



PROMOTING **Tribal & Community** COOPERATION

Building a strong
foundation for
partnership

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According to information from the 2015 American Community Survey of the U.S. Census Bureau and Statistics Canada, which is the equivalent of the U.S. Census Bureau, less than 2 percent and 4 percent of the overall population identify themselves as American Indian or Aboriginal, respectively. Yet both groups are among the fastest growing population segments in the United States and Canada.

There are more than 567 federally recognized American Indian and Alaska Native tribes in the United States and more than 600 First Nation, Inuit, and Metis communities in Canada. They are increasingly improving their governance capacity and ability to exercise their powers of self-governance.

In Canada, for instance, indigenous communities have signed self-government agreements and modern treaties

that provide them with a wide range of powers, and they have exercised those powers by developing sophisticated bureaucracies, new governance structures, and political bodies.¹

Indigenous nations are, according to a 2009 National Congress of American Indians report, “discovering ways to set aside jurisdictional rivalry in favor of cooperative government-to-government interactions.”²

Local governments are beginning to realize that they can benefit significantly from entering cooperative government-to-government partnerships with indigenous governments. Since many of the problems and issues facing local communities are regional—public safety, economic development, transportation, and environmental and natural resource protection—and do not seem to adhere neatly to existing geo-political boundaries, cooperative relationships

are becoming crucial for solving these multijurisdictional challenges.

Similarly, as first and second order devolution—which is the transfer of federal or state responsibility onto the state or local level, respectfully—impose increased financial burdens on tribes and local governments, the ability to partner may allow both entities to attract more funding from state, provincial, and federal levels of government.

Since the U.S. and Canada’s indigenous communities, for instance, have a direct nation to-nation-relationship with the federal government, they are in a better position to leverage federal resources, while local governments are better able to leverage resources from their provincial government. There may also be the possibility to leverage partnerships collectively at both levels.

While there is evidence of increasing contact between local and

indigenous governments, not all partnerships are emerging equally or in the same forms within and across Canada and the U.S. The diversity of form and outcomes in these countries provides some useful insights for local and indigenous governments interested in partnering on a range of economic, political, and social issues.

A look at how two communities have successfully developed cooperative partnerships with indigenous nations helps illustrate the strategies and approaches necessary for productive relationships.

Coming Together

White Earth Nation/Mahnomen County/Mahnomen City. The city of Mahnomen and Mahnomen County, located in Northwest Minnesota, are unique in that both the city and county reside entirely within the boundary of the White Earth Indian Reservation, the largest of 11 Indian nations within the state of Minnesota.

In 2016, the tribal council and county board began hosting joint tribal council and county board workshops to discuss areas of mutual interest and alignment. As a result of these conversations, both entities discussed the need to build a joint public safety facility that could create efficiencies for both the county and the tribe.

In 2017, the city, county, and tribe created an informal public safety task force that developed a formal memorandum of understanding (MOU) to conduct a feasibility study to build a new Joint Public Safety and Law Enforcement Center. To ensure the success of the feasibility study, the tribe and county entered into a separate agreement with the Regional Development Commission (RDC) to facilitate discussions between consultant, county, and tribe.

While the feasibility study is still underway, RDC's executive director expressed great optimism about the tribe and the county's commitment, as well as continued engagement with the process after the study is complete.

Sault Ste Marie/Garden River/ Batchewana. The city of Sault Ste Marie, Ontario, Canada, has several agreements with the two First Nations—Garden River and Batchewana—that border it. The city has three agreements with Garden River and five with Batchewana, the earliest of which was completed in 1990.

All but one of the current agreements pertain to service arrangements wherein the First Nations contract to obtain city services for such things as water provision, fire protection, and road maintenance to the reservations.

These relationships are notable for their durability. They've been going strong for almost 30 years and one agreement has survived four rounds of updates. They also are resilient, having survived several rounds of political turnover on all sides, likely due to the fact that they provide much needed benefits to both parties in the form of municipal services and service fees.

While service agreements are generally not as difficult to negotiate as some other types, including the MOU referenced above, the number and durability of these agreements count as a successful case of indigenous-local government cooperation in Canada.

Building Relationships

Looking at these two case studies, as well as other agreements between local communities and indigenous nations, also sheds light on what it takes to build a successful partnership. Here are some foundational principles:

Identifying issues of common interest is important before coming to a solution. Too often, people want to immediately jump to a solution before sitting down at the table to discuss the problem. Parties need to come to an understanding about the nature of the problem and how (best) to solve it and be willing to make the sacrifices necessary to make that happen.

This is a basic requirement for any discussion of partnership and agreement

to take place. It's also worth noting that just because there's an area of common concern doesn't mean that an agreement will result. Parties need to see the problem and be willing to solve it or the opportunity and be willing to grasp it.

