



Sheshegwaning First Nation
Kchi-Naaknigewin
(Constitution)



August 27, 2016

Preamble

1. We are the people of Sheshegwaning, of the Odawa Nation of Anishinaabek, who have been here since time immemorial, placed upon this continent by the Creator along with the gifts of our language and spirituality, and religion, and the gifts of the Earth, Water, Air, and Fire. We have a sacred responsibility for the use and maintenance of these gifts and the gifts the land provides and to live in harmony with the land and with each other, for our children and future generations. By this document, we do hereby proclaim our sovereign right to govern in our territory, and by that right, do hereby establish and enact our Sheshegwaning First Nation Kchi-Naaknigewin (Constitution).

Title

2. This document shall be cited as the Kchi-Naaknigewin (Constitution).

Definitions

3. In this Kchi-Naaknigewin (Constitution):
 - a. **“Edbendaagzijig”** (Edbendaagozid – singular) means “those who belong” and refers to the people of Sheshegwaning;
 - b. **“Egiigdajig”** (Council) means the executive decision making body made up of Gimaa (Chief) and Councillors of the Sheshegwaning First Nation in accordance with the Sheshegwaning Kchi-Naaknigewin and First Nation Laws;
 - c. **“Eligible Voter”** means an Edbendaagozid of the Sheshegwaning First Nation who qualifies as an “Eligible Voter” as defined in Sheshegwaning Election Regulations and Laws;
 - d. **“Endaajig”** (Endaat – singular) means those who live on the Sheshegwaning First Nation but are not Edbendaagzijig;
 - e. **“First Nation”** means the sovereign entity, territory, and Edbendaagzijig of Sheshegwaning collectively;
 - f. **“First Nation Laws”** means any law made by the Sheshegwaning First Nation in accordance with the Kchi-Naaknigewin;
 - g. **“Gimaa”** (Chief) means the person elected as the Chief in accordance with the Sheshegwaning Kchi Naaknigewin and its laws;
 - h. **“First Nation Government”** means the Egiigdajig (Council) and the First Nation administration staff;
 - i. **“Kchi-Naaknigewin”** means the constitution of Sheshegwaning First Nation;
 - j. **“Kina-Debendmaang”** means everything that we own, including but not limited to territory, air, water, culture, language, natural resources and assets; and
 - k. **“Public Institution”** and **“Legal Entity”** means a board, commission, tribunal, or committee established by the Sheshegwaning First Nation Egiigdajig (Council) to exercise certain delegated responsibility of the Sheshegwaning First Nation.

Language and Culture

4. The official languages of the First Nation are Nishnaabemwin (our language) and English.
5. The Egiigdajig (Council) must respect and encourage the use of the Nishnaabemwin (our language) and the Anishinaabe cultural beliefs and way of life.

Purpose

6. The purpose of the Sheshegwaning First Nation Kchi-Naaknigewin (Constitution) is to set forth:
 - a. the fundamental principles, rules and structures by which Sheshegwaning First Nation will exercise its authority to govern and make laws;
 - b. the relationship between the First Nation Government and Edbendaagzijig;
 - c. the civil and political rights of Edbendaagzijig;
 - d. the accountability of leadership to its Edbendaagzijig; and
 - e. our responsibility to future generations regarding Kina-Debendmaang.

SHESHEGWANING FIRST NATION VALUES AND BELIEFS

7. The Sheshegwaning Edbendaagzijig place high value and believe that:
 - a. each Edbendaagozid is important and has rights of well-being;
 - b. effective and efficient government is based on fair and equitable treatment and justice for all Edbendaagzijig;
 - c. protecting the rights to use and manage Kina-Debendmaang in a sustainable manner is important and is our obligation; and
 - d. we have an obligation to ensure the continuity of our culture, traditions and Nishnaabemwin (our language).

Supreme Law

8. The Kchi-Naaknigewin is the Supreme Law of Sheshegwaning First Nation. All Sheshegwaning First Nation Laws and Regulations shall be consistent with Kchi-Naaknigewin.
9. In the event of a conflict or inconsistency between the Kchi-Naaknigewin and any other law or regulation, the Kchi-Naaknigewin will prevail to the extent of the conflict.

