



*Michipicoten First Nation ~~Constitution~~*  
*CHI-NAAKNIGEWIN (Constitution)*



*August 30., 2016 Amended by Referendum held on XXXX, 2024*

# Michipicoten First Nation Chi-Naaknigewin (Constitution)

## Table of Contents

<b>PREAMBLE</b> .....	3
Ngo Dwe Waangizid Anishinaabe.....	4
Citation.....	5
Interpretation.....	5
Our Fundamental Values and Beliefs .....	5
Supreme Law of the Michipicoten First Nation .....	6
Governing Structures of the Michipicoten First Nation the Gimaa and Council .....	6
Agencies, Boards and Committees .....	6
The Law-Making Powers of the Council .....	6
Michipicoten First Nation Laws Requiring Approval by Eligible Voters of the Michipicoten First Nation .	7
The Council Decisions Requiring Approval by Eligible Voters of the Michipicoten First Nation .....	7
The Law-Making Process.....	8
Power to Establish Any Judicial Institutions.....	<u>98</u>
Financial Accountability of the Michipicoten First Nation .....	<u>99</u>
Rights and Freedoms Guaranteed Shall be Subject to Reasonable Limits .....	9
Concurrent Application of Federal and Provincial Laws.....	9
Relationship with the Anishinabek Nation .....	9
Amendment Procedure for this Michipicoten First Nation Chi-Naaknigewin .....	<u>109</u>

**PREAMBLE**

***WHEREAS***

We the Anishinaabe people of the Michipicoten First Nation have occupied and used our traditional lands for over 7,000 years and have inherent rights over our lands and waters and we have been given the responsibility to care for our lands and waters by the Creator today and for future generations; and,

We are responsible for preserving and protecting our inherent rights, our values, our language and our culture for future generations; and,

We the Anishinaabe people of the Michipicoten First Nation have never ceded, surrendered, or in any way extinguished any of our aboriginal title to our lands and waters and will continue to assert our interests and to continue to exercise our inherent aboriginal and treaty rights over our traditional territory; and,

In 2007, the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* and 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; and,

*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 *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,

Canada in April of 2016 joined other countries in supporting *the Declaration on the Rights of Indigenous Peoples* and in doing so, reaffirmed its commitment to promoting and protecting the rights of Indigenous peoples at home and abroad; and,

By virtue of section 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,

*Therefore*, through this Chi-Naaknigewin, we the people of the Michipicoten First Nation exercise our inherent aboriginal and treaty rights to govern ourselves and exercise our responsibilities that have been gifted to us by the Creator and which are recognized and affirmed in section 35 (1) of the *Constitution Act, 1982*, and which are further affirmed and strengthened in accordance with the United Nations *Declaration on the Rights of Indigenous Peoples* in 2007 in order to, among other things, govern ourselves in a way which is reflective of our Anishinaabe culture and which will ultimately help to improve the quality of life for our people;

**Ngo Dwe Waangizid Anishinaabe**

Debenjiged gii'saan anishinaaben akiing giibi dgwon gaadeni mnidoo waadiziwin.

Shkode, nibi, aki, noodin, giibi dgosdoonan wii naagdowendmang maanpii shkagmigaang.

Debenjiged gii miinaan gechtwaa wendaagog Anishinaaben waa naagdoonjin ninda niizhwaaswi kino maadwinan.

Zaagidwin, Debwewin, Mnaadendmowin, Nbwaakaawin, Dbaadendiziwin, Gwekwaadziwin miinwa Aakedhewin.

Debenjiged kiimiingona dedbinwe wi naagdowendiwin.

Ka mnaadendanaa gaabi zhiwebag miinwaa nango megwaa ezhwebag, miinwa geyaabi waa ni zhiwebag.

**Ngo Dwe Waangizid Anishinaabe - One Anishinaabe Family**

Creator placed the Anishinaabe on the earth along with the gift of spirituality.

Here on mother earth, there were gifts given to the Anishinaabe to look after, fire, water, earth and wind. The Creator also gave the Anishinaabe seven sacred gifts to guide them. They are: Love, Truth, Respect, Wisdom, Humility, Honesty, and Bravery. Creator gave us sovereignty to govern ourselves.

We respect and honour the past, present and future.

