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Indigenous Self-government?

An Assessment of the Nisga'a Treaty Agreement

JACOB WEBSTER

Over the course of Canadian history, Indigenous peoples have endured a difficult relationship with the state. This relationship is indicative of the history of colonialism in Canada and continues to be problematic in contemporary interactions between Canadian First Nations and the federal and provincial governments. The question of how Indigenous peoples fit into the Canadian federal system is a complex one whose answer depends largely on the specific contextual situation of each First Nations group. In this essay, I argue that the Nisga'a Treaty¹ agreement exemplifies a commendable attempt at Indigenous self-government, which is consistent with the principles evoked in the Charlottetown Accord² and in the scholarship on Indigenous self-government. In this way, the Nisga'a treaty sets up a model for Indigenous self-government that does not require constitutional change and is thus

possible in the current constitutional context. The Nisga'a Treaty has withstood two judicial challenges and was informed by current constitutional principles (Aldridge and Fenge, 2015, 149). Because of its affirmed constitutionality, the Nisga'a Treaty provides a way forward within the current federal framework and provides a replicable example for First Nations. In order to argue that the Nisga'a Treaty creates a model for Indigenous self-government that is consistent with the theoretical ideals of Indigenous self-government, I first outline the principles evoked by the Charlottetown Accord and by scholars in the field of Indigenous self-government. I then summarize the text of the Nisga'a agreement, identifying relevant sections that coincide or potentially conflict with the theoretical principles proposed in the first section. In order to conduct a more fulsome examination of the Nisga'a agreement, I also examine recent studies that endeavor to evaluate the success of the Nisga'a agreement based on its practical implementation in the community, not simply on the text of the agreement. By examining the text and the practical implementation of the agreement, I argue that the Nisga'a treaty agreement provides the framework for Indigenous self-government in a way that is consistent with the theoretical principles identified by the Charlottetown Accord and certain scholars. The Nisga'a treaty is a sound implementation of Indigenous self-government that is possible without any constitutional change.

Theoretical Principles

In identifying the opinions of scholars on the principles of Indigenous self-government, it is necessary to identify the vein in the literature that proposes that negotiations between settler government and native peoples are inherently colonial. This method of thinking

¹ Signed on 27 May 1998, the Nisga'a Treaty was negotiated and signed by the Nisga'a nation, the Province of British Columbia and the Government of Canada, ostensibly to settle outstanding land claims. It went into effect on 11 May 2000.

² The Charlottetown Accord was a package of proposed amendments to the Canadian Constitution that were considered by the provinces of Canada and the Canadian federal government in 1992, but was ultimately rejected. Among the reforms was a proposal to enshrine an Aboriginal right to self-government in the Constitution.

provides little room for negotiation or compromise, but identifying this viewpoint is important. Paul Rynard's work is emblematic of this critique of settler-Indigenous relations. Rynard generally disapproves of the Nisga'a agreement arguing that it does not represent a break from the past in the sense that it follows the same colonial channels of settler-Indigenous relations (2000). Furthermore, Rynard argues that the land negotiations between the Nisga'a and the state perpetuate a legal relationship of dependence of First Nations on the state that is inherently colonial (Rynard, 2000 p.240). While this critique is important and should be identified, it is not emblematic of other larger themes within the literature and precludes any state-First Nations agreement to help install self-government within the current constitutional structure. Rynard's principles are valuable but are largely unrealistic given the unlikelihood of broad constitutional change.

While Rynard's critique and principles are unrealistic given the current constitutional regime, the Charlottetown Accord and the work of other scholars present their own frameworks that are more practically suitable for an assessment of the Nisga'a treaty agreement.

While the Charlottetown Accord failed in a national referendum in 1992, it nonetheless identified guiding principles for what its authors proposed as a "third order" of government. The Accord states that the Indigenous peoples of Canada, due to their status as the first peoples of Canada, have a right to govern their land and to promote their languages, cultures and traditions (Charlottetown Accord, 1985, S.2(b)). It further identifies their right to govern their own economies, identities and institutions (Charlottetown Accord, 1985, p.A s.4). It also states that the provincial

and federal governments have a duty to negotiate with Indigenous peoples on issues of jurisdiction and on the use of resources and assets on Native lands (Charlottetown Accord, 1985, p.B s.45). Finally, it states that the financing of these self-government agreements should be negotiated in a way that promotes equal opportunity and furthers social, economic, and cultural development (Charlottetown Accord, 1985, p. B s.50). The Charlottetown Accord, despite its failure, identified certain key policy areas, notably culture, identity, and institutions that should frame any assessment of an Indigenous self-government regime.

