



NNI research *report*

sharing research and information on
indigenous governance, development, and policy

Founded by
the Morris K. Udall Foundation
and The University of Arizona

No. 3


o c t o b e r
2 0 0 5

o u t l i n e

- I. NNI Research**
recent work by staff and affiliates of
the Native Nations Institute
- II. Recommended Reading**
materials that NNI researchers recently
have found valuable for thinking about
indigenous self-determination and
nation building
- III. Projects**
selected research projects worth watching
- IV. Bulletin Board**
news, sound bites, and bits of information
- V. Networking**
links to other research and policy sites
relevant to indigenous nation building
- VI. Basics**
about the Native Nations Institute and NNI
Research Report


I. NNI Research

Recent work by staff and affiliates of the Native Nations Institute

 Sarah Hicks and Miriam Jorgensen. "Large Foundations' Grantmaking to Native America." Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University. September 2005.


Available in pdf at <http://www.ksg.harvard.edu/hpaied/pubs/documents/LargeFoundationsGrantmakingtoNativeAmerica.pdf> – last verified October 25, 2005

This paper is a study of philanthropic giving to projects and programs focused on Native Americans by the 900-1000 largest independent, corporate, community, and operating foundations in the United States in the years 1989-2002. These foundations together control grantmaking resources in the billions of dollars. Of these resources, in 2002, nearly \$92 million flowed to projects and programs solely focused on Native Americans. While this was a substantial increase from \$34 million in 1989 (both figures in 2002 dollars), relative to their representation in the U.S. population, Native Americans are underserved by foundations. Philanthropic giving is concentrated in a small number of foundations. Twenty-five foundations accounted for 78 percent of the total resources flowing to Native American programs in 2002; ten foundations accounted for 61 percent of those resources. Giving also is thematically concentrated, focusing on three broad topic areas: arts, culture, and the humanities; community improvement and development; and health. There is comparatively little grantmaking in such topic areas as tribal government infrastructure (currently an area of intense tribal activity), food and nutrition, youth programs, and Native religion, and very little foundation money is flowing directly to Indian nations. These findings suggest a disconnect between actual and perceived opportunities for foundations in Native America. While funding in some areas has increased significantly in recent years, some acute needs are not being addressed. The paper suggests that large foundations ought to invest more in Native America, but it also highlights responsibilities on the other side of the equation. Tribes and Native-directed and Native-oriented non-profits must become better educated in how to engage the foundation sector, stressing not only need but opportunities for creative program development and mutual learning.

 Stephen Cornell, "What Makes First Nations Enterprises Successful? Lessons from the Harvard Project." In *Legal Aspects of Aboriginal Business Development*, ed. Joseph Eliot Magnet and Dwight A. Dorey. Toronto : LexisNexis Canada. 2005, pp. 51-65.


For additional information on this book, see <http://www.lexisnexis.ca/bookstore/bookinfo.php?pid=1251> – last verified October 25, 2005

Indigenous economic development takes multiple forms. One of the most common ways that indigenous peoples attempt to meet needs for revenue, employment, and services is through nation-owned enterprises. These are hugely diverse, ranging from timber companies and gaming operations to telecommunications enterprises and convenience stores. The record of such efforts is mixed: as with businesses everywhere, some succeed and others don't. This paper examines how the actions of Native nations themselves can either undermine or strengthen their own enterprises, drawing on extensive research carried out by the Harvard Project on American Indian Economic Development at Harvard University and the Native Nations Institute for Leadership, Management, and Policy at the University of Arizona. Of course many of the things that determine business outcomes lie beyond the control of the nations that own the businesses. The paper focuses on five factors that indigenous nations can control but that sometimes are ignored in the effort to build successful, nation-owned businesses: clarity about enterprise goals; effective management of the politics-business connection; the purpose, power, and composition of enterprise boards of directors; independent and reliable resolution of disputes; and the need to educate the community about enterprise goals and activity. Using real-world cases, the paper explores how the actions by indigenous nations in each of these areas can have a significant impact on business performance.