EDBENDAAGZIJIG RIGHTS AND FREEDOMS

10. The Kchi-Naaknigewin recognizes that Edbendaagzijig have the Rights and Freedoms:
 - a. to participate in the selection of First Nation leadership;
 - b. to effective and efficient governance based on equal and fair treatment and justice;
 - c. to transparency and accountability from their First Nation Government;
 - d. to access documents in relation to public and financial accountability;
 - e. to privacy of personal information;
 - f. to regular and open meetings in accordance with Gimaa (Chief) and Council policy;

- g. to practice his or her inherent rights;
- h. to practice his or her culture, traditions and own religion or spiritual way of life;
- i. to fair and equal access to community programs and services without prejudice;
- j. to a safe and healthy community;

Inherent Rights

11. Sheshegwaning Edbendaagzijig have the inherent right to govern and make laws in relation to Kina-Debendmaang.

Review and Appeal of Administrative Decisions:

12. The First Nation Government must provide appropriate procedures for the appeal or the review of administrative decisions of First Nation Government and its Public Institutions.

Reasonable Limits

13. The Kchi-Naaknigewin guarantees the rights and freedoms set out in this Kchi-Naaknigewin (Constitution) subject only to such reasonable limits as can be demonstrably justified to protect the collective interests of Sheshegwaning First Nation and justified in a free and democratic First Nation.

Structure of Government

Governing Principles of Sheshegwaning First Nation:

14. Sheshegwaning Edbendaagzijig hereby establishes a government known as the Sheshegwaning First Nation Government.
15. Sheshegwaning Edbendaagzijig hereby vest our inherent authority and jurisdiction onto the Egiigdajig (Council).
16. The elected council at the time of coming into force of this Kchi-Naaknigewin will be the first Egiigdajig (Council) of Sheshegwaning First Nation under Kchi-Naaknigewin.

Composition of Government:

17. The Egiigdajig (Council) will establish a law or code for the election and composition of Egiigdajig (Council) for approval by the Eligible Voters.
18. Egiigdajig (Council) is the elected body of government in accordance with Sheshegwaning First Nation Election Code or Law.
19. The Egiigdajig (Council) will establish rules of conduct and procedures for Egiigdajig (Council) that are consistent with the Kchi-Naaknigewin.

Conduct of Individuals Elected to Office and Others:

20. Each elected candidate will affirm the Oath of Office at the first public meeting of Egiigdajig (Council).
21. Each elected candidate of the Egiigdajig (Council) must comply with the First Nation Laws and policies of Sheshegwaning First Nation.

Conflict of Interest

20. The First Nation Government must maintain written conflict of interest rules for its elected and appointed officials.

SHESHEGWANING FIRST NATION LAW-MAKING

Power to Enact Laws:

21. Egiigdajig (Council) has the power and authority to enact laws in accordance with the Kchi-Naaknigewin and as it deems in the interests of Edbendaagzijig and Kina-Debendmaang.

Law Making Process

22. A draft law may be introduced at a regular meeting of the Egiigdajig (Council):
 - a. by the Gimaa (Chief);
 - b. by a Councillor;
 - c. by a petition signed by 50 or more Eligible Voters who support the proposed draft law; or,
 - d. by a duly formed and recognized Public Institution.
23. A draft law shall be enacted through the law-making process set out below:
 - a. the law is introduced and considered by the Egiigdajig (Council) in accordance with its rules;
 - b. the law has been passed by at least a simple majority of the Egiigdajig (Council) who vote on proposed law to vote in favour of the law; and,
 - c. the law has been signed by Egiigdajig (Council) , in accordance with its rules.
24. The Egiigdajig (Council) will establish rules to allow Edbendaagzijig participation and consultation in its law-making process.
25. The Egiigdajig (Council) shall establish rules regarding the process and timelines for the enactment, coming into force, and publication of the First Nation laws.
26. The Egiigdajig (Council) will establish procedures for appealing or challenging the validity or application of a First Nation law.

Registration of Laws:

27. A copy of a Sheshegwaning First Nation Law shall be deposited at the Sheshegwaning Administration Office and the official copy shall be signed by the Gimaa (Chief) or Executive Director of the First Nation Government and such shall be deemed as conclusive evidence of the provisions of that law.

Delegation of Jurisdiction and Authority to First Nation Institutions

28. The Egiigdajig (Council) may delegate its jurisdiction or authority or any part thereof, in writing, to a legal entity located in a manner consistent with the First Nation Laws.
29. Where jurisdiction or authority, or part thereof, is delegated pursuant to the First Nation Laws, the Egiigdajig (Council) will ensure in writing that the legal entity to which the delegation has been made will be accountable to the First Nation for the jurisdiction or authority which has been delegated to it.
30. The Egiigdajig (Council) will remain accountable to its Edbendaagzijig for the exercise of the jurisdiction or authority it delegates to any and all legal entities.
31. Where jurisdiction, or part thereof, is delegated pursuant to First Nation Laws, the Egiigdajig (Council) will ensure that the jurisdiction it delegates is not sub-delegated.
32. The Egiigdajig (Council) will ensure, in writing, that the legal entity to which a delegation of jurisdiction or authority from the First Nation has been made, may not, sub-delegate that jurisdiction or authority without the written consent of the majority of the Egiigdajig (Council) .

