

A PRACTICAL GUIDE TO ISSUES IN
GITKSAN-WET'SUWET'EN SELF-GOVERNMENT

PREPARED FOR THE
GITKSAN-WET'SUWET'EN TRIBAL COUNCIL
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EXECUTIVE SUMMARY

While the concept of self-government for First-Nations appears accepted in Canada, further progress toward it requires specific proposals from First-Nations such as the Gitksan-Wet'suwet'en. Such proposals must include:

- 1) A statement of policy on citizenship
- 2) Identification of the functions for which self-government responsibility is to be assumed
- 3) Information on how policies on those functions will be made
- 4) An analysis of service delivery alternatives and the costs of providing the different services, and
- 5) A specific suggestion for financing self-government.

For each necessary component of a Gitksan-Wet'suwet'en self-government proposal, the questions that must be answered and the steps necessary to respond to those questions and prepare a detailed proposal for Gitksan-Wet'suwet'en self-government are indicated in this report.

SUMMARY OF RECOMMENDATIONS

It is time for First-Nations to develop their own specific proposals for self-government and the Gitksan-Wet'suwet'en Tribal Council has embarked on this task. The proposal must be worked out first among Gitksan-Wet'suwet'en citizens and their leaders, and then leaders will have to negotiate with the federal and provincial governments for acceptable implementation. The better developed the proposal is, the greater the likelihood of achieving self-government objectives within the Canadian Federation.

First-Nation proposals for self-government must include:

1. Clear rules on citizenship, and recognition that individuals can be a citizen of more than one government at the same time.
2. A clear statement of which services First-Nations want authority and responsibility for, both within and outside of First-Nation boundaries, and how that authority will relate to federal and provincial authority.
3. A proposal for internal organization of the First-Nation government which indicates how decisions will be made and may provide for different organizations for different functions.
4. A preliminary indication as to how each public service will be produced, that is, by the First-Nation government itself or under an agreement with another government or private firm.
5. A proposal for financing First-Nation government activities; and
6. A proposal for Federal and Provincial tax adjustments to avoid double-taxation of First-Nation citizens.

A proposal for First-Nation self-government including the above elements is a major effort -- but every element is important to successful First-Nation self-government. Steps necessary to prepare such a proposal have been presented where appropriate throughout this report, and are listed again below. Appended to this list are suggestions as to how the Gitksan-Wet'suwet'en Tribal Council may wish to proceed.

Tribal leaders should continue to work with members to be sure citizenship is defined clearly in a way upon which members agree. Outside consultants are unlikely to be of any significant benefit to tribal leaders on the citizenship issue.

CITIZENSHIP:

For practical purposes the Gitksan-Wet'suwet'en first-nation must decide:

- 1) Criteria for automatic citizenship, e.g. hereditary.
- 2) Which Gitksan-Wet'suwet'en laws affect Gitksan-Wet'suwet'en citizens who reside outside Gitksan-Wet'suwet'en territory.
- 3) What actions would result in termination of citizenship in the Gitksan-Wet'suwet'en Nation.
- 4) Criteria for non-citizen residency and participation within Gitksan-Wet'suwet'en territory. i.e. - husbands or wives of citizens may or may not qualify for citizenship, although they would most likely be permitted to reside in First-Nation Territory. It may also be desirable to permit non-Gitksan-Wet'suwet'en residents to participate in some political decisions, i.e. vote on village matters such as whether or not to install sewers.
- 5) How Gitksan-Wet'suwet'en citizenship rules relate to rules for Canadian citizenship and past decisions on Indian citizenship made by the Canadian government.

Tribal leaders should continue to work with members to be sure citizenship is defined clearly in a way upon which members agree. Outside consultants are unlikely to be of any significant benefit to tribal leaders on the citizenship issues.

FUNCTIONS:

The steps that need to be followed to decide which government functions the Gitksan-Wet'suwet'en desire to assume responsibility for are:

- 1) Decide which functions are critical to self-government, categorizing other functions as important, useful or unimportant. Be sure to note which functions are for all Gitksan-Wet'suwet'en citizens, for all Gitksan-Wet'suwet'en territory, or for smaller areas such as villages within Gitksan-Wet'suwet'en territories.
- 2) Determine how critical and important functions are currently financed and provided in Canada.
- 3) Determine how Gitksan-Wet'suwet'en control over each critical and important function would affect and relate to other governments.
- 4) Develop a recommendation for Gitksan-Wet'suwet'en control of each function, as a substitute for or in cooperation with other governments.

- 5) Examine alternative ways to actually produce services, i.e. tribal council bureaucracy, through intergovernmental agreements, or with contracts with other governments, non-profit societies or private firms.
- 6) Estimate the costs of providing each critical and important function with the preferred alternative production method.

FINANCING

The steps necessary to develop a Gitksan-Wet'suwet'en finance proposal are

1. Estimate the current tax base within Gitksan-Wet'suwet'en territory for property taxes, sales and excise taxes, individual and business income taxes and royalties.
2. Estimate the amount of revenue the Gitksan-Wet'suwet'en Nation would receive if tax rates equal to the average rates used by Canadian provincial and local governments were applied to the Gitksan-Wet'suwet'en tax base.
3. Compare the amount of revenues that would be received from the use of average tax rates within Gitksan-Wet'suwet'en territory with the revenues that would be received if Gitksan-Wet'suwet'en wealth and income was equal to the Canadian average. This provides the first estimate of the size of the equalizing grant the Gitksan-Wet'suwet'en nation should receive, in order to provide the Gitksan-Wet'suwet'en with services at about the same level as other citizens of Canada receive.
4. Following the first estimate additional adjustments must be made to account for:
 - a. any unusual costs of providing services in the Gitksan-Wet'suwet'en area.
 - b. the division of functions decided upon between the Gitksan-Wet'suwet'en provincial, federal and local governments.
5. After adjustments are made, comparisons between the estimated costs of performing selected functions and revenues can begin to determine the fiscal feasibility of Gitksan-Wet'suwet'en government under this approach. The answer cannot be determined prior to the actual estimates and calculations being made.

When the information has been obtained and decisions made on citizenship, functions and financing it will be possible to prepare a detailed self-government proposal which can serve as the basis for negotiations with the federal and provincial government.

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PREFACE

Self-government for Indian First-Nations has been under intense discussion for several years. At present, the concept appears to be accepted by many federal Members of Parliament and provincial Members of the Legislature. However, progress on constitutional entrenchment has been opposed by some until such time as the actual details of self-government are spelled out.