 Joseph Thomas Flies-Away, Carrie Garrow, and Miriam Jorgensen. "Divorce and Real Property on American Indian Reservations: Lessons for First Nations and Canada." *Atlantis: A Women's Studies Journal/Revue d'etudes sur les femmes* 29, no. 2 (2005): 81-92.

For additional information on the journal issue in which this appeared, see <http://www.msvu.ca/atlantid/Framed%20pages/Current%20Volumes.htm> – last verified October 25, 2005

Native women's rights to reserve-based matrimonial real property have been less clear in Canada than in the United States. The reasons for the divergent situation bear comparison, especially given the opportunity to incorporate legal changes through Canada's First Nations Land Management Act. This paper presents case-based learning about the way issues concerning real property on American Indian lands are addressed when couples divorce. It examines the different procedural approaches of four Native nations (the Navajo Nation, the Hopi Tribe, Luiseño Indian nations, and the Native Village of Barrow, Alaska), offers observations, and concludes with lessons learned. Ultimately, it speaks to the negative impact of non-Native dominance over the disposition of reservation-based matrimonial real property, the relative success of Native sovereignty over such property, and the usefulness of indigenous policy and dispute resolution systems. The last point deserves emphasis: in the Canadian legal setting, First Nations dispute resolutions systems are rare, and yet even with regard to this narrow topic, it is striking how useful they are and how critical they can be. This research offers one more argument that indigenous nations in Canada ought to develop their own judicial systems and that the Government of Canada ought to support them in this process.


 Miriam Jorgensen. "History's Lesson for HUD and Tribes." *Joint Occasional Papers on Native Affairs, 2004-01*. Tucson & Cambridge : Native Nations Institute/Harvard Project on American Indian Economic Development. 2004.

Available in pdf at <http://www.jopna.net> – last verified October 25, 2005

In 1998, Indian housing entered a new era. The federal Department of Housing and Urban Development (HUD) ended its practice of channeling funds for Washington-designed Indian housing programs to HUD-sponsored local Indian Housing Authorities (IHAs) and converted programmatic funds into block grants to tribal housing agencies, which in turn were allowed to design and implement their own programs. The hope was that increased tribal control would greatly improve the quantity and quality of housing available in Indian Country. This paper analyzes the differential success of IHAs under the old regime and provides important information about the conditions under which new tribal efforts are likely to be successful. Results suggest that unless the new approach addresses core issues of tribal governance, it will be inadequate for real reform of Indian housing. IHAs that had access to capable judicial, political, bureaucratic, and socio-cultural governance mechanisms were better able to enforce rent payment, deter vandals, and constrain official opportunism—factors that placed a drag on IHA performance. IHAs located in environments that lacked such governance institutions were less able to develop and maintain the community's housing resources. Thus, unless tribal housing program development proceeds hand-in-hand with tribal institutional development, the promise of new, tribally controlled programs may go unfulfilled.

II. Recommended Reading


Materials that NNI researchers recently have found valuable for thinking about indigenous self-determination and nation building

 Duane Champagne and Carole Goldberg. "Changing the Subject: Individual versus Collective Interests in Indian Country Research." *Wicazo Sa Review* 20, no. 1 (Spring 2005): 49-69.


For additional information on the journal issue in which this appeared, see <http://www.upress.umn.edu/journals/wsr/default.html#TOC> – last verified October 25, 2005

Native communities have long critiqued the methods and ethics of external researchers who enter their communities. Increasingly, federally mandated mechanisms for the protection of human subjects are employed by

universities to mitigate negative effects on tribal citizens. As Champagne and Goldberg point out, however, these processes typically fail to meet the needs of Indian Country. Sovereignty is diminished when “tribal authorization is with reference to university requirements” and when community desires for privacy and the protection of cultural patrimony are ignored by the individual focus of the dominant (medical) model for research ethics. In their discussion of what should be done about these problems, the authors advise Native nations against a “closed doors” reaction: “At the present time, while many Native nations are looking to strengthen their economies, preserve their cultures and plan for the future, a prohibition against research on the reservation is not desirable.” Instead, they suggest that tribes must be active in developing appropriate bodies to review proposed research, and that tribes and universities ought to enter into nation-specific agreements about the approval and management of research. The idea is not to add another layer to universities' review processes, but to replace them with more appropriate agreements that protect individuals and communities and promote research that will serve Native nation-building efforts and goals.

