

## **ANISHINABEK NATION GOVERNANCE AGREEMENT**

### **Frequently Asked Questions**

**Q. What is the proposed Anishinabek Nation Governance Agreement?**

The proposed *Anishinabek Nation Governance Agreement* is an agreement between the Anishinabek Nation, on behalf of its member First Nations and Canada that would recognize the authority of the First Nations and the Anishinabek Nation to pass laws in the areas of elections, citizenship, language and culture, and government management.

**Q. What is governance?**

The term “governance” refers to the structures and their related processes that our communities currently use to govern. For example, the most familiar governance “structure” that we use is the Chief and Council. They make decisions according to rules that they set for how Council meetings are conducted, including rules for quorum and so on. Some of the procedures or processes governing council meetings are set out in the *Indian Act*.

The proposed *Anishinabek Nation Governance Agreement* will provide our First Nations with an opportunity to set our own rules of procedure in terms of how we conduct our meetings, including using our own customs, our traditions, languages and ceremonies and how we elect our leaders.

**Q. Why are we looking at a self-government agreement?**

Self-government agreements provide an opportunity for First Nations to exercise more control over the way their communities are governed and to gradually move out from under parts of the *Indian Act*.

Self-government agreements also mean that our First Nations can target the new funding that comes with self-government agreements into community-identified priorities and with more reporting to our own people.

**Q. How will my community benefit from the proposed Anishinabek Nation Governance Agreement?**

First Nations will benefit from the proposed *Anishinabek Nation Governance Agreement* in a number of ways. Some benefits include First Nations will vote for leaders in ways designed by their citizens, which moves the First Nations who ratify out of the *Indian Act* election process; First Nation citizens will take part in developing a citizenship law that reflects their rights, privileges and responsibilities that come with being a citizen of their First Nation; First Nation citizens can help develop ways to promote Anishinaabe language and culture by learning and educating others on the clan system of governance and using ceremonies in community and council meetings.

**Q. How did grassroots Anishinaabe people help in the development of the proposed Anishinabek Nation Governance Agreement?**

The proposed *Anishinabek Nation Governance Agreement* belongs to us. We negotiated it. Many Anishinabek citizens helped to develop the Governance Agreement by speaking up at numerous information and negotiation sessions over the past 23 years in our First Nations and urban centres. Anishinaabe people helped to guide the negotiations by serving on the Governance Working Group and the Chiefs Committee on Governance. Updates about the Anishinabek Nation Governance Agreement were provided at Regional Chiefs meetings and at the Anishinabek Nation Grand Council Assemblies.

**Q. When will the citizens be voting on the proposed Anishinabek Nation Governance Agreement?**

The voting period for the proposed *Anishinabek Nation Governance Agreement* will be February 1-29, 2020. Voters will be able to vote **electronically, by mail-in ballot or in-person at polling stations.**

Anishinabek Nation leadership requested the later vote period to allow for more time to inform citizens about the proposed Governance Agreement.

**Q. Will my Aboriginal or Treaty rights be impacted?**

The proposed Anishinabek Nation Governance Agreement will not abrogate or derogate from the aboriginal or treaty rights of the First Nations that ratify the proposed Agreement. In addition the proposed Agreement makes it very clear that it is not intended to fulfill any of Canada's treaty obligations, nor is the proposed *Anishinabek Nation Governance Agreement* itself a treaty.

**Q. Will our Indian Status rights be affected?**

No, the proposed *Anishinabek Nation Governance Agreement* does not cover Indian Status.

## **FUNDING**

**Q. Will there be more funding for First Nations that ratify the proposed Anishinabek Nation Governance Agreement?**

First Nations that ratify the proposed *Anishinabek Nation Governance Agreement* can expect to receive up to seven (7) times more funding for governance-related functions. In addition, if there is money left over, it will not have to be returned and can be used for other important community purposes.

**Q. Will Canada’s fiduciary relationship with First Nations change?**

No, the fiduciary relationship between Canada and each Anishinabek First Nation will continue after the ratification of the proposed *Anishinabek Nation Governance Agreement*. Canada will always have a fiduciary relationship with First Nations people by virtue of the Royal Proclamation of 1763 and the *Constitution Act*, 1982.

**COMMUNITY ENGAGEMENT**

**Q. How can citizens get more information about the proposed Anishinabek Nation Governance Agreement and how to vote?**

The negotiation team has been visiting Anishinabek First Nations to discuss the proposed *Anishinabek Nation Governance Agreement* with Chiefs and Councils and citizens. First Nation information sessions will be held in urban centres and in the communities. In addition, information is available online through various social media platforms, on First Nation websites, and on Anishinabek Nation websites including [www.governancevote.ca](http://www.governancevote.ca). Funding will be provided to each First Nation to hire a communications support person to help inform voters about how and where to vote and provide more information about the *Anishinabek Nation Governance Agreement* and the new funding arrangements.

