

The Day After: Questions to Answer on the Road to Self-Government

This article summarizes a conference presentation by Dr. Stephen Cornell delivered in 2017. [Click here](#) to view the full video presentation.

By Narayan Subramoniam

What do you do the day after a new treaty is signed? What do you do the day after government says: “yes, you have these rights”? These are two of the questions that Dr. Stephen Cornell, faculty chair of the Native Nations Institute at the University of Arizona, opens with in a talk addressed to First Nations who gathered on unceded Algonquin territory in 2017 to discuss self-government. Indigenous peoples in Canada, Australia, and Aotearoa (New Zealand) have made considerable progress in getting settler-colonial governments to recognize their rights. For example, in 1982, the Canadian government recognized and affirmed existing Aboriginal and Treaty rights in Section 35 of the constitution following decades of litigation, lobbying, and protest by First Nations, Inuit, and Metis. However, rights recognition is only the start of a much longer process of rebuilding self-government. Cornell shares three international examples of Indigenous peoples who, despite the generations of enforced helplessness and dependence on their respective settler governments, have confronted their fears and now stand as success stories of nations that are successfully self-governing.

Who are we as a nation?



Who do we want to be as a people?

What kind of government of our own will help fulfill our goals?

***Reclaiming self-governance is easier said than done.
It requires reflection, discussion and action on three big questions.***

The first question is: who are you as a nation? The answer is especially relevant for nations that have been shredded and rearranged by colonial governments into small reserves. It is difficult for small communities to govern themselves alone. They could consider joining forces with neighbouring communities based on shared culture, language, ecosystems, watersheds, or history to create governance strategies that work for the larger collective. One example of joining forces is that of institution sharing where a defined set of institutions and jurisdictions are shared across small nations. For instance, the Northwest Intertribal Court System (NICS) in the Pacific Northwest of the United States is a consortium of small tribes founded in 1979 that provides trial and appellate judges, assistance with code development, training, and technical assistance to several member tribes. This structure saves small nations from having to mobilize by themselves all the resources needed for a legal system (e.g. legal staff and courts).

The second question is: who do you want to be as a people? Generations of living under colonial governments has created an atmosphere of fear in some nations: fear of change; of making mistakes when travelling in bold directions; and of losing government support. Self-governance does not have to duplicate the settler government model. It can incorporate a nation's unique language, culture, and ceremonies. An example of this comes from Aotearoa, home of the Māori that suffered many similar wrongs to First Nations in what is now Canada. In the 1990s, several of the iwi (Māori tribes) successfully reached a settlement with the New Zealand government that provided compensation for the loss of some of those lands. A few of the tribes became wealthy, major players in industries such as forestry, dairy, fisheries, and agriculture. With all this economic power, one of the Māori leaders, Sir Tipene O'Regan, questioned how they were making decisions about what to do with that wealth. "Until we come to terms with the question of who we want to be as a people, there is no need for any strategic direction beyond making cash and distributing it more or less efficiently and more or less equitably. If that's all the membership of an Indigenous culture amounts to, then why bother?" He continued, "do we just want to be rich pakehas [white people] with a suntan? Or is our purpose the intergenerational transmission of identity and heritage?"

The final question is: how do you build a government of your own that can move from where you are now towards reaching your vision as a people? The answers are diverse depending on the nation's unique heritage. Cornell provides three examples from the United States:

- White Earth Nation: A nation of Anishnaabe peoples that operated under a government designed by the United States, White Earth began its own constitution-building process in 2007 by holding four constitutional conventions over two years. The first convention began with nominating 40 non-council member delegates from across the nation to research what other nations had done. Crucially, these council members formed the constitution by asking questions like “what do we need to do as a government?” After two years of research and community engagement, these 40 delegates ratified the final constitution, which can be found here: https://nniconstitutions.arizona.edu/sites/default/files/2022-01/White%20Earth%20Nation_1.pdf
- Osage Nation: In 1881, the US government abolished the Osage Nation's own government and imposed new rules over Osage lands and citizens. Over a century later in 2002, the Osage Nation created a commission to listen to the Osage people and form a government that is a product of their own. This engagement of all Osage people resulted in a new constitution adopted by a two-thirds majority of the nation. In 2006, they formally transferred authority to this rebuilt government. The Osage Nation's current constitution can be found here: <https://nniconstitutions.arizona.edu/osage-nation-constitution>
- Citizen Potawatomi Nation: This is large nation of around 30,000 citizens with a history of poverty, land loss, and internal conflict that led to thousands of citizens migrating out for better opportunities. The nation embarked on a major reform of its government in 2002, in which the Potawatomi leadership decided to engage all its citizens, including those who lived elsewhere. The view was that though they were forced to leave their homes, it did not mean they were disconnected from their Potawatomi identity. Engaging everyone included conducting a mail survey of more than 12,000 households across the United States. The process resulted in adopting a constitution in 2007 that abolished the US-designed government. In its place, one of its main additions was a law-making body (a legislature) of 16 seats. 8 seats are filled from those living within the state of Oklahoma, and the other 8 seats from districts outside the state. Now citizens are returning home because they feel reconnected and want to learn more about it means to be Potawatomi. The constitution of Citizen Potawatomi Nation can be found here: <https://www.potawatomi.org/wp-content/uploads/cpn-constitution.pdf>

As nations rebuild themselves, it is worth remembering that ‘government’ is merely an instrument that a nation has with which to build the future it wants. These stories of innovation and success change people’s sense of the possible.



The Rebuilding First Nations Governance Project (RFNG) is a national alliance of First Nation communities and Tribal Councils, academic researchers and public sector practitioners created to support First Nations that have made the decision to transition from the Indian Act to their own inherent rights governance. It supported by a \$2.5M SSHRC Partnership Grant awarded in 2020.

<https://carleton.ca/rfng/about/>

Further reading:

Cornell, Stephen and Miriam Jorgensen. “Indigenous Culture in Contemporary Indigenous Government: Some Examples from Native Nations in the United States”. Rebuilding First Nations Governance, 2023.

Nikolakis, William, Stephen Cornell, Harry W. Nelson, Sophie Pierre, and Gwen Phillips. “Reclaiming Indigenous Governance: Reflections and Insights from Australia, Canada, New Zealand, and the United States”. Tucson: University of Arizona Press, 2019.

Cornell, Stephen. "Reconstituting Native Nations: Colonial Boundaries and Institutional Innovation in Canada, Australia, and the United States." In Reclaiming Indigenous Planning, edited by Ryan Walker, Ted Jojola and David Natcher, 35-59. Montreal-Kingston: McGill-Queens University Press, 2013.