 Jennifer Malkin et al. Native Entrepreneurship: Challenges and Opportunities for Rural Communities. Report issued by CFED, Washington, D.C., December 2004.
Available in pdf at
http://www.cfed.org/imageManager/_documents/Native_Entrepreneurship.pdf
– last verified October 25, 2005

This report, issued by CFED and the Northwest Area Foundation, has a good deal of useful information for those concerned with diversifying tribal economic development strategies. Among its strengths is a discussion of how policy decisions, including those made by Indian nations, affect entrepreneurial activity. The report summarizes a two-year long exploration of Native entrepreneurship in eight states: Idaho, Iowa, Minnesota, Montana, North Dakota, Oregon, South Dakota, and Washington . The focus is on small business activity based on or near Indian reservations. Much of the report is drawn from qualitative, on-the-ground engagement with Native entrepreneurs and small businesses. Using U.S. Census data, it also provides overviews of Native American entrepreneurial activity both regionally and nationwide. The bulk of the report concentrates on key factors shaping the Native American small business sector: entrepreneurship policy (federal, state, and tribal), entrepreneurship education, business training and technical assistance, access to capital, and networks and access to markets. It includes capsule descriptions of federal and state programs that can be used to support entrepreneurship and of Indian programs—some operated by tribes or Indian organizations, some operated by colleges and universities—that in various ways support Native American entrepreneurship. It also offers recommendations for how to further advance entrepreneurial activity as a core component of Indian development strategies.

 Christina Finsel and Jennifer Russ. “Exploration and Use of Individual Development Accounts by Three American Indian Tribes in Oregon.” CSD Research Report, Center for Social Development, George Warren Brown School of Social Work, Washington University, St. Louis. March, 2005.
Available in pdf at
http://gwbweb.wustl.edu/csd/Publications/2005/Finsel_Russ.pdf – last verified October 25, 2005

In the past 10 years, both federal and state policies have created opportunities for low-income citizens to participate in matched savings-account programs (also known as Individual Development Accounts, or IDAs) through which they can accumulate adequate financial assets to secure a home mortgage, start a small business, or pursue higher education. Using the experience of three Native nations in Oregon, this paper highlights the special barriers tribal citizens face in accessing these opportunities and, even when matched savings plans are available, in converting savings into other assets. The first concern – access to programs – has tended to be a failure of federal and state policy, as there have been specific barriers to tribes operating their own programs and few incentives for tribal-citizen involvement in broader ones. The second concern – difficulties in converting financial assets to home ownership or small business development – arises from the combination of historical federal land policies, limited financial sector innovation, and a lack of tribal-level strategic thinking and policy making. Nonetheless, the success stories in this paper offer both hope and guidance and parallel a Native Nations Institute research theme – that linking program-building and policy-making to sound strategic thinking generates the best chances for success. In this policy arena, success means more equitable access to financial markets and, at long last, the same opportunities to build family and community wealth that have been open to non-Indians.

And two items from Australia ...

Indigenous self-determination, indigenous governance, and federal policy toward indigenous peoples are currently subjects of vigorous discussion in Australia . We have found the following two items particularly useful both for understanding the situation there and for thinking about indigenous policy more generally. The first provides a comprehensive overview of a continuing debate about the possibility of a treaty relationship between Australia and its indigenous peoples; the second uses an in-depth case study of a single region to examine the costs of current policies.


 Sean Brennan, Larissa Behrendt, Lisa Strelein, and George Williams. *Treaty* . Sydney : The Federation Press. 2005.