Scholarship on Indigenous self-government further clarifies the vision set forth in the Charlottetown Accord. Dan Russell identifies the Penner Report³ as the impetus for self-government and the importance of its recommendations for "expanded jurisdiction of first nations governments, the exclusion of provincial jurisdiction from Indigenous lands, and a process of First Nations accountability to Indigenous people" (2000, 7). Furthermore, he argues that if self-government has any content at all it must mean the ability to enact laws concerning crime, health care, and education all enforceable by Indigenous courts (Russell, 2000, 11). In this argument, Russell asserts that First Nations governments must have their own judicial enforcement mechanisms to execute their own legislation.

³ In 1983, a Special Parliamentary Committee on Indian Self-government released *The Penner Report*, named after its chairman, Keith Penner, a Liberal Member of Parliament for Cochrane-Superior. The Report recommended that Canada's Indian Act and the Department of Indian Affairs be phased out gradually and replaced by local governments established by Native peoples themselves.

Wayne Warry takes a different approach to Indigenous self-government, proposing that it should be up to the First Nations groups to determine the legitimate parameters of self-government (1998, 36). He argues that self-government is an iterative process in which its meaning becomes clearer through its implementation and practice (1998, 49). Warry's approach differs greatly from Russell's and he seeks to grant agency to Indigenous peoples in their specific contexts to determine what their legitimate form of self-government will mean given the needs of their individual communities. Warry does not provide criteria in the way Russell does, but nonetheless helps inform what Indigenous self-government would look like in saying that it recognizes the right and ability of individuals and communities to conduct their own affairs (1998, 50).

Tim Schouls provides further clarity to the question of what Indigenous self-government will and ought to mean on the ground. Firstly, he states that self-government should be principally to preserve Indigenous culture (Schouls, 2003, 45). While cultural preservation should be the chief concern of any self-government regime, Schouls clarifies by stating, "Self government is understood to be fundamentally about the expression of an Indigenous desire for control over internal affairs" (2003, 178). This is an important stipulation in Schouls' statement as it implies a degree of autonomy from the Canadian state that extends the tribe's authority only to members of the tribe and to matters that are internal to their own community. In this, Schouls argues for a degree of separation between Indigenous communities and the Canadian state.

Viewed together, the Charlottetown Accord and the scholarly literature on the topic help clarify what Indigenous self-government should look like

on the ground. The guiding principle identified in all the sources is Indigenous control over Indigenous affairs, and a distancing from the federal and provincial governments from business that is internal to First Nations communities. More specifically, self-government agreements ought to include provisions for Indigenous control over language, culture, economy, identity, institutions, traditions, and land. Furthermore, as Russell asserts, these agreements ought to include enforcement mechanisms, whether they be courts or other institutions, to enforce laws made by Indigenous governments. After outlining his principles, Russell asserts that the real question is not what Indigenous self-government ought to look like, but "can it be done?" (2000, 89). By examining the Nisga'a Treaty, I argue that Russell's question can be answered in the affirmative.

The Nisga'a Treaty Agreement

The Nisga'a Treaty agreement is the first modern-day treaty in British Columbia and in this it is novel (Cassidy, 2004, 5). Given its novelty, it is imperative to adjudicate the success of this paradigm based on the theoretical principles identified in the preceding section. In adjudicating the success of the agreement, I break up my analysis into criteria identified in the literature on self-government. The eight categories provided in the literature to judge the success of the Nisga'a Treaty are: general provisions, government structure, social services, the judiciary, language and culture, lands and assets, citizenship, and financing. By identifying how the treaty addresses Nisga'a government on these issues and adjudicating them based on the criteria established by the relevant literature, it is possible to ascertain the value of the Nisga'a agreement. Any study of the Nisga'a treaty that ignores the actual text of the agreement would be incomplete. Based largely on the text of the agreement,

in this section I assess how well it fits with the criteria established in the Charlottetown Accord and the relevant scholarship.

