrernte
  - Aranda, Arrarnta, Arunta
- Southern Arrernte
- Luritja
- Anmatyerr
- Alyawarr
- Western Arrernte

[Aboriginal Art & Culture Centre](http://aboriginalart.com.au/culture/arrernte.html)
Native Nation Building theory, as developed by The Harvard Project on American Indian Economic Development (HPAIED) and defined by the University of Arizona and Udall Public Policy Foundation's Native Nations Institute (NNI), refers to the efforts Native and Indigenous Nations make to increase their capacities for self-governance and self-determined, sustainable community and economic development.

Originally conceived as an economic theory to explain why some US Native Nations are successful in managing their affairs within existing US legal and economic structures while others are not, this idea of rebuilding Indigenous and Native capacities through culturally appropriate and effectively savvy governance institutions resonates as well when addressing social issues. This presentation considers how these theoretical foundations can be applied in social service settings and public policy arenas. The presentation includes examples of this application in several Indigenous contexts where social issues--more than economic ones--are the central concern.
Context & Definitions

- Indigenous or Native Nation or Community
- Peoplehood
- Foundational (Transformative) Change
Starting Assumptions

- Most problems faced by Indigenous Nations are not “Indigenous” problems. They are problems that societies everywhere face.
- Indigenous Nations are no less capable of solving these problems than other nations are.
- However, for historical reasons, Indigenous peoples often face constraints that other societies do not face. This complicates the problem-solving process.
- Finally, what we are talking about is not simply economic development. The topic—and the challenge—is larger than that. The fundamental task is to build societies that work.

Courtesy of Manley A. Begay, Jr.
What’d ya mean “Native America?”
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What’d ya mean “Native America?”
“Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies”

by Tom Holm, J. Diane Pearson, Ben Chavis
Aaron Carapella, a self-taught mapmaker in Warner, Okla., has designed a map of Native American tribes showing their locations before first contact with Europeans.

American Indian Nations

- 566 Tribes and Tribal Groups (incl. ~200 AK Villages)
- ~236 State Recognized Tribes and Tribal Groups
- 310 Reservations, 40 Indian Statistical Areas
  - Constitutional Governments
  - Land & Resources Held under Federal “Trust”

http://lenapeprograms.info/newsletter-lenape-wusken/na-am-woman/
POWERS OF SELF-GOVERNMENT

Control of Cultural and Religious Affairs
Use of Environmental and Natural Resources
Business Permitting and Regulation
Setting Citizenship/Membership Criteria
Law Making and Legislation
Governmental Form
Taxation
Civil Law and Courts
Criminal Law and Courts
Postal Service
Issuance of Currency
Military
What is Native Nation (re)Building?
Why do some Native Nations engage in rebuilding (i.e., seizing their futures) and others, not?
This is interpretive mobilization, or moving, mentally, from inaction toward action.

“Seizing the Future”—Interpretive Mobilization

- something is wrong
- things can be different
- it’s up to us to change things
- we can change things
- determine what needs to be done
- do it; decide to act

Cornell, et. al, “Seizing the Future”, pg. 16
What is the role of interpretation or perception?

(Cornell, et. al, “Seizing the Future”, pg.19)
“Seizing the Future”— Getting There in 4 Steps

What’s to be done?

• Change the (external) situation
• Build on culture
  • “Harnessing shared history and values in the service of today’s nation building battles” and goals
• Acquire knowledge
• Exercise leadership, broadly

“As long as it’s not recognized as real law by Indigenous and non-indigenous people or not treated as an intelligent resource for problem-solving, we will be perpetuating the myth that Indigenous people are lawless …and the only thing available to us is Canadian law.” —Val Napoleon
One Large Change in the US’ External Situation

The Indian Self-Determination and Education Assistance Act of 1975

Encourages tribal decision making as well as tribal run services though compacts & contracts with the US federal government.
One Large Change in NT, AUS’ External Situation

The Aboriginal Land Rights (Northern Territory) Act of 1976 ensures the return of land to traditional owners accompanied by the financial resources generated from commercial activity, mainly resource extraction, on that land.