## Citation

1.0 Our constitution will be called the "Michipicoten First Nation Chi-Naaknigewin".

## Interpretation

2.0 In this Michipicoten First Nation Chi-Naaknigewin,

a. "Gimaa" (Chief) means the person elected as the Gimaa in accordance with any Michipicoten First Nation election law that may be enacted or amended from time to time in accordance with this Michipicoten First Nation Chi-Naaknigewin;

b. "Citizen" means a member of Michipicoten First Nation according to any Michipicoten First Nation Citizenship Law that may be enacted, as amended; absent a Citizenship Law, Citizen means a person whose name appears on Michipicoten First Nation's "Band List" within the meaning of the Indian Act, RSC, 1985, c.1-5;

b.c. "Council" means, along with the Gimaa, the elected governing body of the Michipicoten First Nation;

d. "Councillor" means a member of Council elected in accordance with any Michipicoten First Nation election law that may be enacted or amended from time to time in accordance with this Michipicoten First Nation Chi-Naaknigewin; and

e.e. "Michipicoten First Nation Law" means a law made by the Michipicoten First Nation in accordance with this Michipicoten First Nation Chi-Naaknigewin;

## Our Fundamental Values and Beliefs

3.0 We honour all our relations and aim to make decisions that enrich us today and for the next seven generations.

3.1 We believe that every Michipicoten First Nation ~~citizen~~ Citizen, and particularly Council members, should strive to:

a. follow the teachings of our Seven Grandfathers and are working towards enhancing our knowledge of traditional governance practices;

b. preserve, protect and promote the betterment of our people and, above all else, our lands, waters, and resources that sustain us;

c. preserve, protect and promote respect for our rights, each other, our values, language, culture, and history;

d. pursue and promote ~~the~~ traditional and modern education ~~of our Michipicoten First Nation citizens;~~

e. promote ~~the~~ spiritual, emotional, mental, and physical well-being ~~of our citizens;~~

- f. promote positive and healthy communications between each other and with our government; and,
- g. carry out any function, activity or responsibility as may be necessary for the betterment of Michipicoten First Nation, as we have expressed ourselves in this Michipicoten First Nation Chi-Naaknigewin.

### **Supreme Law of the Michipicoten First Nation**

- 4.0 This Michipicoten First Nation Chi-Naaknigewin shall be the supreme law of the Michipicoten First Nation and all other laws of the Michipicoten First Nation shall be consistent with this Michipicoten First Nation Chi-Naaknigewin.
- 4.1 If there is an inconsistency or conflict between this Michipicoten First Nation Chi- Naaknigewin and any Michipicoten First Nation Law, this Michipicoten First Nation Chi-Naaknigewin shall prevail to the extent of any conflict or inconsistency.

### **Governing Structures of the Michipicoten First Nation ~~The~~ the Gimaa and Council**

5.0 The Michipicoten First Nation shall be governed by a Gimaa and Council elected in accordance with a Michipicoten First Nation election law and in accordance with this Michipicoten First Nation Chi-Naaknigewin.

5.1 Each representative of the ~~Gimaa and~~ Council must:

- a. ~~be a Citizen of the Michipicoten First Nation;~~
- b. have knowledge of Michipicoten First Nation's history and understanding of the traditional territory; and
- c. have some understanding of Anishinaabemowin.

### **Agencies, Boards and Committees**

5.06.0 The Michipicoten First Nation may establish any committees, boards, advisory councils or agencies ~~it~~ they deems necessary to assist with the effective governance of the Michipicoten First Nation and may delegate any powers and authorities to any committees, boards, advisory councils or agencies, except the power to enact laws, regulations, and by-laws.

### **The ~~Law Making~~ Law-Making Powers of the ~~Michipicoten First Nation~~ Council**

6.07.0 The Michipicoten First Nation has the inherent right given to ~~it~~ them by the Creator to enact any laws ~~it~~ they believes are necessary in order to protect and preserve our Anishinaabe culture, to protect our lands and waters, our language, customs, traditions and practices, and which ultimately help to improve the quality of life for the ~~citizens~~ Citizens of Michipicoten First Nation.

6.17.1 The power of the Michipicoten First Nation to enact any laws in accordance with this Michipicoten First Nation Chi-Naaknigewin shall only be exercised by the ~~Gimaa and~~ Council.

6.27.2 Each law enacted must be demonstrably shown to be for the betterment of the people of the Michipicoten First Nation and in furtherance of the purpose set out in section 8-7.0 above.