Chapter two of the Nisga'a agreement sets out certain general conditions that help frame it. Firstly, the agreement does not alter the Constitution of Canada and exists within the meaning of Sections 25 and 35 of the *Constitution Act*, 1982 (Canada et. al. ch.2 s.1). The Charter will still apply to Nisga'a governments, bearing in mind "the free and democratic nature of Nisga'a Government" (Canada et. al., 1999, ch.2 s.9). Finally, while federal and provincial laws will still apply to the Nisga'a, in the event of a conflict between these laws and the agreement, the agreement will prevail (Canada et. al., 1999, ch.2 s.13). These principles set the groundwork for the rest of the agreement and support the supremacy of the self-government agreement over any piece of provincial or federal legislation.

One key principle identified in the literature is that Indigenous governments ought to have control over their institutions and governmental structures. The agreement addresses this. The Nisga'a have the jurisdiction to make laws concerning the establishment of Nisga'a institutions (Canada et. al., 1999, ch. 11, s. 34). This includes the composition of their government, its financial administration, and the conduct of elections and referenda. The provisions for the Nisga'a constitution enumerated in Chapter 11, Section Nine are relatively vague, allowing for Nisga'a autonomy in these areas. For example, while it mandates that the Nisga'a provide a mechanism for challenging Nisga'a laws it does not codify what this mechanism should look like or establish a settler standard to which it should conform (Canada et al.). In this way, it sets up guiding principles but leaves the practical administration

of these issues up to the Nisga'a and their members. This method of structuring the Nisga'a government allows for a relatively high degree of Nisga'a autonomy, which is consistent with notions in the literature of self-government as a process that must be determined by Indigenous communities themselves. Furthermore, the Nisga'a right to self-government is constitutionally entrenched through this treaty, which means that it cannot be ignored by the province or the federal government (Cassidy, 2004, 8). The structure of the Nisga'a government in general conforms to the standards evoked by the literature by recognizing self-government as an iterative process that is valuable to the extent that First Nations groups have the autonomy to determine their own internal constitutional structures.

The way the Nisga'a agreement addresses social services provides an illustrative criterion by which to judge the degree to which the agreement is self-government. Generally speaking, the Nisga'a can make laws creating social services (Canada et. al, 1999, ch. 11 s. 78). More specifically, the province and the federal government have a responsibility to negotiate with the Nisga'a on the administration and delivery of federal and provincial social services by the Nisga'a themselves (Canada et. al., 1999, ch. 11 s.78). This provision is integral to the meaning of self-government because it provides Nisga'a control over aspects of government that are central to the well-being of Nisga'a members. Furthermore, the agreement specifically addresses health care, stating that the Nisga'a and the governments will negotiate to reach agreement for health care for individuals on the reserve, and in the instance that any Nisga'a law regarding the structure or organization of health services on Nisga'a lands contravenes federal or provincial law, Nisga'a law will prevail (Canada et. al., 1999, ch.11 s.84). Furthermore, the Nisga'a have the

ability to regulate Indigenous healers on the reserve, however they cannot regulate substances that are already regulated by the federal or provincial governments (Canada et. al., 1999, ch.11 s. 86). This provision is mixed in terms of the degree to which it allows self-government. Similarly mixed are the ways the agreement provides for education on reserve. While the Nisga'a can make laws regarding preschool to grade-12 education, which includes the teaching of Nisga'a language and culture, there are standards set forth by the province (Canada et. al., 1999, ch.11 s. 100). Not only must the Nisga'a education system prepare its graduates to competently attend post-secondary education, it must also permit the transfer of students to provincial schools at each grade level (Canada et. al., 1999, ch. 11 s. 100). These provisions provide checks along the way on Nisga'a education that reduce the ability of the Nisga'a to innovate. But generally, Nisga'a language and culture can be taught concurrently with provincial standards provided students in each grade can achieve at similar levels to students at provincially operated schools. The vernacular surrounding the standards by which the Nisga'a must conform to the province's regulation is very important in determining the degree of Nisga'a autonomy. In terms of Nisga'a post-secondary institutions, the Treaty calls only for standards "comparable" to those of the province on issues of organization, admissions, instructor qualifications, and curriculum (Canada et. al., 1999, ch. 11 s. 104). Since Nisga'a standards need only be comparable to the province's, there is a degree of autonomy in this domain. Overall, the provisions for social services in the Nisga'a agreement are generally amenable to the principles identified in the literature and provide for a system that gives the Nisga'a a relatively high degree of autonomy in regulating health services and education.