A requirement for details of self-government arrangements makes progress on a Canadian national scale extremely difficult because of the tremendous diversity among the people of different First-Nations. Different First-Nations need different kinds of self-government. To await a single agreed upon model to be constitutionally entrenched may be to forgo self-government for the foreseeable future.

The most viable strategy to achieve First-Nation self-government appears to be for individual or small groups of First-Nations themselves to define what they want self-government to be, and to then enter into negotiation to achieve as many of the defined critical elements of self-government as possible. This approach is not only feasible, but it will provide for the diversity of different First-Nations and their relations to other governments across Canada. This diversity will in turn provide examples of successes and failures so that First-Nations can learn from one another, and most important, successful examples will reduce the resistance to the extension and eventual constitutional entrenchment of First-Nation self-government throughout Canada.

A change in focus from immediate constitutional entrenchment to individual specific First-Nation proposals changes the burden from negotiation between First-Nation leaders and Canadian federal government officials to the development of detailed self-government proposals by individual or groups of First-Nations. This means that tribal and band leaders must work closely with their own members to design their own self-government.

The objective of this paper is to assist the Gitksan and Wet'suwet'en leaders and members to understand and analyze the critical problems in self-government that they must deal with. Many of the critical issues will be familiar; others will require new thought and discussion. Every attempt has been made to pose issues for First-Nation resolution, not to dictate answers. Specific steps are proposed to develop a concrete proposal for Gitksan-Wet'suwet'en self-government.

I. INTRODUCTION

The design of self-governing institutions for First-Nations within the Canadian federal system is a difficult task. A major part of the difficulty, however, is due to how "government" was thought of in Europe and subsequently brought to Canada in a colonial tradition.

During the nation-building process in Europe, the concept of "sovereignty" meant one supreme source of authority -- usually the Crown by virtue of conquest by military might. Slowly in England the rights of the Crown were limited by recognizing individual rights and by other governing institutions -- the Lords and Commons. Today, the Commons -- run essentially by the Prime Minister and the Cabinet, are the supreme authority -- in what is called a Westminster Parliamentary form of government. This form of government is one where the one supreme authority may choose to delegate authority to lower level governments -- but any such delegation is at the discretion of the supreme authority and not the of right" of lower level governments.

Canadian government differs from British in that both federal and provincial governments were created and each assigned supreme authority for different activities. Each, however, follows the Westminster model by being run by their Prime Minister or Premier and Cabinet. Canada has also introduced a specific written Charter of Rights for individuals -- but it can be overridden by federal or provincial governments at their discretion through legislation. Within an intellectual framework based on the Westminster model and where authority over everything has been divided

between the federal and provincial governments, it is difficult to think of how to add First-Nations.

There is an alternative way to view governments, however, one that is inherent in Canadian federalism and one that was historically developed by the settlers in New England. It is that governments derive their authority not from conquest, but from the consent of citizens who come together and agree to "covenants" or constitutions to set forth how they want to govern themselves. The early Puritan settlers in New England followed this pattern of creating their own government through covenants instead of through military conquest. When the English Crown tried to assume sovereignty over such practices, a revolution broke out -- after which the U.S. constitution, written and ratified by citizens, was created.

Two major innovations emerged from this process. First, it was recognized that people have the right to choose their own form of government and not have government imposed upon them by others; and second, it was recognized that individuals can be citizens in more than one government at once (state and national), with no one government having to be supreme over the others. Instead, constitutions are agreed upon which indicate each government's authority, limits and governing process -- and each government carries out its own business. Intergovernmental cooperation and rivalry are common -- and in case of conflict both have agreed to resolve disputes in a judicial forum.

The idea of government by agreement and that individuals can be citizens in more than one government at the same time does exist in Canada in spite of Canadian origins as a British colony and the status of the Canadian Constitution as an Act of the British Parliament for 100 years. Individuals are citizens of both the federal and provincial government and democratic processes exist to elect officials in both of those governments. It is not a system, however, where citizens can form new governments easily, and the federal and provincial governments have historically guarded their supreme status within their own spheres jealously. This is why there is no tradition of "home-rule" or self-government among municipalities or First-Nations in Canada, and why so many people have difficulty even thinking about First-Nation self-government in the Canadian context.

Thus, an important part of the development of First-Nation self-government is to begin to think in terms that are compatible with the existence of First-Nations as constitutionally recognized governments within the Canadian system. One must think of individuals being citizens in more than one government at once and that no one (or two) governments need be supreme in everything. Instead, different governments can exist independently and disputes can be negotiated or resolved in a judicial system.

II. THE PURPOSE OF A GOVERNMENT

The purpose of a government is to provide a process whereby people can resolve a common problem or achieve a common objective -- where a distinguishing feature is that when decisions are made or laws are passed all are bound by those decisions or laws. Governments, in contrast to clubs or societies, are not purely voluntary. Governments use their authority to require or forbid actions and enforce their laws.

Governments are of many different kinds. Some, like the Canadian federal government and provincial governments undertake many functions. Others, like small municipalities undertake a few functions in a small area, and still others such as improvement districts, may undertake only a single function such as water supply or fire protection in a small area. For each government, however, there are processes for decision-making on policy, revenue raising and implementing policy decisions. And it is important to recognize that people are citizens in many different governments at the same time. For example, a resident of Gitanmaax belongs to the governments of Canada, British Columbia, the Village of Gitanmaax, the Terrace School District, and the Kitimat-Stikine Regional District.

We usually think of governments as having many functions specifically within geographic boundaries -- and many do -- ranging from countries to provinces to municipalities. It is also possible to organize a government to deal with a particular problem, however, where individuals subject to the government are defined by ethnic origin instead of simply by residence

in a territory. For example, a tribal government could have authority over the adoption of children of tribal members even if those children did not reside on tribal lands, and another government could have authority over non-tribal children, even if they resided upon tribal lands.

There is no "one best way" to make decisions in government. In Canada it is common to elect officials to make government decisions -- but any form of decision-making such as by hereditary leaders, or by leaders chosen by lot (as in Hutterite Communes) may work well as long as the individual citizens of the government feel the processes are legitimate and worthy of their respect and compliance.

