

The Rise of the Anishinabek Nation: Self-Government for the Status Quo?

by Hayden King

IN JUST A FEW WEEKS, Anishinaabeg (at least those in the province of Ontario) will vote on the **Anishinaabek Nation Government Agreement (ANGA)**. The Agreement has been under negotiation for over twenty years, with a tremendous amount of support and hope invested from Anishinaabe communities.

But on the eve of ratification, there is little clarity on why we should support the ANGA.

In fact, the self-government provisions are limited to what already exists in federal policy and the resources to implement self-government are few. This paired with the Anishinaabek Nation's poor communication on the Agreement means that there are reasons to be skeptical.

OLD SELF-GOVERNMENT POLICIES

Regarding self-government, there is nothing on offer in the ANGA that can't be obtained through existing federal policy. In fact, most of the "powers" Anishinaabeg are being granted have existed for many years.

In the ANGA, communities will have jurisdiction over 1) elections, 2) citizenship, 3) culture and language, 4) management and operations of government. Yet, my own community already has an election code and a citizenship code in development through the "custom" process (as many other communities likely do). As for the management of government, even with the ANGA, the *Indian Act* still applies to communities in all areas outside these four. Indeed, federal AND provincial jurisdiction still overwhelmingly applies, as does the Charter of Rights and Freedoms (even in the cases of "exclusive" jurisdiction). If communities seek to add "new" areas of jurisdiction they may have to obtain provincial permission first.

This can only be called self-government in the most narrow of interpretations.

Communities are also potentially compromising other legislation that they've signed onto. While I am not an advocate of the First Nations Land Management Act (FNLMA), in November 2019, the Lands Advisory Board sent a **letter** to Anishinaabeg communities expressing concern that the ANGA might actually impair elements of the FNLMA Framework Agreement. They noted that communities who've signed onto the Framework Agreement already have greater powers than anything captured in the ANGA. The Lands Advisory Board is concerned that the ANGA is harmful.

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Indeed, outside of the Lands question, Anishinaabe legal scholar [Sara Mainville](#) and Anishinaabe governance expert [Brock Pitawanakwat](#) have also expressed concerns.

WHAT ABOUT THE ZHOONIYA?

One apparent reason to support the ANGA is the accompanying resources. It is true that there is a significant additional federal investment; a one-time “governance implementation” contribution of [\\$548,000 for each participating First Nation](#). While substantive, given ANGA implementation plan is expected to extend a decade, these funds would likely just cover the annual costs of a single full-time position per community.

By comparison, under the outdated “Inherent Right” self-government policy, there was typically 20 years of governance funding. (Ironically, the ANGA is very similar to the Inherent Right policy in many other ways).

Moreover, the Anishinaabek Nation suggests that the fiscal relationship will be improved with more sustainable and predictable, long-term funding. But, again, Anishinaabe communities already have access to the new [10-year grants](#) introduced last year by the federal government. In either process a financial management regime is required and it isn’t clear what the advantages of the ANGA process are over the 10-year grants. Maybe there are alternatives to them both, like the new [fiscal policy for self-governing First Nations?](#)

This analysis should have been made available before a vote.

Finally, those promoting the Agreement speak of increased funding, but aside from the one-time implementation funding and “social transfers” for programs and services that communities may take over in the future, there is no commitment to increased funding from Canada. So there is a real danger that Anishinaabeg accept new responsibilities and law-making functions, but without the resources to administer them effectively.

How will governance be supported when Canada’s funding runs out?

A CONSULTATION FAILURE

There is a trend in the Anishinaabek Nation’s communication style on any initiative emerging from the organization. Their material is uncritically supportive, bordering on propaganda. Experiences with the Anishinaabek Education System and now the ANGA demonstrate that the Anishinaabek Nation is hesitant to share all the information with communities.

Until recently, it was difficult to even find a copy the ANGA, but merely a “[plain language](#)” version that obscurs many of the actual details (this is still the only version available on the ANGA website). There are fact-sheets on the “pros” but never the cons, those with critical questions are [dismissed](#) as out-of-touch academics, and community consultation staff are encouraged to parrot Anishinaabek Nation speaking points.

I have tried to participate in information events regarding the ANGA, but they are rarely advertised in advance. The Facebook Livestream Q&A late last year had such poor bandwidth the Anishinaabek Nation had to apologize to the many people trying to tune in. (I think it’s worthwhile to note that none of the “experts” during the failed Q&A were Anishinaabeg).

It doesn’t help that the only clear winner in this Agreement seems to be the Anishinaabek Nation, which would transform itself from a provincially-incorporated political-territorial organization, to a federally recognized regional government.

Once established and communities are under that umbrella, there isn’t a clear path to leave (and if the recent cases of communities leaving the Anishinaabek Nation becomes a trend, this will be an issue).

ANISHINAABE PRAGMATISM

All of this is happening in typically rushed fashion. Communities are expected to create community constitutions prior to ratification. This is perhaps the most important legal document communities can craft, and those without one must abide by the federal government's timeline, without consideration of the implications of this work. Given the short window, we can expect those constitutions to resemble existing governance processes.

Anishinaabeg have always been pragmatic. Our nationhood has been fluid as a result, sometimes acting as small communities, other times large confederacies. This has all been dependent on circumstances. The communities we find ourselves in today are a reflection of hard times: confined by the Indian Act and trying to recover from settler colonialism. While we're told that the ANGA represents a movement away from these circumstances, it is difficult to see how.

From my reading, the ANGA follows federal government plans along the lines of the Indigenous Rights Framework.

Those plans seek to aggregate communities for Canada's convenience, devolve administrative powers while washing their hands of responsibility (see the "indemnification" clauses in the ANGA), and no mention of lands, resources, treaty, or real power back to communities. Meanwhile the Anishinaabek Nation runs interference.

It seems Anishinaabeg are offered just two choices in the relationship with Canada, bad and worse. Going into the February vote, communities will have to decide which of these the ANGA represents and whether it supports their vision of self-determination, or threatens it.