As Russell argues, Indigenous law enforcement is required for any Indigenous self-government regime to be legitimate (2000, 11). The Nisga'a treaty fulfils this requirement to a certain extent but falls down in certain key areas. The Nisga'a have the jurisdiction to make laws regulating or controlling actions on their land other than actions that are authorized by the Crown or actions that may constitute "nuisance, a trespass, a danger to public health, or a threat to public order, peace, or safety" (Canada et. al., ch.11 s. 59). The words in this section are relatively vague, which makes it difficult to adjudicate this section. Despite this ambiguity, the Nisga'a do not have the authority to create criminal law (Canada et. al., 1999, ch.11 s. 61). This is a significant limit to Nisga'a judicial abilities. Furthermore, the Nisga'a may not regulate gambling on their lands, which is another infringement on the theoretical notions of self-government (Canada et. al, 1999, ch.11 s. 108). Despite these inadequacies in the treaty, Chapter 12, which describes the "Administration of Justice," provides a clearer framework for Nisga'a judicial mechanisms. This chapter provides for the Nisga'a to create their own police force (Canada et. al. 1999, ch. 12 s.4). While the force must be in "substantial conformity" to provincial standards in terms of use of force by its officers and codes of conduct, the treaty provides for a large degree of autonomy in this area (Canada et. al., 1999, ch. 12 s.4). Furthermore, these police officers have all the powers and responsibilities of peace officers under the law (Canada et. al., 1999, ch.12 s.13). There is also a reciprocal system whereby provincial police officers must notify the Nisga'a police forces if they are performing their duties in Nisga'a territory and vice versa (Canada et. al., 1999, ch. 12 s.14-15). These sections set up a notion of equality between the two police forces, which symbolizes the equal status of the Nisga'a and provincial

governments. Furthermore, the provisions whereby the police force must be in substantial conformity with the provinces provide not so much a limit on police power as they do protection of citizens' rights.

Not only can the Nisga'a establish a police force with a relative degree of autonomy they are also capable of establishing a system of courts provided they comply with "generally recognized principles in respect of judicial fairness, independence and impartiality (Canada et. al., 1999, ch. 12 s.33). This section sets forth criteria that are theoretical and non-specific, which gives the Nisga'a a large degree of autonomy in terms of the structure of their judicial system. This autonomy affirms the theoretical principles of self-government. Furthermore, the Nisga'a courts have powers that are relatively far reaching. They can review Nisga'a institutions, adjudicate based on Nisga'a law, and adjudicate disputes within the jurisdiction of provincial courts provided it is on Nisga'a land and involves Nisga'a people. While the Nisga'a are unable to make criminal law and are limited in their legislative ability on certain other legal issues, the Treaty does set up enforcement mechanisms that afford the Nisga'a a large degree of autonomy. While the judicial set-up under the Nisga'a agreement may not totally fulfil Russell's criteria, it does a respectable job in setting up autonomy for Nisga'a courts and police forces to enforce Nisga'a law in Nisga'a territory.

The criterion that is mentioned most commonly in the literature as a litmus test for self-government is the degree to which the Indigenous governments are autonomous in matters of culture. On this issue, the Nisga'a agreement is relatively strong. The agreement states outright that "Nisga'a language and culture are matters that should be subject to Nisga'a laws and

