



# An Update from the GOVERNANCE WORKING GROUP of the Anishinabek Nation Governance Agreement

March 2017

The Governance Working Group (GWG) members met in Sault Ste. Marie, Ontario, on March 7-9, 2017. There were 18 GWG members in attendance representing 12 of our member First Nation communities.

The agenda and discussions included:

1. An overview and recap of the discussions from February 21-22, 2017 GWG meeting provided by *Martin Bayer, Anishinabek Nation Governance Negotiator*;
2. An overview and Q & A session on the federal *First Nations Elections Act* lead by *Martin Bayer*;
3. A lecture (class) on First Nation constitutions, including development by *Martin Bayer*;
4. An update on the development of a new National Fiscal Policy by *Martin Bayer*;
5. A review of potential draft funding agreements as between the Anishinabek Nation and the Participating First Nations by *Fred Bellefeuille, Anishinabek Nation legal counsel*;
6. A review of the draft *Anishinabek Nation Governance Agreement Implementation Plan* by *Fred Bellefeuille*
7. An open forum on communications; How can we communicate more effectively with you? – lead by *Laura Barrios, Anishinabek Nation Restoration of Jurisdiction Department Communications*

## Overview and Recap Discussions from February 21-22, 2017 GWG Meeting:

The overview and recap of the discussions from the February meeting of the GWG was well received and generated some questions, particularly from some new GWG members in attendance, about the application of the own source revenue framework within any new self-government fiscal arrangements and how it might be applied. It was pointed out that the issue of how an own source revenue framework might apply is being looked at on a national level by a working group and some of the options being discussed include a moratorium or at least an OSR framework that links with an improvement in the qualities of life. In other words, any OSR regime would only kick in *after* our communities “catch up” to the living standards enjoyed by the other Canadians.

The update and overview of the Anishinabek Nation Governance Agreement (“ANGA”) was very helpful as some members were new to the GWG and it was noted that the main part of the ANGA that needs further work is the Fiscal Chapter. The goals for this fiscal year are to complete the ANGA, the *Anishinabek Nation Fiscal Transfer Agreement*, and the Implementation Plan.

Finally, the 2017-2018 ROJ Workplan was reviewed with the GWG members and a question was raised about whether or not there will be an opportunity to vote on the ANGA through an electronic voting means. This option for voting in this way will be looked at as part of the Comprehensive Governance Communications Strategy.

## The Fundamentals of Constitutional Law:

A session was put together that focused on some essential elements and considerations for putting together a First Nation constitution? What is its purpose? It was pointed out that it is considered the “supreme” or highest law of a First Nation and all other laws passed by the Chief and Council must comply with it. Constitutions, generally speaking, contain rules or principles which set out the values of a

First Nation, its law-making powers, processes, and the limits of what a government can or cannot do. In this way, it acts as a constraint on government action.

A GWG member raised a question about where a First Nation might find its right to pass a law (i.e., child and family well-being law) that is not included in either the Education Agreement or the Governance Agreement. It was pointed out that a First Nation's constitution might normally lay out the full range of law making powers that a First Nation believes it has; however, a First Nation or a group of First Nations could also negotiate a Child Well-Being self-government agreement that would recognize law-making power in this area. The GWG members were then asked to participate in break-out groups to discuss specific questions designed to raise their level of awareness about constitutional development.

### **Review of the Draft Funding Agreements between the Anishinabek Nation and the Participating First Nations:**

The draft potential funding agreements, fiscal principles and reporting requirements were all reviewed with members of the GWG. The Governance fiscal offer was also reviewed with the GWG and it was noted that the figures were put together under the assumption that all 39 First Nations would be ratifying the ANGA and that the actual amount of the transfer would change if a lesser number actually ratified the ANGA; Finally, the ANFTA transfer payment funding would not be subject to INAC's third party management.

### **Communications Open-Forum:**

The GWG members took part in an open-forum designed to explore ideas on how to best reach out to the on and off-reserve citizens and what kind of messaging works best, including social media. The messaging will need to be crafted for specific groups, including the Elders, youth, and women, for example. It was also suggested that an acronym glossary sheet for governance would be helpful because not all members understand the short forms for agreements, forms, and governments. A "catchy" slogan could also be developed that could be understood quickly by grassroots Anishinabek citizens.

A number of social media tools are also currently available, including:

- Anishinabek Nation Youtube Channel: <https://www.youtube.com/user/AnishinabekNation>
- Anishinabek Nation Facebook Page: <https://www.facebook.com/AnishinabekNation/>
- Anishinabek Nation Twitter handle: @AnishNation

### **What should GWG members take back to their community from this meeting?**

1. To Chief and Council: that information about the *Anishinabek Nation Governance Agreement* is coming as it is close to completion with a ratification vote date **set for May/June of 2019**.
2. That if your First Nation does not have a constitution yet, there is plenty of help available to set up a constitution development committee and begin or finish the work to draft and ratify a First Nation's constitution well before a vote on the Governance Agreement in May/June of 2019.
3. That we will be coming to your First Nation to share information about the Governance Agreement and that our GWG members are the champions of the process and we need to make sure as many of our Band members get as much information as possible before the vote in 2019!

**The next scheduled GWG meeting will be May 17-18, 2017, in Sault Ste. Marie, Ontario.**