~~Michipicoten First Nation Laws and Other Decisions of Gimaa and Council Requiring Approval by Eligible Voters of the Michipicoten First Nation~~

~~For greater certainty, the approval by eligible voters of the Michipicoten First Nation must be obtained prior to Gimaa and Council enacting any of the kinds of laws listed at subsection 12.1 or prior to Gimaa and Council making the kinds of decisions listed at sub-section 12.2.~~

**Michipicoten First Nation Laws Requiring Approval by Eligible Voters of the Michipicoten First Nation**

7.08.0 The following ~~kinds of~~ laws require approval by eligible voters of the Michipicoten First Nation prior to their enactment or replacement:

- a. Laws that set out how the Gimaa and the Councillors are elected, including, among other matters, their composition, qualifications and terms of office;
- b. Laws about the privileges, rights and responsibilities associated with being a ~~citizen~~ Citizen of the Michipicoten First Nation;
- c. Laws that provide for the regulation of land on the Michipicoten First Nation; or
- d. Any other laws that the ~~Gimaa and~~ Council, by unanimous resolution, decides to approve ~~the law~~ through ~~this~~ the approval process;

**The Council Decisions Requiring Approval by Eligible Voters of the Michipicoten First Nation**

8.09.0 Prior to the Michipicoten First Nation executing any final agreement(s), the following decisions of the Council require approval by eligible voters: ~~Michipicoten First Nation Gimaa and Council Decisions Requiring Approval by Eligible Voters of the Michipicoten First Nation~~

- a. Any decision to issue a grant, mortgage, charge, lease, license, easement, or instrument of any kind, that grants any interest in the lands of the Michipicoten First Nation for a term that is twenty-five (25) years or longer to any person who is not a ~~citizen~~ Citizen of the Michipicoten First Nation;
- b. Any decision to renew any of the land related instruments in sub-section 12.2-9.0(a) above if the term of the renewal is for a term of ten (10) years or longer;
- ~~e. Any decision by the Michipicoten First Nation to enter into an agreement with any corporation, government or individual for a term exceeding a ten (10) years that could potentially interfere with or infringe the aboriginal or treaty rights of the Michipicoten First Nation within its traditional territory;~~
- d.c. Any decision to enter into a borrowing agreement of any kind ~~between the Michipicoten First~~

~~Nation and a financial institution or corporation~~ that puts the Michipicoten First Nation in debt excess of five million ~~(\$5,000,000)~~ dollars (\$5,000,000);

~~e.d.~~ Any decision to enter into any kind of land claim settlement agreement; ~~and,~~

~~f.e.~~ Any decision to enter into any self-government agreement with Canada or Ontario; ~~or~~

~~f.~~ Any other decision by ~~Gimaa and the~~ Council, where they determine through a unanimous resolution, that it would be in the best interest of the ~~citizens~~ Citizens of the Michipicoten First Nation to seek the prior approval of the eligible voters of the Michipicoten First Nation prior to ~~making~~ finalizing such a decision.

10.0 Any decision by the Council to enter into an agreement with any corporation, government or individual for a term exceeding ten (10) years that infringes upon the aboriginal or treaty rights of the Michipicoten First Nation and its Citizens within its traditional territory shall require approval by those land users who are directly impacted.

~~9.0~~

## The Law-Making Process

~~10.0~~11.0 A draft law may be introduced at any meeting of ~~Gimaa and the~~ Council by:

- a. the Gimaa; or
- b. a Councillor(s); or
- c. by ~~citizens~~ Citizens of the Michipicoten First Nation who have submitted a written petition with the names of at least twenty-five (25%) percent of all eligible voters;

~~10.1~~11.1 No draft law may be introduced until three (3) months after a Council has been elected into office;

~~10.2~~11.2 All draft laws shall be presented and read at a minimum of three (3) meetings of ~~Gimaa and the~~ Council and which shall be open to the ~~citizens~~ Citizens of the Michipicoten First Nation to attend. In addition, any draft laws must be presented at, at least one community meeting;

~~10.3~~11.3 A law shall be considered validly enacted after:

- a. it has met the requirements of sub-section ~~13~~11.2 above;
- b. it has been approved by the eligible voters, ~~if as~~ required by subsection ~~12-18~~18.0;
- c. it has been passed by a majority of Council in accordance with its rules and procedures; ~~and~~
- d. an official copy of the law has been registered in the Michipicoten First Nation registry of laws; ~~and,~~

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

### **Power to Establish Any Judicial Institutions**

~~11.0~~12.0 The Michipicoten First Nation may establish any traditional or restorative justice processes, tribunals, panels, services, or courts it deems necessary to provide for the effective administration and enforcement of its laws and regulations and to provide mechanisms for the appeal of any of its decisions.