One must remember -- there can be many governments to help communities of people deal with many different kinds of problems. What is necessary for the functioning of such a government system are:

- 1) clear rules on citizenship for each government
- 2) clear rules on the authority and responsibility of each government
- 3) clear designation of the territory over which each government has the authority to govern. (This territory can include property owned by non-citizens and governments can own property outside their territory)
- 4) the availability of an adjudicatory process to resolve disputes between citizens and governments and disputes among different governments.

The four issues listed above must be resolved for an entire governmental system to work well. In addition, each separate government must also have:

- 1) rules and processes for making its own policy decisions
- 2) rules and processes for obtaining revenue, and
- 3) rules and processes for implementing decisions and having public services produced.

The rest of this report is designed to help members and leaders of the Gitksan-Wet'suwet'en Tribal Council develop their own position on each of the critical issues that must be resolved to achieve effective self-government in Canada. When this process is complete the result will be a detailed proposal for Gitksan-Wet'suwet'en self-government.

III. CITIZENSHIP: DEFINING THE COMMUNITY

Citizenship is membership in a government. It implies a right to a voice in government decisions, and an obligation to obey the laws of the government.

Citizenship may be defined in many ways, and self-government means that the government establishes its own criteria.

Citizenship for a country is generally acquired in three ways:

- 1) hereditary
- 2) by virtue of birth in a country, even though parents are non-citizens
- 3) by application and acceptance.

Hereditary citizenship is most common and gives rise to no difficulties. Citizenship by virtue of birth in a country usually provides a person with the option of choosing to be a citizen of either the country of birth or the country of one's parents' citizenship. There are also countries which permit a person to be a citizen of two or more different countries simultaneously. Citizenship by application and acceptance is the prerogative of a government – and different governments have very different criteria. It is common, for example, for a citizen's husband or wife to be granted citizenship upon application, but such granting is not automatic.

Citizenship is not the same as residency in a country. A government may permit non-citizens who are subject to all its laws, to reside within

them. Some governments also subject their citizens to some laws even if the citizen resides in another country. The United States, for example, subjects its citizens to several laws, including tax law and a law against voting in foreign elections when U.S. citizens are outside the United States.

It is very difficult to remove someone's citizenship. The only major reason is for fraud or falsehood in the application and acceptance process. Other cases include when a person becomes a citizen of another country but then the removal is a consequence of the decision to apply for citizenship elsewhere.

First-Nations must also be aware that it is possible for another government, federal or provincial, to designate someone an “Indian” for purposes of those governments' programs without that designation determining a First-Nation's own criteria for citizenship in the First Nation.

First-Nation citizenship is usually discussed only in terms of the First-Nation. However, there may be more than one government within a First-Nation. For example, a village may choose to relate citizenship for the purpose of participating in village government any village resident, whether or not the resident is a citizen of the First-Nation. This, of course, depends on how village government is organized and what functions it performs.

One of the most difficult issues facing all First-Nations is to negotiate how Canadian citizenship will apply to First-Nation citizens. It is usually assumed that First-Nations will be part of the Canadian federal system -- where individuals hold citizenship in a First-Nation, Canada and a province simultaneously. This federal model differs from a confederal model where First-Nation citizens would be citizens only of their First-Nation and the First-Nation government would deal with the Canadian and provincial governments. History shows that in general, federal systems like Canada, Switzerland or the U.S. are more successful than confederations.

First-Nations should also be aware that First-Nation citizens may choose to surrender First-Nation citizenship and remain citizens of Canada or move to another country. This possible choice by individuals is beyond the direct control of the Gitksan-Wet'suwet'en government but if the Gitksan-Wet'suwet'en can develop a prosperous and culturally cohesive First-Nation, then the departure of Gitksan-Wet'suwet'en citizens will be unlikely.

For practical purposes the Gitksan-Wet'suwet'en first-nation must decide:

- 1) Criteria for automatic citizenship, e.g. hereditary.
- 2) Which Gitksan-Wet'suwet'en laws effect Gitksan-Wet'suwet'en citizens who reside outside Gitksan-Wet'suwet'en territory.
- 3) What actions would result in termination of citizenship in the Gitksan-Wet'suwet'en Nation.

- 4) Criteria for non-citizen residency and participation within Gitksan-Wet'suwet'en territory. i.e. - husbands or wives of citizens may or may not qualify for citizenship, although they would most likely be permitted to reside in First Nation Territory. It may also be desirable to permit non-Gitksan-Wet'suwet'en residents to participate in some political decisions, i.e. vote on village matters such as whether or not to install sewers. For some functions, where both Gitksan-Wet'suwet'en and non-Indians are involved, it may be best to simply have a public government, such as a school district where everyone votes equally instead of an ethnically based government.
- 5) How Gitksan-Wet'suwet'en citizenship rules relate to rules for Canadian citizenship and past decisions on Indian citizenship made by the Canadian government.

IV. AUTHORITY AND RESPONSIBILITY

The most important decisions for the Gitksan-Wet'suwet'en self-government concern what authority and responsibilities the government will possess. Government authority can be classified in several ways, one of which is to distinguish between the authority to regulate individuals and business and the authority to provide public services. In addition, some regulations and services will apply only to Gitksan-Wet'suwet'en territory may also affect non-citizen residents; others will be for Gitksan-Wet'suwet'en citizens only, whether or not they reside in tribal territory.

When considering regulations and public services, two separate decisions must be made by the Gitksan-Wet'suwet'en. First, the Gitksan-Wet'suwet'en must decide and negotiate with the Federal Government which functions it wants to have authority for. This authority would include making policy on what and how a regulation is made and implemented or what and how a public service is provided. Second, for those functions the Gitksan-Wet'suwet'en assume authority for, they must decide whether their government should actually enforce the regulation or produce the service, or whether their government should enter into a contract with another government or a private business to have the regulation enforced or the service provided. For example, it is common for municipalities to set policy for solid waste collection, but contract-out collection to private firms. The Provincial government also contracts with the federal R.C.M.P. for police services and the Ministry of Human Resources contracts with

non-profit agencies for child care services. It is important to recognize that the Gitksan-Wet'suwet'en Nation can assume responsibility for a function, and hence make the policy for that function, without having to produce it in its own organization. This separation of policy authority from production makes it possible for even small First-Nations to maintain control over their public services while utilizing other organizations to produce what they want.

Table 1 lists possible functions for First-Nations. The list is not exhaustive but it provides an indication of the kind of functions that must be considered in setting up self-government.