**Q. How can we get more information about the proposed Anishinabek Nation Governance Agreement?**

- Dial toll-free: 1-833-297-9850
- Visit: [www.governancevote.ca](http://www.governancevote.ca)
- Follow the Anishinabek Nation social media channels (Twitter, Facebook, YouTube and Instagram)
- Attend community meetings
- Ask questions and read information
- Share information with others
- Become an activist for change and help out
- Take ownership for the future of Anishinabek
- Leaders could bring First Nation citizens to meetings
- Educate our youth on our history, culture, teachings, and ways of life
- Know your Dodem and responsibilities

## PROGRAMS & SERVICES

**Q. Will the proposed Anishinabek Nation Governance Agreement affect any of the existing First Nation's programs and services?**

The proposed *Anishinabek Nation Governance Agreement* will not affect the existing programs and services currently administered by First Nations. Once a community ratifies the proposed *Anishinabek Nation Governance Agreement*, its current funding agreement and in particular the sections that deal with governance funding, will be adjusted and amended so that the First Nation can instead receive the greater funding amounts for governance activities that are part of the new funding framework under the proposed *Anishinabek Nation Governance Agreement*.

**Q. What does the proposed Anishinabek Nation Governance Agreement mean for those First Nation citizens who do not reside in the community?**

Off-reserve citizens will participate in the development and review of all of the laws recognized under the proposed *Anishinabek Nation Governance Agreement*. The additional funding available to the First Nations under the new funding arrangements will mean more opportunities to engage with the citizens who do not reside in the community on matters of importance to the community.

## Own Source Revenue (OSR)

**Q. What is Own Source Revenue (OSR)?**

OSR is income generated by self-governing First Nations, for example, through service fees or business income. Canada reduces its governance transfer dollars based on a portion of the OSR a First Nation makes. For example, if a First Nation makes \$100, Canada may reduce its governance transfer dollars by \$20.

**Q. What is the current status of OSR?**

"First Nations use their Own Source Revenue whether or not they are in a self-government agreement. Outside a self-government agreement, a First Nation may use its OSR to eliminate deficits created by funding shortfalls. In a self-government agreement, Canada significantly increases funding and then applies a transparent OSR formula. Typically, a First Nation still ends up with much more funding compared to *Indian Act* Funding. **However, Canada's OSR formula is currently in a moratorium until Canada completes a new "revamped" fiscal policy. This means the federal government has suspended the use of OSR to reduce the self-government funding of First Nations.** Canada has taken on a "collaborative approach" with self-governing First Nations on the new policy."

**Q. So it's gone for now but it could come back?**

Yes. Canada wants OSR "placeholder" language in the *proposed Anishinabek Nation Fiscal Agreement* in case OSR comes back. Anishinabek negotiators have **argued** if, and when, a new OSR policy comes back it should only apply after the socio-economic gaps between First Nations and the rest of Canada are closed.

**Q. How does it apply?**

Under the current OSR policy, and it may change in the future, Canada does not include every dollar a First Nation makes and there are some First Nations revenues that are exempt, such as earnings of business corporations that pay federal income tax and impact benefit agreements (payments from use of traditional territories).

**Q. What could its impact be?**

The impact of the current OSR policy (and it could change) depends on how much revenue a First Nation earns and First Nations can take steps to reduce the impacts.

**Q. What could its impact be on the Anishinabek Nation Education Agreement?**

Own Source Revenue applies only to a governance self-government agreement. The Anishinabek Nation Education Agreement contains no OSR formula.

**Q. What effect will Canada's Collaborative Self-Government Fiscal Policy for Self-Governing Indigenous Governments have on the proposed *Anishinabek Nation Governance Agreement*?**

The Anishinabek Nation First Nations would benefit from this fiscal policy. Anishinabek negotiators sat on the national Working Group and helped to develop the policy. They pushed for a fiscal policy to provide Anishinabek Nations with adequate fiscal resources to operate their governments and improve the socio-economic conditions in their First Nations

**Q. If a First Nation signs onto a government-to-government relationship with Canada, does it eliminate its nation-to-nation relations with the Crown?**

No. All nations have governments and those governments carry out relationships with the governments of other nations. The *Indian Act* has undermined the nation-to-nation relationship between First Nations and the Crown. This is why the proposed *Anishinabek Nation Governance Agreement* will get First Nations who ratify it out of the *Indian Act* when it comes to governance.

**Q. Will the proposed *Anishinabek Nation Governance Agreement* will do away with the sovereignty of First Nations?**

No. The proposed *Anishinabek Nation Governance Agreement* is meant to get the First Nations who ratify it out of the *Indian Act* and support strong First Nation governments that can do the necessary work to reclaim their sovereignty.

**Q. Will the Anishinabek Nation Government *be* a corporation controlled by Canada in the proposed *Anishinabek Nation Governance Agreement*?**

No. The Anishinabek Nation Government will not be a corporation at all. It will be created by the Chiefs of the Anishinabek First Nations who ratify the Governance Agreement.