For additional information on this book, see

<http://www.federationpress.com.au/bookstore/book.asp?isbn=1862875596>

– last verified October 25, 2005

Written by four leading experts in Indigenous law and policy in Australia, *Treaty* starts from the simple fact that there “has never been a moment in Australia's history where a formal agreement has been made with Aboriginal and Torres Strait Islander peoples” (p. 1). Unlike the situation in New Zealand or in Canada and the United States , treaty-making did not accompany the colonial enterprise in Australia , where Europeans simply seized the continent. Australia 's original owners have been systematically excluded from the development of the Australian state, which even today resists recognizing Aboriginal jurisdiction of virtually any sort or contemplating, more than in passing, Aboriginal political organization of much significance. While the authors briefly review some of this history, their primary concern is not the past but the future. In eight brief, accessible chapters (the text as a whole is only 155 pages), they explore the possibility and potential effects of making a treaty or set of treaties—formal, legally binding agreements—between Indigenous peoples and the Commonwealth government of Australia and/or its constituent states and territories. Among the topics they examine: the history of the Australian treaty debate; the effect treaties might have on Indigenous socioeconomic conditions; the meaning of sovereignty not only in law but to Indigenous peoples in Australia; possible lessons from treaty relationships in New Zealand and North America; recent developments regarding Native land title in Australia and the significance of Native title developments for contemporary treaty-making; various treaty models; and the challenge of developing a productive treaty process. While the authors do not insist that the treaty approach is the only viable political option for Australia today, their wide-ranging discussion constitutes a provocative reconsideration of the relationship between Australia and its Indigenous peoples.

 J. Taylor and O. Stanley. “The Opportunity Costs of the Status Quo in the Thamarrurr Region.” Working Paper No. 28/2005. Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra. 2005.

Available in pdf at <http://www.anu.edu.au/caepr/Publications/WP/CAEPRWP28.pdf> – last verified October 25, 2005

Indigenous communities in Australia suffer significant deficits in economic activity, infrastructure, and human capital relative to non-indigenous communities. These deficits have raised questions in Australia about the opportunity costs of sustaining the status quo. In this paper, J. Taylor and O. Stanley of the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University take up these questions in regard to the Thamarrurr Region of the Northern Territory of Australia, a region with a substantial indigenous population. While the paper is of particular interest to Aboriginal communities, policy-makers, and others in Australia, we believe its focus, methods, and conclusions deserve a wider audience. The following is excerpted from the abstract posted on the CAEPR website (used with permission):

“This report presents the findings of a study aimed at answering these questions [about the opportunity costs of sustaining the status quo in the Thamarrurr Region]. It follows a

methodology first deployed by the Canadian Royal Commission on Aboriginal Peoples. Using secondary data sources and information on program expenditures provided by Commonwealth and Northern Territory government departments, it quantifies both costs due to foregone production and costs due to the remedial actions necessary to compensate for low socioeconomic status as benchmarked against an average set of costs—status as benchmarked against an average set of costs—in this case those incurred in the Northern Territory as a whole. Analysis of these costs reveals that the value of output forgone at Thamarrurr amounts to \$43.8 million per annum. As for remedial costs, these are found to be negative to the tune of \$4.1 million per annum. Thus after accounting for all government dollars and transfer payments expended on residents of the Thamarrurr region, far less is spent on them per head than is spent on the average Territorian. What emerges is a structural imbalance in funding at Thamarrurr, with lower than average expenditure on positive aspects of public policy designed to build capacity and increase output, such as education and employment creation, and higher than average spending on negative areas such as criminal justice and unemployment benefit. This begs a very important question as to whether this situation serves to perpetuate the very socioeconomic conditions observed at Thamarrurr in the first place.”

III. Projects

Selected research projects worth watching

Tribal Institutions Database Project

In the late 1980s, as part of the original research carried out by the Harvard Project on American Indian Economic Development, Stephen Cornell, Joseph Kalt, and Karl Eschbach assembled a database that coded the environment of tribal governing institutions that Indian nations were using at the time. That database was a cornerstone of the early research results of the Harvard Project. Rachel Starks, a research analyst at the Native Nations Institute, is currently updating and expanding that database for all tribes in the United States, concentrating first on tribes with a resident Native population of 750 or above. This database is likely to be a critical tool for the comparative analysis of tribal governance and development outcomes. The database is compiled largely from tribal constitutions and law-and-order codes. Law-and-order codes have been particularly difficult to come by. Anyone who would like to contribute to this project by sending copies of these public documents can contact Rachel Starks at rstarks@u.arizona.edu.