~~11.1~~12.1 The Michipicoten First Nation may establish any rules and procedures for the effective operation and management of any of the judicial institutions set out in subsection ~~14~~12.0 above.

### **Financial Accountability of the Michipicoten First Nation**

~~12.0~~13.0 The Michipicoten First Nation ~~Gimaa and~~ Council shall hold at least one community meeting during before the month of April of each year to allow its ~~citizens~~ Citizens to review the draft budget of the Michipicoten First Nation for ~~that the upcoming~~ fiscal year.

~~12.1~~13.1 The Michipicoten First Nation ~~Gimaa and~~ Council shall table and pass a draft budget each year no later than thirty (30) days after the community meeting is held in accordance with ~~15~~13.0 above.

~~12.2~~13.2 The Michipicoten First Nation ~~Gimaa and~~ Council shall hold at least one community meeting to present and review the audited financial statements of the Michipicoten First Nation each fiscal year.

### **~~Application of the Canadian Charter of Rights and Freedoms~~**

~~Every citizen of the Michipicoten First Nation shall be entitled to enjoy all of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms;~~

### **~~All~~ Rights and Freedoms Guaranteed Shall be Subject to Reasonable Limits**

~~13.0~~14.0 ~~The Michipicoten First Nation prioritizes its own laws, values and beliefs above all else.~~ This Michipicoten First Nation Chi-Naaknigewin guarantees the rights and freedoms set out herein subject only to such reasonable limits that are set out in Michipicoten First Nation law and which can be demonstrably justified to protect the collective interests of the Michipicoten First Nation.

### **Concurrent Application of Federal and Provincial Laws**

~~14.0~~15.0 For greater certainty, all federal and provincial laws shall operate concurrently and shall continue in force until displaced by the re-engagement of Michipicoten First Nation laws.

### **Relationship with the Anishinabek Nation ~~Grand Council~~**

~~15.0~~16.0 Michipicoten First Nation is a member of the Anishinabek Nation ~~Grand Council~~.

~~15.1~~16.1 If there is any conflict between this Michipicoten First Nation Chi-Naaknigewin and the Anishinabek Nation Chi-Naaknigewin, this Michipicoten First Nation Chi-Naaknigewin shall prevail to the extent of the conflict.

### **Amendment Procedure for this Michipicoten First Nation Chi-Naaknigewin**

~~16.0~~17.0 An amendment to this Michipicoten First Nation Chi-Naaknigewin may be made by:

- a. ~~Gimaa and~~The Council passing a resolution proposing an amendment; or,
- b. the presentation to ~~Gimaa and~~the Council of a written petition proposing an amendment signed by at least twenty-five (25%) of the eligible voters at the time of the petition.

~~16.1~~17.1 Upon receipt of the written request or passage of the resolution identified in section ~~20~~17.0 (a) or (b) the Gimaa and Council shall ensure draft amendments are developed for a referendum on the proposed Michipicoten First Nation Chi- Naaknigewin amendment.

~~16.2~~17.2 Prior to conducting a referendum on the proposed Michipicoten First Nation Chi-Naaknigewin amendment, the Gimaa and Council shall ensure there is a community consultation meeting on the proposed amendment within ninety (90) days after the receipt of the written request or passage of the resolution identified in section ~~20~~17.0.

~~16.3~~17.3 The Gimaa and Council will consider any input from the community consultation meeting(s) and then determine whether to proceed with the proposed draft amendment or change the wording of the proposed amendment based on the input received.

~~16.4~~17.4 The Gimaa and Council must, by resolution at least ~~thirty-sixty~~ (~~3060~~) business days prior to the referendum:

- a. set a date for the referendum;
- b. appoint the Electoral Officer to conduct the referendum; and
- c. send notices of the referendum to the Eligible Voters.

~~16.5~~17.5 The referendum must occur within ~~thirty-sixty~~ (~~3060~~) days of the end of the community consultation period.

~~16.6~~17.6 At least 25% of all eligible voters must participate in any referendum to approve and amend this Michipicoten First Nation Chi-Naaknigewin to be valid.

~~16.7~~17.7 If at least ~~60~~50+1% of the 25% of eligible voters vote in favor of the proposed amendment, the Michipicoten First Nation Chi-Naaknigewin shall be amended accordingly.

~~16.8~~17.8 All amendments to this Michipicoten First Nation Chi-Naaknigewin must be published and available to the Citizens~~by the Gimaa and Council~~.