Melbourne Streets Avant-garde on Flickr under the CC BY-NC 2.0 license
One Large Change in the External Situation

The Indian Self-Determination and Education Assistance Act of 1975

the first US legislation allowing for Native control of (some) elements of policing jurisdiction, health services and education

The Aboriginal Land Rights (Northern Territory) Act of 1976

the first of the Aboriginal land rights acts allowing for a claim of title with evidence of traditional association with and/or occupation of the land
Two Development Approaches

Standard Approach

• Someone else sets the agenda
• Development is treated as an economic problem
• Indigenous culture is viewed as an obstacle
• Decision making is short term and nonstrategic
• Elected leadership serves primarily to distribute resources

Nation-Building Approach

• Native Nations assert decision-making power
• Native Nations back that power with effective governing institutions
• Governing institutions match Indigenous political culture
• Decision making is strategic
• Leaders serve as nation builders and mobilizers
Results of Each Approach

Standard Approach

• Failed enterprises
• A politics of spoils
• An economy highly dependent on federal dollars and decision making
• Brain drain
• An impression of incompetence and chaos that undermines the defense of sovereignty
• Continued poverty and cultural stress

Nation-Building Approach

• More effective community resource management
• Increased chances of sustained and self-determined economic development
• More effective defense of sovereignty
• Societies that work economically, socially, culturally, and politically
The enhanced capacity of Native Nations and Indigenous people groups to realize their own cultural, educational, economic, environmental, and political objectives through foundational actions of their own design and initiation.
Societies that Work

...are capable of pursuing their own objectives—political, economic, social, cultural—effectively;

...provide their citizens with opportunities to lead productive, satisfying lives;

...deal with internal differences and disputes fairly and effectively, without tearing the society apart;

...are capable of establishing and maintaining productive, mutually beneficial relationships with other sovereigns or societies.
Indigenous Groups That Are Successful on Their Own Terms
Use Strong Leadership to
Assert the Right to Govern Themselves and
Exercise That Right Effectively
By Building Capable Governing Institutions
That Match Their Cultures.

Successful Native Nation (re)Building

Courtesy of Manley A. Begay, Jr.
The Indigenous Nation or people group has

- **Practical Sovereignty** - or taken effective control of and responsibility for affairs, resources, and decision-making;

- **Cultural Match** - or achieved a fit between the formal institutions of governance and Indigenous conceptions of how authority should and could be organized and exercised;

The Indigenous Nation or people group has

- Capable Governing Institutions - or established governing institutions that exercise its sovereignty effectively, responsibly, and reliably;

- Strategic Orientation - or moved away from opportunistic, quick-fix answers to dilemmas and toward long-term decision-making incorporating community priorities, concerns, circumstances, and assets; and

The Indigenous Nation or people group has

- Leadership - or some group or set of individuals willing to break with status quo practices, can articulate a new vision of the nation’s future, and can both understand and effectively encourage the foundational changes that such visions require.

When you think about the process of Indigenous Nation (re)Building...it’s clearly about more than economics.

Courtesy of Manley A. Begay, Jr.
What does this mean for social justice?
In policy making?
It is about realizing and respecting a community’s dreams for itself....

Courtesy of Manley A. Begay, Jr.
“Putting a new memory in the minds of our children...”
Dr. Herb George Satsan

as well as the grandchildren...and, all those yet unborn.

Courtesy of Manley A. Begay, Jr.
Applications & Examples
Overview of Sample Projects

- **Culture**
  - Residential Schools and Traditional Words of Reconciliation, Truth & Reconciliation Commission of Canada, Manitoba
  - Tucson Indian Center: Developing a Language Integration Program, Tucson, AZ

- **Education**
  - Comparative Guide to Educating Tribal Citizens of Constitutional Changes, Crow Nation, MT
  - Shinnecock Early Learning/Day Care Center Planning Project Report, Shinnecock Nation, NY

Courtesy of Manley A. Begay, Jr.
Overview of Sample Projects

- **Health/Social Service**
  - Comparative Incidence of Cancers & Autoimmune Disorders, Pleasant Point Passamaquoddy Nation, ME
  - Treaty 7 Management Corporation: Health Secretariat, Best Practices in Indigenous Health Care, Calgary, Alberta, Canada