IV. Bulletin Board

News, sound bites, and bits of information

In 1999, the Harvard Project on American Indian Economic Development, working with Ford Foundation support, initiated a national awards program titled “Honoring Contributions in the Governance of American Indian Nations,” more commonly known as the “Honoring Nations” program. Its purpose is to recognize, celebrate, and share outstanding examples of tribal governance in the United States. Awards have been made to tribal courts, intergovernmental relationships, natural resource management achievements, cultural organizations, development initiatives, and other programs. While the Harvard Project publishes summaries of each year's award winners, it recently has initiated a series of more in-depth case studies. The first three are now available: the Ojibwe Language Program (Mille Lacs Band of Ojibwe), the Menominee Community Center of Chicago (Menominee Indian Tribe), and the Ya Ne Dah Ah School (Chickaloon Village Tribal Council). All three are available in pdf format at http://www.ksg.harvard.edu/hpaied/hn_case_studies.htm – last verified October 25, 2005

The May 2005 issue of the American Journal of Public Health is devoted largely to health policy issues among American Indians and Alaska Natives (AIAN). According to an editorial by Marsha Lillie-Blanton and Yvette Roubideaux, “the intent was to bring greater visibility to an important but often overlooked public policy issue—how to more effectively address the health care needs of this nation's first citizens.” Among other topics: the role of Medicaid in financing AIAN health care, using better statistical methods to improve the calculation of AIAN cancer rates, a cross-country comparison of indigenous health in the U.S. and New Zealand, and a research report on the social epidemiology of trauma in two reservation populations. Of particular note for the NNIRR audience: a report on a collaborative approach to health care research and development being put together by the Montana-Wyoming Tribal Leaders Council, the Project HOPE Center (Healthy Opportunities for People Everywhere), and Black Hills State College. A list of the issue's contents can be found at <http://www.ajph.org/content/vol95/issue5/> – last verified October 25, 2005; copies of the journal and of individual articles can be purchased through the site as well.

Two new books that may be of interest to NNIRR subscribers:

Charles Wilkinson. *Blood Struggle: The Rise of Modern Indian Nations*. New York: W. W. Norton. 2005. Filled with stories and case studies from the second half of the twentieth century, this book traces the efforts of Indian Nations—many of them successful—to reestablish rights to self-determination, land, and other resources, turning “reservations into homelands.”

Robert A. Williams, Jr. *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*. Minneapolis : University of Minnesota Press. 2005. Williams examines in close detail the racial stereotypes and language that have infused both historical and contemporary Supreme Court decision-making on Indian rights and proposes strategies for confronting and changing the Court's approach to Indian law.

V. Networking

Links to other research and policy sites relevant to indigenous nation building

Links from Previous Issues of NNI Research Report

Aboriginal Leadership and Management Program
The Banff Centre, Banff, Alberta, Canada (NNIRR No. 2)
<http://www.banffcentre.ca/departments/leadership/aboriginal.asp> – last verified October 25, 2005

Center for Indigenous Law, Governance and Citizenship , College of Law, Syracuse University, Syracuse, New York (NNIRR No. 1)
<http://www.law.syr.edu/academics/centers/ilgc/> – last verified October 25, 2005

Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University, Canberra (NNIRR No. 1)
<http://www.anu.edu.au/caepr/> – last verified October 25, 2005

Desert Knowledge Cooperative Research Centre, Alice Springs, Northern Territory , Australia (NNIRR No. 1)
<http://www.desertknowledge.com.au/index.cfm?attributes.fuseaction=home>
– last verified May 20, 2005

First Nations Development Institute
Arlington, Virginia (NNIRR No. 2)
<http://www.firstnations.org/> – last verified October 25, 2005

Harvard Project on American Indian Economic Development , John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts (NNIRR No. 1)
<http://www.ksg.harvard.edu/hpaied/> – last verified October 25, 2005

Indigenous Peoples Law and Policy Program, Rogers College of Law, The University of Arizona, Tucson (NNIRR No. 1)
<http://www.law.arizona.edu/depts/iplp/#> – last verified October 25, 2005