TABLE I
GOVERNMENT FUNCTIONS

REGULATION WITHIN FIRST-NATION TERRITORY

Air Pollution Control	Food and Drugs
Airports & Air Traffic Controls	Forestry Practices
Animal Control	Fire Inspection
Business Licenses	Labour Market Regulation (minimum wage, unions)
Business Practices (weights, measures, taxi meter checking, consumer lending, etc.)	Land Use (zoning, subdivision control)
Building Codes (including electrical and plumbing)	Liquor Sales and Use
Communications (T.V. reception and re-broadcasting radio broadcasting)	Motor Vehicles (ownership, operation, insurance)
Criminal Law	Noise
Civil Law	Property Law (land titles, sales, mortgages)
Firearms	Water Pollution
Fisheries Regulation	Weed Control
	Wildlife Regulation

REGULATION OF FIRST NATION CITIZENS,
INCLUDING NON-RESIDENT CITIZENS

Citizenship
Family Law (marriage, divorce, inheritance, adoptions)

PUBLIC SERVICES WITHIN FIRST-NATION TERRITORY

Cemeteries	Parks
Courts	Policing
Cultural Centre	Public Health
Economic Development Programs	Public Transit
Education (schools, adult education, apprenticeships)	Recreation Programs
Electricity Production and/or Distribution	Streets, Sidewalks, Streetlights
Fire Suppression	Sewers and Sewage Disposal
Hospitals	Solid Waste Collection and Disposal
Libraries	Water Supply
Museum	Workers' Compensation Insurance

TABLE 1 (continued)

PUBLIC SERVICES FOR FIRST-NATION CITIZENS,
INCLUDING NON-RESIDENT CITIZENS

Child Welfare - (day care)
Higher Education (colleges and universities)
Welfare Programs

The Gitksan-Wet'suwet'en nation must make its own decision on which functions it wants to assume policy control over and which functions it would like to continue to simply receive from an existing local, provincial or federal government agency.

The first step to determine Gitksan-Wet'suwet'en self-government authority and responsibility is to determine which functions members and leaders of the Gitksan-Wet'suwet'en feel are critical to control, important to control possibly useful to control, or simply unimportant to control. Appendix A will serve as a guide for discussions of these decisions. only after an initial determination of which government functions are important to Gitksan-Wet'suwet'en self-government should more specific consideration of self-government organization, intergovernmental relations and finance begin.

V. ORGANIZATION AND POLICY MAKING

An important characteristic for any government is the relationship between functions and government organization. This is because different functions have different characteristics, which must be matched with different governing processes. For example, decisions on a local water supply system are usually best made by a council representing the residents in the particular village served by the water system, while child adoption or family law policy should be made by representatives of all Gitksan-Wet'suwet'en nation citizens -- which will include representatives of different villages, and may include non-resident Gitksan-Wet'suwet'en citizens as well. Other functions, such as fisheries or wildlife management may best be done by hereditary chiefs representing the families who hold land claims.

The functions a First-Nation wishes to assume are likely to be diverse and thus to require more than one governing forum. Village councils, band councils, tribal councils, and hereditary decisions through the feast are all likely to be useful, but each function must be related to an organization or decision-making process. It is not a question of choosing one organization for self-government, e.g. the tribal council, but rather of deciding which decision-process is best for a particular function.

In matching a function to an organization or process it is useful to determine:

- 1) How functions relate to traditional tribal governments. Where there are strong traditions or where a particular organization has been successful, e.g. a particular school board such as Kispiox has provided good educational services in a village, it may be appropriate to assign similar functions to that organization.

- 2) Which citizens or residents benefit from the function. For example would the benefit be for all Gitksan-Wet'suwet'en, or just the residents of a single village? In general, governments work best when they include representatives of individuals affected by regulation or benefiting from provision of the service in the decision-making process. At the same time, it is often best to exclude representatives of people who are not affected or are not beneficiary of decisions from decision-making processes. This way decisions are made by those who bear the consequences. The criteria that those who bear the consequences should make the decisions is, after all, as important within a First-Nation as it is in justifying First-Nation right to self-government in the Canadian system.

VI. INTERGOVERNMENTAL AGREEMENTS

Once the Gitksan-Wet'suwet'en nation determines which functions it wishes to assume responsibility for and how it wishes to make policy decisions on those functions, it then must consider:

- 1) How Gitksan-Wet'suwet'en policies will relate to other governments, and
- 2) How the public services and regulations decided upon are actually produced and enforced.

Some functions the Gitksan-Wet'suwet'en nation wishes to assume responsibility for will be of little concern to the provincial, federal or nearby local governments. Other functions, however, will be functions those governments are currently engaged in or are functions which may have consequences beyond Gitksan-Wet'suwet'en territory. For example, fisheries management is now controlled by the Federal Department of Fisheries and negotiating transfer of that responsibility to the Gitksan-Wet'suwet'en nation is part of the process of establishing self-government.

These interdependencies must be determined for each function the Gitksan-Wet'suwet'en wish to assume.

In addition to using agreements with other governments where there are clear policy interdependencies, it may also be useful for the Gitksan-Wet'suwet'en nation to use agreements with other governments or with private firms to get public services produced or regulations enforced. Contracting to obtain services, with the responsible government specifying

what is to be provided is a common way governments provide services and this approach lets even a small government provide a wide range of services efficiently.

Interdependencies and the use of contracts are best understood by looking at the examples provided in Table 2.

TABLE 2

INTERGOVERNMENTAL AGREEMENTS AND CONTRACTS

Airports and Air Traffic Control - While the Gitksan-Wet'suwet'en may want policy responsibility for an airport, it may prefer to let the Federal Department of Transportation run it and still license its pilots.

Motor Vehicles - It may be easiest to continue provincial regulation of titles, insurance and licensing drivers, especially as most vehicles will be used outside Gitksan-Wet'suwet'en boundaries at some time.

Building Codes - A Gitksan-Wet'suwet'en may choose to use the Provincial Code with inspections from the Regional District. However, because the code is inappropriate for many rural areas, the local First-Nation may want to modify the provincial code and undertake its own inspection process or contract with the regional district, a nearby municipality or a private company to provide inspection services.

Electricity Production and Distribution - The Gitksan-Wet'suwet'en may choose to continue completely with B.C. Hydro; develop their own distribution system and buy wholesale from B.C. Hydro, or if there is an adequate water power site available, it may be most efficient for the Gitksan-Wet'suwet'en to build their own production and distribution system.

Workers' Compensation Insurance - The Gitksan-Wet'suwet'en could continue with the B.C. Program, or simply legislate that employers within their territory buy equivalent insurance from a private insurance company.

