

Misswezahging Constitution

Preamble

1. This constitution is the supreme law of Misswezahging. All Misswezahging laws or regulations shall be consistent with this constitution. In the event of a conflict between this constitution and any Misswezahging laws or regulations, this constitution shall prevail to the extent of any conflict;
2. Mindful that, the United Nations recognized the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources when the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* in 2007; and,
3. Recognizing *Article 3 of the Declaration on the Rights of Indigenous Peoples* recognizes that indigenous peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and recognizing that *Article 4 of the Declaration on the Rights of Indigenous Peoples* provides that, Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions; and,
4. Recognizing that Canada in November of 2010 joined other countries in supporting the *Declaration on the Rights of Indigenous Peoples* and in doing so, reaffirms its commitment to promoting and protecting the rights of Indigenous peoples at home and abroad; and,
5. Recognizing that by virtue of section s. 35 (1) of the *Constitution Act, 1982*, the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed; and,
6. ***Therefore***, through this constitution, we the citizens of Misswezahging exercise our inherent aboriginal and treaty rights to govern ourselves given to us by the Creator and recognized and affirmed in section 35 (1) of the *Constitution Act, 1982*, and strengthened in accordance with the United Nations *Declaration on the Rights of Indigenous Peoples* in 2007 in order to, among other things, provide governance structures that are stable, effective, accessible and accountable and which will help to improve the quality of life for the citizens of Misswezahging;

7. Finally, we, the citizens of Misswezahging, will continue to protect and preserve our traditional and inherent territories and all of the resources in accordance with our Anishinabek values and principles.

Definitions

8. In this constitution,
 - a) "Authority" means any power, other than law making power;
 - b) "Citizen" means a citizen of the Misswezahging as defined in a Misswezahging citizenship law as enacted from time to time;

The Government of the Misswezahging

9. There shall be one (1) elected governing body for the Misswezahging consisting of one (1) Chief and nine (9) Councillors ("Collectively, referred to as the "Chief & Council"), or such other numbers of Councillors as may be determined from time to time and as set out in an election law of the Misswezahging.
10. The citizens of Misswezahging expect each elected and/or appointed representative of the Misswezahging government and its governmental public institutions to strive to:
 - a) respect the Seven Grandfather's Teachings of the Misswezahging and to respect this constitution;
 - b) preserve and promote the peace, unity and well-being of Misswezahging; and,
 - c) provide effective and accountable government to the citizens of Misswezahging;

The Law Making Powers of the Misswezahging

11. The Misswezahging have the inherent right given by the Creator to enact any laws necessary in order to protect and preserve our Anishinaabe culture, to protect our lands, our language, customs, traditions and practices. Each law enacted must be

demonstrably shown to be for the betterment of the citizens of the Misswezahging, including but not limited to the power to enact laws in relation to:

- a) how we select our leaders;
- b) how we express and implement our inherent right of self-government;
- c) the protection of our lands, waters and resources, including within our traditional territories;
- d) our education in accordance with our languages and cultural heritage;
- e) the health of our citizens;
- f) community support programs and services including, establishing appropriate delivery standards and criteria to ensure fairness and equality;
- g) establishment of any required agencies, boards, committees and other governmental institutions;
- h) the licensing and control of business activity within Misswezahging;
- i) ways to help provide for and ensure the future economic prosperity of Misswezahging;
- j) the protection of human rights;
- k) additional legislative requirements for the passage of any Misswezahging laws beyond the minimal legislative requirements for enacting laws set out in this constitution;
- l) the implementation of the spirit and intent of the *Robinson Huron Treaty of 1850*;
- m) the establishment of any appeal tribunals or courts for the appeal of any laws or government administrative decisions;
- n) rights, freedoms and benefits of citizenship in Misswezahging;
- o) the prohibition of the sale, manufacture, distribution or promotion of narcotics and non-medically prescribed drugs within Misswezahging;
- p) conflict of interest governing elected leadership and for administrative staff;
- q) public and financial accountability;

12. For greater certainty, the Misswezahging's law making powers may only be exercised by the Council of the Misswezahging.
13. Any enactments or amendments relating to Misswezahging land management laws or any decision by MFN Council to enter into any significant agreements on behalf of the citizens of Misswezahging, including self-government agreements, land claim agreements or impact and benefit agreements, taxation agreements or any other agreements that have the potential to significantly infringe or interfere with the exercise of the aboriginal or treaty rights of the Misswezahging must first obtain the approval of the citizens of Misswezahging through a community ratification process.