governments, to as great an extent as possible" (Cassidy, 2004, 19). The Nisga'a have the authority to make laws that promote and preserve their culture and language (Canada et. al., 1999, ch. 11 s.41). Specifically, this clause allows the Nisga'a to pass laws to authorize the use, reproduction, and representation of Nisga'a cultural symbols and practices, and the teaching of Nisga'a language (Canada et. al., 1999, ch. 11 s.41). While this provision is broad and gives the Nisga'a a large degree of autonomy, it does not allow the Nisga'a to legislate regarding intellectual property (Canada et. al., 1999 ch.11 s.42). On this issue, the treaty is potentially lacking in terms of its protection of Nisga'a culture but other sections provide the Nisga'a with greater power. For instance, the Nisga'a can control the devolution of cultural property for people who die intestate and Nisga'a governments can make laws forcing employers to accommodate Nisga'a employees based on aspects of Nisga'a culture (Canada et al., 1999, ch. 11 s. 115-16). These provisions give the Nisga'a government control over cultural materials and give Nisga'a residents a greater ability to practice their culture. Chapter 17 sets out the procedures by which the Nisga'a can reclaim Nisga'a artifacts from the Canadian Museum of History and the Royal British Columbia Museum. Chapter nine also sets out provisions for the traditional Nisga'a harvest of wildlife in the Nass Wildlife Reserve subject only to provincial legislation for public health and conservation (Canada et. al., 1999, ch. 17 s.1). This provision does not require the Nisga'a to obtain hunting licenses (Canada et. al., 1999, ch. 17 s.10). These provisions allow for the reclamation of cultural artifacts and the practice of traditional Nisga'a hunting rituals that allow the Nisga'a to regulate their own traditional cultural practices. While the agreement does not delegate the ability to legislate based on state intellectual property

laws, it does delegate autonomy in other important areas and extends the Nisga'a ability to control and practice their culture.

Like cultural considerations, issues concerning land assets are frequently mentioned by scholars identifying criteria by which to adjudicate Indigenous self-government. The agreement states that the Nisga'a can make laws regarding the use and management of their lands (Canada et. al., 1999, ch.11 s.44). These laws have a wide jurisdiction under Section 44 and include the right to control how land is disposed of on Nisga'a territory (Canada et. al., 1999, ch.11 S. 44,d). They have the ability to regulate business on their land and can zone, plan, and develop their land as they see fit (Canada et. al., 1999, ch.11 s.47). Furthermore, the same criteria for bird harvest in Chapter nine are made in Chapter eight for fish harvest. The Nisga'a have the right to fish on their lands subject only to provincial legislation on public health and conservation and do not require a government license (Canada et. al., 1999, ch. 8 s.1, s.7). Generally speaking, the Nisga'a treaty allows for a large degree of autonomy in Nisga'a legislation on the use of Nisga'a land and resources. This is consistent with the criteria set out by the scholarship identified earlier.

Citizenship—that is, who is Nisga'a and who is not—is an important part of any Indigenous agreement. The criteria for citizenship are set forth in Chapter 20 of the agreement and are relatively restrictive. Nisga'a citizens must be of Nisga'a ancestry either by being born to a mother in the tribe, a descendant of such an individual, an adopted child of a woman in the tribe, or the spouse of one of said people (Canada et. al., 1999, ch.9 S.1). These criteria are relatively restrictive because they are based on an ancestral link to the Nisga'a people. Furthermore, the Nisga'a have the authority

to form an enrolment committee, one governed by rules set out by the Nisga'a council that will adjudicate cases of membership (Canada et. al., 1999, ch.9 s.11). This effectively allows the Nisga'a to regulate their membership and thus regulate access to Nisga'a lands and the privileges of Nisga'a citizenship. This internal mechanism whereby the Nisga'a can control membership is integral to the safeguarding of all other Nisga'a rights under the agreement. There is an Appeal Board that adjudicates references from the Enrolment Committee and the appeals board is composed of Nisga'a and government officials in equal numbers (Canada et. al., 1999, s. 19 ch.9). The appeals process privileges the Nisga'a and allows for the pre-eminence of Nisga'a decision-making at all levels. It creates a framework of self-government that encourages Nisga'a autonomy in the critical area of membership.

While the agreement seems to satisfy notions of self-government in crucial areas defined by scholars, issues of financing are paramount to the practical implementation of this agreement. With regard to financing, the agreement sets forth a process that is very fair to the Nisga'a. Chapter 15 describes the financing agreement and states that every five years the parties agree to negotiate financing that would enable the agreed-upon public programs and services to Nisga'a residents at levels that are reasonably comparable to those in northwest British Columbia (Canada et. al., 1999, ch. 15 s.3). This sets a relatively high standard by which the province and the federal government must provide financing to the Nisga'a government. Furthermore, these calculations will take into account the costs necessary to establish and operate the Nisga'a government, the effectiveness of public programs, the location of Nisga'a lands, training requirements, Nisga'a cultural values, and the obligations of the Nisga'a