Hospitals - Because the Gitksan-Wet'suwet'en nation is relatively small, it may be best to remain as part of the Regional Hospital District.

TABLE 2 (continued)

Colleges and Universities - The Gitksan-Wet'suwet'en may want to be sure its citizens have access to provincial colleges and universities and may also want to contract for special programs for their citizens.

Policing - The Gitksan-Wet'suwet'en could continue to receive RCMP policing from the Federal Government, or it could go to a contract with the RCMP, where they have some control over policy. Another alternative would be to start a local police force. A local force would have to be related to the B.C. Police Commission to be sure of good cooperation from the municipal police departments and police information systems in the province.

Intergovernmental agreements are useful when a First-Nation wants a voice in policy for a governmental function. If the First-Nation Government does not need a policy voice, then the initial agreement on self-government must indicate that for those services, First-Nation citizens will simply rely on their status as citizens of the provincial or federal governments to receive that service from the appropriate other government. This they can do because all First-Nation citizens are citizens in more than one government at the same time.

First-Nation citizens and governments have at their disposal a comprehensive range of alternatives to resolve common problems and provide public services. For functions that are not of specific concern to the Gitksan-Wet'suwet'en nation, citizens may receive services directly from the federal, provincial, regional district or other local government because Gitksan-Wet'suwet'en can hold citizenship in those overlapping governments as well as in the Gitksan-Wet'suwet'en Nation.

In addition, for problems or services of critical and important concern to the Gitksan-Wet'suwet'en but for which there are interdependencies beyond Gitksan-Wet'suwet'en boundaries, intergovernmental agreements for mutual benefit are available. And finally, for any function for which the Gitksan-Wet'suwet'en are responsible, after policies are made contracts can be made to have the service actually produced by another government agency or a private firm. It is precisely because all of these options exist that it is feasible for small nations like the Gitksan-Wet'suwet'en to possess effective self-government.

The steps that need to be followed to determine which government functions the Gitksan-Wet'suwet'en desire to assume responsibility for are:

- 1) Decide which functions are critical to self-government, and categorizing other functions as important, useful or unimportant. Be sure to note which functions are for all Gitksan-Wet'suwet'en citizens, for all Gitksan-Wet'suwet'en territory, or for smaller area such as villages within Gitksan-Wet'suwet'en territories.
- 2) Determine how critical and important functions are currently financed and provided in Canada.
- 3) Determine how Gitksan-Wet'suwet'en control over each critical and important function would affect and relate to other governments.
- 4) Develop a recommendation for Gitksan-Wet'suwet'en control of each function, as a substitute for or in cooperation with other governments.
- 5) Examine alternative ways to actually produce services, i.e. tribal council bureaucracy, through intergovernmental agreements, or with contracts with other governments, non-profit societies or private firms.

- 6) Estimate the costs of providing each critical and important function with the preferred alternative production method.

When this level of detailed knowledge is developed for critical and very important functions, the Gitksan-Wet'suwet'en First-Nation will be able to dispel all doubts that it can in fact undertake self-government.

VII. FINANCING FIRST-NATION GOVERNMENT

Another difficult task for First-Nations and the federal and provincial governments is to work out financial arrangements that are fair to all, and which encourage the careful use of revenues.

Governments rely primarily on taxes, user charges and royalties -- and lower level governments, local and provincial, also receive grants from higher level governments. The major kinds of government revenue sources are listed in Table 3.

TABLE 3

MAJOR GOVERNMENT REVENUE SOURCES

I.	TAXES
A.	Property: Levied annually as a percent of the market-value of land and buildings. Sometimes levied on equipment and inventories. Used by local and provincial governments.
B.	Sales and Excises: Levied as a percentage of the sale price of a good when it is sold. Excises may be levied in a fixed tax per quantity, i.e., 10¢ a litre on gasoline instead of on value. Used by provincial and the federal governments.
C.	Income Taxes: Levied as a percentage of net income of individuals and business. Used by provincial and the federal government.
II.	USER CHARGES
	Prices charged for specific government services, i.e. garbage pickup, use of a park, ferry fares, etc. Used by all governments.

TABLE 3 (continued)

III. ROYALTIES

Charges for use of a government-owned resource, i.e. timber stumpage fees, a charge per ton or per value of minerals mined, a charge for use of water to generate electricity. Used primarily by the provincial government.

IV. GRANTS

- A. Revenue Sharing: Sharing tax or other revenue on a fixed percentage basis with another government. The provincial government in B.C. shares its revenues with municipalities on a fixed formula basis.
 - B. Block Grants: Funds given to a government that it is free to spend on anything it wishes. Not widely used, equalizing and per capita grants are kinds of block grants.
 - C. Equalizing: Grants to governments with low revenues so that the government can provide "equal" levels of public services. The federal government provides equalizing grants to "poor" provinces. The B.C. government provides larger grants to "poor" school districts in B.C.
 - D. Per Capita Grants: A grant to a government of a fixed amount per person.
 - E. Categorical Grants: Grants given by one government to another for a specific purpose. The federal government and provincial government give all kinds of categorical grants. Some are for economic development projects, some for sports facilities, etc. Categorical grants are usually at the sole discretion of the giving government. Sometimes they are used for political and patronage purposes.
-

The concept of self-government includes 1) determining citizens; 2) determining one's authority and responsibilities (often in negotiation with other governments); 3) determining one's internal structure and processes for policy making and public service provision; and 4) financing from one's own sources the activities undertaken.

Criteria 4 - self-financing - means that the citizens who determine policy and receive the benefits of regulation and services also pay the costs rather than expecting someone else to pay for them. In practice it is common to accept funds from other governments - but along with those funds often come restrictions on self-government.