Institute for Tribal Government , Portland State University, Portland, Oregon (NNIRR No. 1)
<http://www.tribalgov.pdx.edu/index.php> – last verified October 25, 2005

Mira Szászy Research Centre for Māori and Pacific Economic Development
University of Auckland, Auckland, New Zealand
<http://www.business.auckland.ac.nz/comwebContent/1/8/37/181/3831.html>
– last verified October 25, 2005 (NNIRR No. 2)

Native Nations Law and Policy Center, School of Law, University of California, Los Angeles (NNIRR No. 1)
<http://www.law.ucla.edu/students/academicprograms/nativenations/nnlapc.htm>
– last verified October 25, 2005

Northwest Indian Applied Research Institute, Evergreen State College, Olympia, Washington (NNIRR No. 1)
<http://www.evergreen.edu/nwindian/home.htm> – last verified October 25, 2005

National Centre for First Nations Governance, Chilliwack, British Columbia (NNIRR No. 1)
<http://www.fngovernance.org/> – last verified October 25, 2005

Reconciliation Australia , Canberra (NNIRR No. 1) <http://www.reconciliation.org.au/> – last verified October 25, 2005

School of Maori and Pacific Development, University of Waikato, Hamilton, New Zealand (NNIRR No. 1)
<http://www.waikato.ac.nz/smpd/> – last verified October 25, 2005

VI. Basics

About the Native Nations Institute and NNI Research Report

The Native Nations Institute for Leadership, Management, and Policy (NNI) is part of the Udall Center for Studies in Public Policy, a research and outreach unit of The University of Arizona. Founded in 2001 by the university and the Morris K. Udall Foundation, NNI serves as a self-determination, development, and self-governance resource to Native nations in the United States and elsewhere. Its programs include research and policy analysis, leadership and management training, and strategic and organizational development.

Much of NNI's work builds on and continues research originally carried out by the Harvard Project on American Indian Economic Development at Harvard University. The two organizations share some staff and work closely together in a variety of research and educational activities.

Introductions to the research on which NNI/Harvard Project work is based can be found in:

Stephen Cornell and Joseph P. Kalt, "Sovereignty and Nation-Building: The Development Challenge in Indian Country Today." *American Indian Culture and Research Journal* 22, no. 3 (1998): 187-214
http://www.jopna.net/pubs/JOPNA03_Sovereignty.pdf
– last verified October 25, 2005

Stephen Cornell and Joseph P. Kalt, "Where's the Glue: Institutional and Cultural Foundations of American Indian Economic Development." *Journal of Socio-Economics* 29 (2000): 443-70.

http://www.ksg.harvard.edu/hpaied/pubs/pub_012.htm

– last verified October 25, 2005

Native Nations Institute for Leadership, Management, and Policy (NNI)

Manley A. Begay, Jr., Director

Joan Timeche, Assistant Director

Miriam Jorgensen, Associate Director for Research

Stephen Cornell, Director, Udall Center for Studies in Public Policy

Stephen Corral, Graduate Research Associate

Stephanie Carroll Rainie, Research Coordinator

Joshua Pitre, Graduate Research Associate

Ian Record, Curriculum Development Manager

Rachel Starks, Research Analyst

About NNI Research Report

Editors: Miriam Jorgensen and Stephen Cornell

NNI Research Report is published under the direction of the Native Nations Institute's Associate Director for Research, Dr. Miriam Jorgensen. It is posted every few months on NNI's website <http://www.nni.arizona.edu>. "Subscribers" are notified by email, free of charge, whenever a new issue is posted. Past issues are archived on the site.

To subscribe or unsubscribe to email notification of new issues of NNI Research Report, or to notify us of material you think we should consider for mention in a future issue, please contact us at nnirr@u.arizona.edu.

Native Nations Institute for Leadership, Management, and Policy
Udall Center for Studies in Public Policy
The University of Arizona
803 East First Street
Tucson, Arizona 85719
Tel 520 626-0664 Fax 520 626-3664
www.nni.arizona.edu