government (Canada et. al., 1999, ch.15 s.9). This clause widens the scope of the financing arrangement taking into account important considerations that help ensure the ability of the Nisga'a government to operate. By taking into account the remoteness of Nisga'a lands and Nisga'a cultural values, the agreement is sensitive to the Nisga'a situation and helps facilitate self-government. While the Nisga'a have the power to tax their own citizens (Canada et. al., 1999, ch. 16 s.1), the Nisga'a are also subject to governmental taxes—federal and provincial (Canada et. al., 1999, ch. 16 s.6). The subjection to governmental taxes is one that contravenes the *Indian Act* but does not contravene the jurisdiction of the Nisga'a government. In this way, while it may be less than ideal for Nisga'a residents, taxation is not necessarily an issue that lessens the degree to which the agreement fulfils the notion of self-government.

Based on the text of the agreement, the Nisga'a treaty fulfils to a large extent the theoretical principles identified in the literature on self-government. The Nisga'a have prevailing jurisdiction in several substantial areas including government, citizenship, culture, language, lands and assets, the organization and structure of health services, child and family services, and education (Cassidy, 2004, 10). Furthermore, the agreement clarifies that the Nisga'a have the authority to make laws that are necessarily incidental to exercising their authority as set out by the agreement (Canada et. al., 1999, ch.11 s. 126). While occasionally the agreement stipulates that the state can regulate Nisga'a government or that the Nisga'a cannot legislate on certain issues, the agreement largely fulfils the theoretical principles evoked in the relevant literature. In this way, the Nisga'a acquire law-making authority in the crucial areas of “lands, language, culture, education, health, child protection, traditional healing practices,

fisheries, wildlife, forestry, environmental protection, and policing” (Allen, 2004, 235). While the actual text of the agreement is consistent with the principles of Indigenous self-government, the practical reality of how the agreement is implemented is just as (if not more) important.

A 2010 study by Joseph Quesnel and Conrad Winn reports mixed results as to the effect of the agreement on the quality of governance within the Nisga'a community. They find that the funding from the government is sufficient for the operation of Nisga'a-run programs and that there is higher trust for the local Nisga'a government than neighboring bands have for their own governmental arrangements (Quesnel et. al., 2011, 9). Despite this seemingly positive feedback, they find no improvement in public opinion over the government's ability to keep promises, though there are large concerns about nepotism among Nisga'a leadership (Quesnel et. al., 2011, 11-12). Furthermore, they state that there is difficulty for many members of the group to live outside of the *Indian Act* framework (Quesnel et. al., 2011, 16). Despite these mixed results, what we understand as good government and as self-government should not be conflated. While the immediate results of the agreement are mixed as to their impact on improving governance, the agreement provides a workable framework for Nisga'a self-government, which is an essentially positive goal. While the short-term effects of self-government in the Nisga'a community may be mixed, the creation of a workable regime for Indigenous self-government within the current constitutional framework is a notable accomplishment and a step toward Indigenous self-government on a larger scale that, as the literature demonstrates, is an essential step in the advancement of Canadian Indigenous peoples.

In conclusion, the question of how Indigenous peoples should rightly interact with the state is one that has prompted a vast amount of scholarship and political discussion. The Nisga'a Treaty provides the framework for an answer to the question of how Canadian First Nations fit into the federal system. The Nisga'a agreement does not provide for self-government on every issue and, in some areas, there are standards imposed by the provincial and federal governments. But in most areas, the agreement mostly adheres to the theoretical ideals proposed in the Charlottetown Accord and in literature on self-government. While theory is useful for crafting frameworks, policy that is negotiated by three "orders" of government is rarely ideal. In this way, the Nisga'a agreement provides a valuable example for how Indigenous self-government can be realized within the current constitutional framework to a degree that substantially conforms to theoretical ideals. While the practical implementation of the agreement has had mixed effects in its improvement of governance for the Nisga'a, good governance and self-government should not be conflated, and self-government is a goal unto itself for Indigenous peoples in Canada. While the Nisga'a agreement is somewhat exceptional in that it was instituted in an environment made conducive to compromise by provincial and federal governments, it still provides a model for future negotiations (Cassidy, 2004, 24). As Wayne Warry states, "Self-government is an emergent, iterative process—its meaning and validity become clearer with its practice" (1998, 49). In implementing the Nisga'a agreement, Canadian governments are supporting a forward-looking process that is consistent with theoretical, ideal principles and workable in the current constitutional context.



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