Most First-Nations including the Gitksan-Wet'suwet'en are in an impossible situation when it comes to financing their own public services. Historically deprived of land and resources and the general lack of development on resource-poor reserves simply make it impossible to finance reasonable public services. While successful land claims may alleviate this problem, it would appear desirable to develop a negotiating position for grants from the federal government that is fair, has an explicit rationale, will fit diverse First-Nation situations and has significant precedent in the Canadian Federation. A model that meets all of these criteria can be developed from the philosophy which underlies federal equalization payments to the poorer provinces in Canada. This philosophy is stated in The Canadian Constitution (1981):

36. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- a) promoting equal opportunities for the well-being of Canadians;
 - b) furthering economic development to reduce disparity in opportunities; and
 - c) providing essential public services of reasonable quality to all Canadians.
- (2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

The basic idea behind federal equalization payments to provinces is that each province in Canada should be able to provide its citizens with about the same level of public services for the same tax rates, as in any other province. Thus if tax bases (income, sales, property, and resources) are below average, average tax rates bring in below average revenue and the federal government provides a grant to make up the difference between the revenues that would be received with average tax rates and actual tax bases and average rates and average bases. This approach, modified to reflect the division of responsibilities between First-Nations and other governments, is one that can be used to develop an equalization system for First-Nations. The Gitksan-Wet'suwet'en could be the first First-Nation to propose such a system in their proposal for self-government.

Implementation of a general equalizing grant system is relatively easy. A First-Nation government would determine its budgetary requirements and determine what taxes and rates it would need to raise sufficient

revenue if it possessed tax bases equal to the national per capita average for each base. Then, the First-Nation would apply those rates to its own citizens and resources. The revenues raised locally would, at least at first, be insufficient to finance the budget but then the federal government would provide a grant to make up the difference.

This approach would satisfy the criteria of self-government finance because First-Nation citizens would pay tax rates that would be sufficient to pay for the services they desire if they had the average income and wealth of all Canadians -- and the Federal government would provide equalization payments which reflect the low level of wealth and income of First-Nation citizens -- just as it provides equalization grants for provinces whose citizens have income and wealth below the Canadian average.

Most important, such a system would provide for local decision-making with a fixed formula for equalization grants and remove the conditional nature of ad hoc grants to First-Nations at the discretion of the Department of Indian and Northern Affairs.

The system of equalization grants described is based on the current economic status of most First-Nations. However, the system is fully adaptable to increased income and wealth such as would result from successful aboriginal land claims. With the increased economic activity from the land claims base, the tax bases of the First-Nation would rise, and thus more revenue and a larger proportion of the budget would be raised

locally without raising tax rates. When increased income and wealth resulted in tax bases equal to the Canadian average, the entire First-Nation budget would be financed locally and Federal equalization payments would cease. This is the position that most citizens of First-Nations would ultimately prefer.

The steps necessary to develop a Gitksan-Wet'suwet'en finance proposal are:

- 1) Estimate the current tax base for property taxes, sales and excise taxes, individual and business income taxes and royalties.
- 2) Estimate the amount of revenue the Gitksan-Wet'suwet'en Nation would receive if tax rates equal to the average rates used by Canadian provincial and local governments were applied to the Gitksan-Wet'suwet'en tax base.
- 3) Compare the amount of revenues that would be received from the use of average tax rates within Gitksan-Wet'suwet'en territory with the revenue that would be received if Gitksan-Wet'suwet'en wealth and income was equal to the Canadian average. The difference provides the first estimate of the size of the equalizing grant the Gitksan-Wet'suwet'en nation should receive in order to provide the Gitksan-Wet'suwet'en with services at about the same level as other citizens of Canada receive.
- 4) Following the first estimate additional adjustments must be made to account for:
 - a) any unusual costs of providing services in the Gitksan-Wet'suwet'en area.
 - b) the division of functions decided upon between the Gitksan-Wet'suwet'en, provincial, federal and local governments.

- 5) After adjustments are made, comparisons between the estimated costs of performing selected functions and revenues can begin to determine the fiscal feasibility of Gitksan-Wet'suwet'en government under this approach. The answer cannot be determined prior to the actual estimates and calculations being made.

After the above estimations and calculations are complete, further estimates can be made to determine the impact of adding successful land claim resources to the Gitksan-Wet'suwet'en economic base.

VIII. TAX RELATIONSHIPS FOR FIRST-NATION CITIZENS

In addition to obtaining financing for First-Nation government, the taxes First-Nation citizens pay to federal, provincial and local governments (such as Regional Districts) must be adjusted to reflect that the First-Nation government provide services to First-Nation citizens that make federal and provincial provision of such services unnecessary.

There are two fair processes to make adjustments to avoid double taxation for First-Nation citizens, one would be to cut all provincial and federal tax rates paid by First-Nation citizens by the percentage which reflects the percentage of federal and provincial government budgets spent on functions which First-Nations provide for their own citizens. The other would be to credit against federal or provincial taxes the amount of taxes First-Nation citizens pay to their First-Nation government for services otherwise provided by the federal or provincial government. Such processes would require an analysis of the costs of providing services by the federal and provincial governments, but one of these approaches or some similar agreement must be developed to avoid double-taxation of First-Nation citizens as their incomes increase and they become subject to higher provincial and federal tax rates.

It is not feasible to begin any systematic research on tax relationships for Gitksan-Wet'suwet'en citizens until research and policy positions are developed on all previous issues posed in this report. Thus, for the present, consideration of the issue of tax relationships can be

postponed. Upon completion of a proposal for self-government, however, the issue of tax relationships for individual citizens must be examined in more detail. At that time it will be possible to:

- 1) Estimate the impact on individuals and businesses from establishing a Gitksan-Wet'suwet'en government.
- 2) Estimate the kinds of adjustments in taxes necessary to account for the division of responsibility between the Gitksan-Wet'suwet'en and provincial and federal governments.
- 3) Negotiate changes in tax rates or tax laws to account for the necessary adjustments.

IX. TRIBAL RESOURCES AND LAND CLAIMS

The development of a proposal for Gitksan-Wet'suwet'en self-government is related to, but not dependent on, a successful land claims action. A self-government proposal can be developed for existing territory, although obviously the range of functions proposed and the territorial financial base will be larger if the land claims action is successful. The development of the self-government proposal, however, should proceed on its own, because if for some reason the land claims case is temporarily lost it is still desirable to assume self-government and begin to assume control over Gitksan-Wet'suwet'en affairs. The equalization grant approach proposed in this report should make self-government feasible.

Given that self-government should be feasible with the existing resource base, it still may be useful, but not necessarily critical, to begin to explore how the economic base of Gitksan-Wet'suwet'en territory can be expanded and stable tax bases developed. To acquire this information is both costly and highly dependent upon the nature of self-government which emerges. Thus, it is recommended that research on this topic be done after a more detailed self-government proposal utilizing the equalization grant approach has been prepared.