## PLAIN LANGUAGE SUMMARY OF THE MICHIPICOTEN FIRST NATION CHI-NAAKNIGEWIN

### **Preamble Provisions**

The Michipicoten First Nation Chi-Naaknigewin includes words in the preamble that talk about the historical use and occupation of their traditional lands for over 7,000 years and that they have inherent rights over these lands and waters.

The references to the UN *Declaration on the Rights of Indigenous Peoples* and *Articles 3 & 4* recognizes that indigenous peoples have the right to self-determination, and that the right of self-determination and the first step in recognizing this right, includes the right to have their own constitution;

Section 35 (1) of the Constitution Act, 1982, also recognizes existing aboriginal and treaty rights and these rights also include the right to have your own constitution and Canada signed onto UNDRIP in 2016;

### **The "Ngo Dwe Waangizid Anishinaabe" - One Anishinaabe Family**

The inclusion of this section recognizes that in all of our interaction with each other and with all living things on Earth, we were given gifts and rules to abide by and they are: Love, Truth, Respect, Wisdom, Humility, Honesty, and Bravery.

### **Our Fundamental Values and Beliefs**

Every Michipicoten First Nation citizen is expected to follow the Seven Grandfather teachings, promote the betterment of our people, our lands, waters and resources, promoting our rights, language, culture and history; As well, to promote the education of our citizens and our well-being and to promote positive healthy communications between each other and with our government;

### **Supreme Law of the Michipicoten First Nation**

The Michipicoten First Nation Chi-Naaknigewin is the highest law and all other laws passed by MFN must be consistent with the Michipicoten First Nation Chi-Naaknigewin.

### **Governing Structures of the Michipicoten First Nation**

MFN shall be governed by a Gimaa (Chief) and Council elected in accordance with a Michipicoten First Nation election law and every representative of the Gimaa and Council has to be a citizen of the Michipicoten First Nation. MFN could also set up ~~any~~ advisory councils or committees to help if needed.

### **The ~~Law Making~~ Law-Making Powers of the Michipicoten First Nation**

MFN can enact any laws it feels are needed to protect and preserve its Anishinaabe culture, to protect its lands and waters, language, customs, traditions and practices, and which might ultimately help to improve the quality of life for the people.

## How Laws Can Be Passed

Laws can be introduced at a Chief and Council by either the Chief, Councillors or ~~band members~~Citizens who have a petition signed by at least 25% of the voter's names on it; ~~The d~~Draft laws have to be read and talked about at three council meetings open to the people and there has to be at least one community meeting as well. Some laws, like election and citizenship laws, require a referendum by the people first to pass. There are also big a selection of decisions made by Council that have to be approved by the people first in a referendum like, land claim agreements, self-government agreements or Impact impact and Benefit benefit Agreements agreements.

## Power to Set Up Judicial Institutions

MFN can set establish any traditional or restorative justice processes, ~~tribunals, or courts it needs~~ to enforce its laws and regulations, including or processes to appeal any decisions it makes.

## Financial Accountability of the Michipicoten First Nation

MFN Gimaa and Council must have at least one community meeting ~~in~~before April of each year to review its the draft annual budget with its ~~citizens~~Citizens. It also must hold a separate meeting to review the audit.

## ~~The Canadian Charter of Rights and Freedoms~~

~~The Canadian Charter of Rights and Freedoms will continue to apply as it does now.~~

## Rights and Freedoms Guaranteed ~~Shall be Subject to Reasonable Limits~~

MFN prioritizes its laws, values and beliefs but ~~The the~~ rights and freedoms set out in the Michipicoten First Nation Chi-Naaknigewin are subject to such reasonable limits ~~and,~~ which can be demonstrably justified to protect the collective interests of the Michipicoten First Nation.

## Concurrent Application of Federal and Provincial Laws

Federal and provincial laws will continue to operate ~~as they do now~~ until displaced replaced by Michipicoten First Nation laws.

## Relationship with the Anishinabek Nation Grand Council

Michipicoten First Nation will continue to be a member of the Anishinabek Nation ~~Grand Council~~ if there are any conflicts between this Chi-Naaknigewin and the Anishinabek Nation Chi-Naaknigewin, this Chi-Naaknigewin shall prevail to the extent of any conflicts.

## How This Chi-Naaknigewin Can Be Amended

This Chi-Naaknigewin can be amended by Council passing a resolution proposing an amendment or by a written petition signed by at least twenty-five (25%) of the eligible voters which proposes an amendment and then having a referendum on the proposed amendment at least 25% of all eligible voters have to take part and at least ~~60~~50+1% of the 25% of eligible voters must vote in favor of the proposed amendment.