- **Government**
  - US, Canada and Mexico Indigenous Border Crossing Rights, Mohawk Council of Akwesasne, NY and Canada
  - Options for a Constitution: Heiltsuk Tribal Council, Canada
  - Ermineskin Cree Nation: Constitutional Analysis, Edmonton, Alberta, Canada

Courtesy of Manley A. Begay, Jr.
Overview of Sample Projects

- **Economic Development**
  - Ohkay Owingeh Business Plan Development for Economic Sustainability, San Juan Pueblo, NM
  - Pascua Yaqui Tribe: Shrimp Harvesting/Importation Project, Tucson, AZ
  - Economic Impact of Navajo Tax System on Border Communities, Navajo Tax Commission, AZ/NM/UT
  - File Hills Qu’Appelle Development Corporation: The Business of Nation-Building, Regina, Saskatchewan, Canada
  - Shinnecock Nation: Foundations of Economic Planning, Shinnecock Nation, NY

Courtesy of Manley A. Begay, Jr.
**My Previous Projects**

**File Hills Qu’Appelle Development Corporation**

- A project for Dr. Manley

**FHQ Strategic Plan:**

**Corporation Function**

1. Make money
   - Then put $$$ into opportunities for the member communities
2. Provide employment opportunities for member communities
3. Develop long-term investments
4. Benefit member communities’ development and strengthen them
   - Political organization on behalf of First Nations
   - Facilitate
5. Provide a model for member First Nations to build on
   - Examples of success
   - Creating confidence within member communities
6. Fiscal Independence
   - Building wealth
7. Increase participation of member First Nations in the economy

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**Blending NB and Treaty Four Principles**

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<td>Witsaskewin Strategic Decision</td>
<td>“Living together on the land”</td>
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<td>Askiwipimachowascikewina Leadership</td>
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<td>Tapewatin Effective Governing Institution</td>
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My Previous Projects

Blending NB and Treaty Four Principles

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The Blended Model at Work

"The Creator gave us a way of life and a language by which we could speak to one another and speak to Him and give meaning to everything that was around us, to help us understand the world, other people, our relatives... God gave us this land...we own it as a people."

Treaty Four Salteaux elder Odelly Heepetung

Walking the Talk:
What would a T4 friendly business look like?

- Openness to significance of the pipe ceremony
- Attention to the wisdom of elders
- Attention to relationship with the land
My Previous Projects

**Community Healing in Northern Cheyenne**

Apel D. Pelle & Renee Duncan
Presented to: Gail S.
Project Advisor: Randi Nation Blank
April 27

**Historical Trauma**
Cumulative emotional & psychological wounding over the lifespan and across generations, emanating from massive group trauma

<table>
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<tr>
<th>Relevant Areas of the Six Phases/Periods</th>
<th>Current &amp; Continual Repetition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reservation Period</td>
<td>1. Forced dependency, lack of security</td>
</tr>
<tr>
<td>2. Boarding School Period</td>
<td>2. Family systems challenged by violence and enforced separation</td>
</tr>
<tr>
<td>3. Forced Relocation</td>
<td>3. Transfer to other “safer” areas</td>
</tr>
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**Native Nation Building Blocks**

**Sovereignty**
Taking charge of all cases not handled by federal law enforcement, creating a socio-legal framework for addressing Northern Cheyenne victimization

**Capable Governing Institutions**
Negotiating the selective federal response to violence on the reservation creating extrajudicial means to address violence

**Cultural Match**
Creating programming that is grounded in Northern Cheyenne experience and beneficial for the whole community

**Strategic Orientation**
While we are of course looking for a quick end to violence, one must understand an effective solution must be multidisciplinary and sustainable over time

**Leadership**
Establishing both governmental authorities and community leaders who best can appreciate the nuance necessary for dealing with family violence and its affects on the community as a whole
My Previous Projects

Transformative Justice
Modified for a Cultural Match

Self governance with the State system as Ally (leverage)