X. SUMMARY AND RECOMMENDATIONS

It is time for First-Nations to develop their own specific proposals for self-government and the Gitksan-Wet'suwet'en Tribal Council has embarked on this task. The proposal must be worked out first among Gitksan-Wet'suwet'en citizens and their leaders, and then leaders will have to negotiate with the federal and provincial governments for acceptable implementation. The better developed the proposal is, the greater the likelihood of achieving self-government objectives within the Canadian Federation.

First-Nation proposals for self-government must include:

1. Clear rules on citizenship, and recognition that individuals can be a citizen of more than one government at the same time.
2. A clear statement of which services First-Nations want authority and responsibility for, both within and outside of First-Nation boundaries, and how that authority will relate to federal and provincial authority.
3. A proposal for internal organization of the First-Nation government which indicates how decisions will be made and may provide for different organizations for different functions.
4. A preliminary indication as to how each public service will be produced, that is, by the First-Nation government itself or under an agreement with another government or private firm.
5. A proposal for financing First-Nation government activities; and
6. A proposal for Federal and Provincial tax adjustments to avoid double-taxation of First-Nation citizens.

A proposal for First-Nation self-government including the above elements is a major effort -- but every element is important to successful First-Nation self-government. Steps necessary to prepare such a proposal have been presented where appropriate throughout this report, and are listed again below. Appended to this list are suggestions as to how the Gitksan-Wet'suwet'en Tribal Council may wish to proceed.

Tribal leaders should continue to work with members to be sure citizenship is defined clearly in a way upon which members agree. Outside consultants are unlikely to be of any significant benefit to tribal leaders on the citizenship issue.

CITIZENSHIP:

For practical purposes the Gitksan-Wet'suwet'en first-nation must decide:

- 6) Criteria for automatic citizenship, e.g. hereditary.
- 7) Which Gitksan-Wet'suwet'en laws effect Gitksan-Wet'suwet'en citizens who reside outside Gitksan-Wet'suwet'en territory.
- 8) What actions would result in termination of citizenship in the Gitksan-Wet'suwet'en Nation.
- 9) Criteria for non-citizen residency and participation within Gitksan-Wet'suwet'en territory. i.e. - husbands or wives of citizens may or may not qualify for citizenship, although they would most likely be permitted to reside in First-Nation Territory. It may also be desirable to permit non-Gitksan-Wet'suwet'en residents to participate in some political decisions, i.e. vote on village matters such as whether or not to install sewers.
- 10) How Gitksan-Wet'suwet'en citizenship rules relate to rules for Canadian citizenship and past decisions on Indian citizenship made by the Canadian government.

Tribal leaders should continue to work with members to be sure

citizenship is defined clearly in a way upon which members agree. Outside consultants are unlikely to be of any significant benefit to tribal leaders on the citizenship issues.

FUNCTIONS:

The steps that need to be followed to decide which government functions the Gitksan-Wet'suwet'en desire to assume responsibility for are:

- 7) Decide which functions are critical to self-government, categorizing other functions as important, useful or unimportant. Be sure to note which functions are for all Gitksan-Wet'suwet'en citizens, for all Gitksan-Wet'suwet'en territory, or for smaller areas such as villages within Gitksan-Wet'suwet'en territories.
- 8) Determine how critical and important functions are currently financed and provided in Canada.
- 9) Determine how Gitksan-Wet'suwet'en control over each critical and important function would affect and relate to other governments.
- 10) Develop a recommendation for Gitksan-Wet'suwet'en control of each function, as a substitute for or in cooperation with other governments.
- 11) Examine alternative ways to actually produce services, i.e. tribal council bureaucracy, through intergovernmental agreements, or with contracts with other governments, non-profit societies or private firms.
- 12) Estimate the costs of providing each critical and important function with the preferred alternative production method.

To aid in such discussions a sample questionnaire has been attached (Appendix A). This questionnaire can be reproduced and used in several ways. Alternative uses include as a guide for discussion among members of the tribal or band councils or serving as a questionnaire which is distributed to members and results tallied, with the results serving as background information for the tribal council. It is possible that outside information on some functions would be useful, but such information at this

stage of decision-making should not require a paid consultant. Decisions on critical and important functions for self-government must be made by the Gitksan-Wet'suwet'en.

Once a list of critical and very important functions has been developed, it is necessary to examine:

- 1) how policy making will occur within the Gitksan-Wet'suwet'en Nation, and
- 2) alternative ways the function can be produced.

Discussions on policy making must occur among the Gitksan-Wet'suwet'en - where a decision must be made as to whether the function should be a family, band, village, or tribal council one. It may be useful to enter into discussions with local, provincial or federal officials or use consultants to assist in this process, but the decisions must be made and agreed to by the Gitksan-Wet'suwet'en.

The second step in this process, that of identifying alternative ways a service may be provided and how much it will cost will require discussions with local, provincial, or federal officials from agencies involved in the function under discussion. Because the analysis of alternative service delivery arrangements is difficult it may be very useful for the Tribal Council to have an independent consultant familiar with the function to represent them in these discussions and provide an independent report.

FINANCING

The steps necessary to develop a Gitksan-Wet'suwet'en finance proposal are:

- 1) Estimate the current tax base for property taxes, sales and excise taxes, individual and business income taxes and royalties.
- 2) Estimate the amount of revenue the Gitksan-Wet'suwet'en Nation would receive if tax rates equal to the average rates used by Canadian provincial and local governments were applied to the Gitksan-Wet'suwet'en tax base.
- 3) Compare the amount of revenues that would be received from the use of average tax rates within Gitksan-Wet'suwet'en territory with the revenues that would be received if Gitksan-Wet'suwet'en wealth and income was equal to the Canadian average. This provides the first estimate of the size of the equalizing grant the Gitksan-Wet'suwet'en nation should receive, in order to provide the Gitksan-Wet'suwet'en with services at about the same level as other citizens of Canada receive.
- 4) Following the first estimate additional adjustments must be made to account for:
 - a) any unusual costs of providing services in the Gitksan-Wet'suwet'en area.
 - b) the division of functions decided upon between the Gitksan-Wet'suwet'en, provincial, federal and local governments.
- 5) After adjustments are made, comparisons between the estimated costs of performing selected functions and revenues can begin to determine the fiscal feasibility of Gitksan-Wet'suwet'en government under this approach. The answer cannot be determined prior to the actual estimates and calculations being made.