Delegation of Authority

14. The Misswezahging may delegate any authority in writing to any governmental institution;
 - a) Where authority is delegated to any governmental institution, the governmental institution to which the delegation has been made will be accountable to the Misswezahging government and to its citizens;

Law-Making Process

15. A draft law may be introduced at any meeting of Council:
 - a) By the Chief; and/or
 - b) By a Councillor(s);

However, no draft law may be introduced until three (3) months after a Council has been elected into office;
16. All draft laws shall be presented and read at a minimum of three (3) meetings of Council and discussed at, at least one community meeting;
17. A law shall be considered validly enacted after:
 - a) the draft law has been introduced and read to Council and discussed with the citizens at a community meeting in accordance with section 16 above;

- b) the law has been passed by a majority of Council at a duly convened meeting of Council where a quorum of Council is present and in accordance with its rules and procedures;
- c) the law has been signed by the majority of Council;
- d) An official copy of the law has been registered in the Misswezahging registry of laws; and,

after any other action as may be necessary to carry out the intent of the law has been taken.

Continuing Application of Current Laws

18.

- a) For greater certainty, all laws currently applicable and governing the Misswezahging shall continue in force until displaced by Misswezahging laws.

Citizen's Rights and Freedoms and Application of the *Canadian Charter of Rights and Freedoms*

19. Every citizen of Misswezahging enjoys all of the rights and freedoms guaranteed in the *Canadian Charter of Rights and Freedoms*, including section 25 and have the following additional rights and freedoms:
- a) To practice his or her aboriginal and treaty rights including the right to harvest the gifts of the Creator in a sustainable manner;
 - b) To practice his or her spirituality and religion;
 - c) To learn to speak Anishinabemowin';
 - d) To live in a manner that is in keeping with his or her Aboriginal traditions;
 - e) To participate in the selection of Misswezahging leadership;
 - f) To participate in the public decision-making processes set out in this constitution and Misswezahging law;

- g) To fair and equal access to programs and services, subject to meeting program and service eligibility that may be applicable;
- h) To effective government based on fair treatment and justice for all;
- i) To be equal before and under the laws of Misswezahging, without discrimination;

Reasonable Limits

- 20. This constitution guarantees the rights, freedoms and privileges set out herein and subject only to such reasonable limits that can be demonstrably justified to protect the collective interests of the Misswezahging and which can be justified in a free and democratic society.

Enforcement of Misswezahging Laws

- 21. Misswezahging laws will include enforcement provisions appropriate to the subject matter and the nature of the law.

Amendment Procedure for this Constitution

- 22. This constitution may only be amended in accordance with the ratification process set out below:
 - a) The passing of a Misswezahging Council Resolution proposing the suggested amendment(s) to the constitution;
 - b) Notice of the proposed constitutional amendment shall be posted in prominent places in the community and provided the date of the ratification vote is indicated in the said notice;
 - c) Presenting the proposed constitutional amendment(s) to the Misswezahging citizenship at three (3) duly convened public meetings;
 - d) If, at least 30% of eligible voters participate in a ratification vote and of those who do cast a vote, 51% of them voted in favour of the proposed amendments;

- e) No constitutional amendments may be proposed until two (2) years have lapsed from the date of any other ratification votes to amend the constitution;

Ratification of this Constitution

- 23. This constitution was duly ratified by the voters of Misswezahging in accordance with Misswezahging's community ratification process. (pending)