



An Update from the

GOVERNANCE WORKING GROUP

of the Anishinabek Nation Governance Agreement

May 2017

The Governance Working Group is comprised of representatives from our member First Nations of the Anishinabek Nation and was established to help guide the negotiation of the Governance Agreement with Canada.

The Governance Working Group (GWG) members met in Sault Ste. Marie, Ontario, on May 17-18, 2017, and had valuable discussions about the *Anishinabek Nation Governance Agreement* ("Governance Agreement"). There were 20 GWG members in attendance representing 15 of our member First Nation communities, including Chiefs and members of Council.

Review of the *Anishinabek Nation Governance Agreement*:



After a thorough and comprehensive review of the Governance Agreement with the members of the Governance Working Group, a number of our GWG members had some important and interesting questions, including wondering whether we were getting out of the *Indian Act* altogether through these negotiations. It was pointed out that one of the purposes of the Governance Agreement, is to provide our member First Nations with an opportunity to develop their own elections laws and determine for ourselves how we might want to choose our leaders and their terms of office and to use more Anishinaabe ways to govern

ourselves instead of using the election provisions of the *Indian Act*. This would mean that we would be getting out of parts of the *Indian Act* that deal with elections and membership, but that the rest of the *Indian Act* would continue to apply (including the tax exemption at section 87) until such time as our leaders direct otherwise.

There were some questions and concerns about whether this process will take anything away from the protection of our Aboriginal and Treaty Rights. It was noted that there was language in the Governance Agreement that ensures first, that the Governance Agreement itself is not intended to be treaty nor will the Governance Agreement abrogate or take anything away from our Aboriginal or Treaty Rights.

There were questions about the potential role of an Anishinabek Nation government and whether it would take away any powers from the member First Nation governments. It was explained that one of the purposes of the Anishinabek Nation government would be to look at areas where it might make more sense to work together and to govern ourselves in more traditional ways, such as re-learning our clan-based approach to governing. It is also the intent to gradually shift away from how our leaders meet now, which is as the corporation known as the Union of Ontario Indians. For many years, past and current leaders and especially the grass roots citizens who do not always get to attend Grand Council Assemblies and Regional Chiefs meetings, have said that our governments need to be more

reflective of our Anishinaabe culture with more opportunities for ordinary Anishinaabe citizens to be involved. GWG members also said that there needs to be some thought toward establishing our own court systems and appeal mechanisms to help resolve disputes in our communities as we begin to pass education laws under the *Anishinabek Nation Education Agreement* and other laws passed by our member First Nations exercising our inherent rights and under First Nation constitutions.



The GWG members expressed their concerns about how much work is going to be needed in order to reach out to our citizens to let them know about the Governance Agreement in anticipation of a vote by them in May/June 2019. The GWG members shared some ideas on some of the more effective ways they used to reach out to their voters on issues in the past. During the review of the new proposed fiscal arrangements, some members of the GWG raised concerns about the size and cost of the bureaucracy associated with the Anishinabek Nation government. Their concerns centred around ensuring that the governance structures and institutions of the Anishinabek

Nation government are efficient and not costly to operate so that as much of the funding that is available for governance related functions could be flowed through to the member First Nation governments where they are needed.

Main messages from the Governance Working Group Meeting:



1. That more detailed information is available to Chief and Council and member First Nation citizens about the Governance Agreement as we move closer to a ratification vote in **May/June 2019**.
2. If your First Nation does not have a constitution yet, help is available to set up a constitution development committee and begin or finish the work to draft and ratify a First Nation's constitution before the Governance Agreement vote date of **May/June 2019**.
3. The Governance Agreement is about the recognition of the power to pass our own laws relating to Chief and Council elections, citizenship,

culture and language, and laws to manage and operate our governments like a Financial Administration Act and Privacy legislation. This process is not tied to treaties and will not take away anything from our Aboriginal and Treaty Rights or take us out completely from the *Indian Act*.

The next scheduled GWG meeting will be October 11-12, 2017, in Sault Ste. Marie, ON.