The financial analysis is not as policy sensitive as is the determination of citizenship and selection of functions for self-government. Financial analysis is, however, extremely complex, requiring a knowledge of taxation and intergovernmental fiscal

relationships. This is an area where a consultant will be necessary. The consultant must be able to prepare the proper estimates and ideally should work closely with one or two tribal members so that those members become knowledgeable in the general areas of taxation and intergovernmental relations. The B.C. Ministry of Municipal Affairs has been paying between \$15,000 and \$30,000 for studies of the fiscal implications of incorporating new municipalities, and First-Nation self-government is more complicated. Because of potentially high costs of this analysis it would appear useful to use a two-stage process, with an initial contract for a detailed fiscal analysis plan and a rough preliminary estimate, followed by a more detailed analysis only when the council is preparing directly for negotiations with the federal government. At that time it would also be appropriate to contract for an analysis of tax impacts on individuals.

XI. ACTION PLAN

To implement the recommendations contained in this report and prepare a proposal for Gitksan-Wet'suwet'en self-government the following efforts are required. Steps 1 and 2 can be done at the same time. Step 3 follows step 2 and step 4 cannot be done until steps 1-3 are completed.

- Step 1. Convene a committee of Gitksan-Wet'suwet'en to develop final recommendations on citizenship.

- Step 2. Convene a committee of Gitksan-Wet'suwet'en to undertake a study of which functions are critical or important for self-government. (See Appendix A). This committee would work with Gitksan-Wet'suwet'en to identify appropriate functions and then coordinate work by Gitksan-Wet'suwet'en members or outside consultants to provide detailed information on particular functions following an outline provided in Appendix B.

- Step 3. Designate one or two Gitksan-Wet'suwet'en leaders or members to work with a consultant to develop a financing proposal based on the equalizing grant model presented in the report. This work is less policy sensitive and it is appropriate for a consultant to prepare the analysis. Once such an analysis is prepared it must be reviewed by Gitksan-Wet'suwet'en leaders and members to be sure all implications are well understood.

- Step 4. Convene the tribal council plus members who have played important roles on steps 1 through 3 to develop a comprehensive self-government proposal. While policy decisions must be made by Gitksan-Wet'suwet'en, it may be useful to have details of the proposal reviewed by consultants who are experts in 1) B.C. and Federal statutory law on regulations and service delivery; 2) government finance, and 3) service delivery for the most important and expensive services the Gitksan-Wet'suwet'en wish to assume.

APPENDIX A
DISCUSSION QUESTIONNAIRE ON FIRST-NATION
SELF-GOVERNMENT FUNCTIONS

REGULATION WITHIN FIRST-NATION TERRITORY

<u>Function</u>	<u>Critical</u>	<u>Important</u>	<u>Useful</u>	<u>Not Necessary</u>
Air Pollution Control	_____	_____	_____	_____
Airport & Air Traffic Controls	_____	_____	_____	_____
Animal Control	_____	_____	_____	_____
Business Licenses	_____	_____	_____	_____
Business Practices (weights, measures, taxi meter checking, consumer lending, etc.)	_____	_____	_____	_____
Building Codes (including electrical & plumbing)	_____	_____	_____	_____
Communications (T.V. reception, re-broadcasting & Radio broadcasting)	_____	_____	_____	_____
Criminal Law	_____	_____	_____	_____
Civil Law	_____	_____	_____	_____
Firearms	_____	_____	_____	_____
Fisheries Regulation	_____	_____	_____	_____
Food & Drugs	_____	_____	_____	_____
Forestry Practices	_____	_____	_____	_____
Fire Inspection	_____	_____	_____	_____
Labour Market Regulation (minimum wage, unions)	_____	_____	_____	_____
Land Use (zoning, sub-division control)	_____	_____	_____	_____
Liquor Sales & Use	_____	_____	_____	_____
Motor vehicles (ownership, operation, insurance)	_____	_____	_____	_____

APPENDIX A (continued)

<u>Function</u>	<u>Critical</u>	<u>Important</u>	<u>Useful</u>	<u>Not Necessary</u>
Noise	_____	_____	_____	_____
Property Law (land titles, sales mortgages)	_____	_____	_____	_____
Water Pollution	_____	_____	_____	_____
Weed Control	_____	_____	_____	_____
Wildlife Regulation	_____	_____	_____	_____

**REGULATION OF FIRST-NATION CITIZENS,
INCLUDING NON-RESIDENT CITIZENS**

Citizenship	_____	_____	_____	_____
Family Law (marriage, divorce, inheritance, adoptions)	_____	_____	_____	_____

PUBLIC SERVICES WITHIN FIRST-NATION TERRITORY

Cemeteries	_____	_____	_____	_____
Courts	_____	_____	_____	_____
Cultural Centre	_____	_____	_____	_____
Economic Development Programs	_____	_____	_____	_____
Education (schools, adult education, apprenticeships)	_____	_____	_____	_____
Electricity Production and/or Distribution	_____	_____	_____	_____
Fire Suppression	_____	_____	_____	_____
Hospitals	_____	_____	_____	_____
Libraries	_____	_____	_____	_____
Museums	_____	_____	_____	_____
Parks	_____	_____	_____	_____

APPENDIX B
DISCUSSION QUESTIONNAIRE FOR POLICY-MAKING
AND SERVICE DELIVERY

(Use a separate form for each function identified as critical
or important to self-government)

FUNCTION: _____

- 1. Traditional Responsibility: i.e. family _____, house _____, clan _____,
- other _____.

2. Current Responsibility:

- a) band council: _____
- b) DIAND: _____
- c) tribal council: _____
- d) another federal agency: _____
- e) a provincial ministry: _____
- f) a local government: _____
- g) other: _____

3. Who Benefits:

- a) All Gitksan-Wet'suwet'en people: _____
- b) All Gitksan-Wet'suwet'en people residing in Gitksan-Wet'suwet'en territory: _____
- c) Primarily residents of a village: _____
- d) Other: _____

4. How does the function relate to local, provincial or federal agencies?

5. How does the function relate to non-Gitksan-Wet'suwet'en people?

6. What Gitksan-Wet'suwet'en organizations appear appropriate for policy making?

APPENDIX B (continued)

7. How should production of the service or enforcement of the regulation be undertaken?
 - a) Do Gitksan-Wet'suwet'en members possess the management and operational skills to undertake production?
 - b) Can training programs be developed to provide necessary skills?
 - c) Is there another government agency with which an intergovernmental agreement or contract may be useful?
 - d) Would a contract with a private business (perhaps one owned by tribal members) be useful?
8. What kind of costs are likely for the preferred option?