Leadership within the ranks is essential to creating partnerships.

Having willing stakeholders who have a vested interest in wanting to come to the table and work together is another key attribute towards creating an environment for cooperation.

In 2007, the White Earth Nation was engaged in a contentious lawsuit with Mahnomen County over a property tax dispute and land that the tribe had purchased to build a casino. Over time, though, as newly elected officials assumed both county and tribal elected roles, there was a greater willingness and acceptance by the county and tribe to want to work together.

Resources matter. Almost every partnership involves the transfer of some type of resources. In even the simplest cases (e.g., a service contract), the contracting community needs to be able to pay for the service.

If those means aren't present, an agreement won't go anywhere. The contracting entity may also sacrifice a degree of autonomy on how that service is applied. That said, if parties want to build trust and communication to lay the foundation for future agreements, one type of resource that doesn't necessarily involve hard resources (e.g., cash) is a relationship-building agreement.

These agreements can be as simple as a commitment to regularly share in-

TAKEAWAYS

- › Building and cultivating social networks and ties can help in promoting cooperation.
- › Developing a method of establishing trust and respect is critical to overcoming barriers to cooperation.

formation or to consult the other party on decisions with collective impact. The commitments can be extremely powerful and can create a solid foundation for future partnerships.

Here are additional takeaways in building relationships and achieving agreement:

If the desire to cooperate is lacking, then there is a need to build up community capital between the tribal and local governments and groups. The more that

residents and policymakers see themselves as part of a group that shares something—a similar problem, an environment, a market, an identity—the more they are likely to come to the table and work together.

In other words, community capital *can be built*. It's difficult to do when there are difficult histories or other cultural barriers, but it's possible. This is partly about being strategic in terms of which partnerships to pursue and at what point in the relationship.

History isn't everything. Difficult or ambivalent histories can make cooperation more difficult but not impossible to achieve. It's possible to overcome distrust, but it takes dedication and a strong potential for mutual benefit.

If there is a lack of trust or respect, perhaps initiating dialogue at the staff level between the tribal and local governmental level would be productive. Either way, if the initial discussion is with appointed, elected, or a combination of both elected and appointed officials, Dr. James Collard, University of Oklahoma, suggests in his dissertation "Tribal-Municipal Cooperation in Oklahoma," that the first step before meeting is to learn as much as possible about the history, customs, and language of the other side.

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Then, at the meeting, the first step is to begin with an informal exchange of personal information on non-issue-related topics before participants share their personal perspectives on which issues need to be discussed. Dr. Collard's contribution to tribal and municipal cooperation is important as his research led him to find that trust and respect are paramount to overcoming any obstacles and barriers to intergovernmental cooperation.

If there are still some trust and respect issues after the initial stakeholders meeting, consider taking an incremental approach to building the relationship.

Record those issues of mutual interest into an MOU. Relationship agreements are a good starting point in building a successful relationship and a potentially more intense partnership down the road.

Once the framework of an agreement seems possible, begin by drafting an agreement concerning those areas for which there is mutual concurrence. Over time, the agreement can incrementally be amended or expanded, as the trust is built up between the two parties.

This process is visible with both of the communities profiled earlier. For example, in their law enforcement agreement, the city of Mahnomen and the White Earth Nation entered into a jurisdictional agreement to provide 4,160 hours of law enforcement coverage within the city in 2013.

In 2016, the agreement was expanded to provide 8,320 hours of coverage and in 2017, the city expanded discussion with the tribe to add a contracted community service officer to the agreement.

The success of the initial round of agreements between Sault Ste Marie and

Garden River and Batchewana First Nations also laid an important foundation for subsequent agreements.

If there are additional concerns about trust and respect either at the initial stakeholder meeting or after, another suggestion is to appoint a facilitator who has a positive relationship with both communities to guide the process required to reach agreement.

In the example of Mahnomen County and the White Earth Nation, although there was a deep desire to engage each party in a truthful and meaningful way toward engagement, there was a concern that such certain elements of the past as historical racism might surface that could stop the process.

Therefore, it was decided that since both entities had built up trust and respect with the regional development corporation, it was best to ask the executive director to help facilitate the process of completing the feasibility study.

While these takeaways and the lessons learned were gained from tribal and local government experiences, heterogeneous or marginalized local governmental communities that are looking to find ways to cooperate can also benefit from them. **PM**

ENDNOTES AND RESOURCES

- 1 Wilson, Alcantara, and Rodon 2015. https://www.academia.edu/18509130/Multilevel_Governance_in_the_Inuit_Regions_of_the_Territorial_and_Provincial_North.
- 2 National Congress of American Indians report, Johnson and Kaufmann, 2009, pg. vii.



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* Cigna Case Study, March 2015.

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