✓ Rather than rely heavily on State criminal legal system (as it is now) or no reliance at all (Original TJ model), use State criminal legal system as a leverage point for change
✓ Use the unique powers of the tribal council via the powers set out in the N. Cheyenne constitution
✓ Honors Cheyenne tradition of self governance
✓ Counteracts lateral violence concepts with full accountability expected/accepted
✓ Encourages confidence and experience of Nation Building
✓ Better cultural match for this group and meets the community need

Legal Framework for Northern Cheyenne

<table>
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<th>Current Ordinance</th>
<th>Considerations</th>
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<tr>
<td>“A person who knowingly subjects another person to any sexual contact without consent”</td>
<td>Any penetration anally, orally or vaginally by any person without consent shall be considered unwanted sexual contact. Narrowly construct consent</td>
</tr>
<tr>
<td>Aggravated Sexual Assault includes the notion of age of consent, under 16 with a 3 year gap in age difference</td>
<td>Keep age an aggravating factor but shift age to under 14 regardless of age difference of abuser.</td>
</tr>
<tr>
<td>“The offender inflicts bodily injury upon anyone in the course of committing sexual assault”</td>
<td>Any weapon including but not limited to physical instrument, threat of harm, resulting illness after sexual assault, mental incapacitation or as a result of assault shall be deemed aggravating factors</td>
</tr>
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</table>
My Previous Projects

Buckets & Bundles

**Buckets: Areas of Movement**

- **Define A Northern Cheyenne Specific Approach**
  - Use informal means of information sharing on resources
  - Acknowledgement and guidance via traditional gatherings for healing
  - Grander incorporation of Traditional Solutions in managing accountability
  - Begin conversations about it

- **Honor the Interrelatedness of Reservation Life**
  - Traditionally significant advocates/advisors for survivors, offenders as well as both of their families and kin
  - Managed family interaction for the 1st few meetings
  - Community recognition of justice that satisfies the individual survivor, their family and community expectations appropriately

- **Interrupt the Cycle of Violence—Northern Cheyenne Style**
  - Easily accessible, Offender Accountability Programs (BIPs) that speak to Cheyenne Traditions and engages elders
  - Clarify the current ordinance
  - Build Northern Cheyenne Landscape Specific Service Capacity
  - Expanding school curriculum to include older children and teens

**Bundles: Manageable Touches**

- **Interrupt the Cycle of Violence—Northern Cheyenne Style**
  - Easily accessible, Offender Accountability Programs (BIPs) that speak to Cheyenne Traditions and engages elders

- **An Example Bundle**
  - Investigate the level of need
  - Begin consistent data collection on type and frequency of incidents

- **Bundle Types**
  - No Touch
  - Low Touch
  - Moderate Touch
  - High Touch

- **Moderate Touch**
  - Establish adjudication standards for those who successfully complete new intervention program (could include reduced time in confinement or on probation)

- **High Touch**
  - Further develop potential funding sources for desired positions such as Sexual Assault Nurse Examiners (SANE), a child protective team and other professional and voluntary staffing included but not limited to responsive elders and former abusers.
My Previous Projects

Client’s willing audience:
- Community members built from
  - Participants in a project to revive traditional agriculture for health and knowledge transfer
  - Elder Council
  - Community program for youth

Unwilling audience:
- Tribal council
- Tribal council president
- Past researchers
“The Honoring Nations Google Map displays all 130 honorees of the Honoring Nations Award. The purpose of the Honoring Nations Google Map is to assist users in finding resources, information, and examples of tribal government success. Aligned with our mission to identify, celebrate, and share outstanding programs of self-governance, each Honoring Nations honoree’s profile includes their story of success, program description, tribal demographics, location and land status, videos, pictures, and links to more resources.”
Honoring Nations & Sharing Success Stories

The Potawatomi Leadership Program

2016 Recipients—press release

2015 Full Report on Recipients
Honoring Nations & Sharing Success Stories

Tulalip Alternative Court
Family Violence & Victim Services, Mississippi Choctaw
Child Welfare Services, Houlton Band of Maliseet Indians

http://hpaied.org/exhibits