FINANCIAL ADMINISTRATION

Principles of Financial Administration

33. The Edbendaagzijig expects the financial management and administration of the First Nation to:
 - a) be prudent, open, and accountable; and,
 - b) provide for effective and efficient use of the financial resources of the First Nation.

Control of Financial Administration

34. The Edbendaagzijig have the right to access information on matters dealing with the financial management and administration of all the First Nation Government's services and programs, excluding information related to personnel matters and any other confidential personal information.
35. The Egiigdajig (Council) and the First Nation administration shall abide by the First Nation Laws and policies governing financial management, accountability and access to information.

Control of Financial Administration

36. The Egiigdajig (Council) shall make laws to establish a system of financial administration, through which the Egiigdajig (Council) will be financially accountable to Edbendaagzijig, and that includes standards comparable to those generally accepted for governments in Canada.

AMENDMENTS


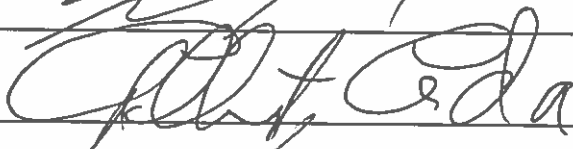
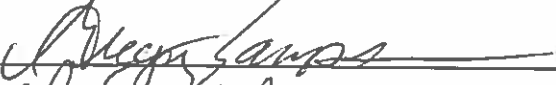
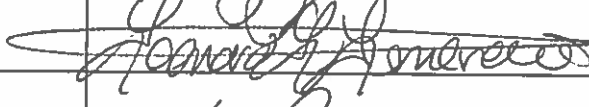
37. The process for development and passage of amendments to this Kchi-Naaknigewin (Constitution) may be initiated by:
 - i Egiigdajig (Council); or
 - ii a petition presented to Egiigdajig (Council) by at least 50 Eligible Voters, setting out the specific area in this Kchi-Naaknigewin (Constitution) requested to be amended;
38. Upon receipt of a petition or upon its own initiative, Egiigdajig (Council) shall draft the proposed amendments to this Kchi-Naaknigewin (Constitution).
39. Upon completion of the proposed amendments to this Kchi-Naaknigewin (Constitution), Egiigdajig (Council) shall schedule a special membership meeting for the purpose of considering the proposed amendments and shall provide notice to Edbendaagzijig.
40. The notice of the special membership meeting required under section 39 shall be provided to the Edbendaagzijig at least 30 days before the meeting and shall include:
 - i. the date, time and place of the special meeting;
 - ii. a summary of the proposed amendments to this Kchi-Naaknigewin (Constitution)
 - iii. notification that the full copy of the proposed amendments to this Kchi-Naaknigewin (Constitution) and this Kchi-Naaknigewin (Constitution) can be obtained at the Sheshegwaning First Nation office.
41. Notice shall be provided to the by:
 - a. publication of the notice to the Sheshegwaning newsletter, delivered or mailed to all Eligible Voters or by separate notice delivered or mailed to Eligible Voters; and
 - b. posting of the notice in the Sheshegwaning administration building and such other places as Egiigdajig (Council) may direct.
42. At the special membership meeting copies of the proposed amendments to this Kchi-Naaknigewin (Constitution) and this constitution shall be made available to all Edbendaagzijig in attendance.
43. At the special membership meeting, the purpose and provisions of the proposed amendments shall be explained by Egiigdajig (Council) and Edbendaagzijig shall be entitled to ask questions and provide comments concerning the proposed amendments.
44. After the special membership meeting held to consider the proposed amendments to this Kchi-Naaknigewin (Constitution), Egiigdajig (Council) shall, within 60 days of the date of the special membership meeting, prepare a final draft of the proposed amendments, taking into consideration the comments and opinions received from Edbendaagzijig, the needs of the community and other relevant matters.
45. The final draft of the proposed amendments to this Kchi-Naaknigewin (Constitution) shall be presented for consideration in a referendum vote conducted in accordance with the First Nation Laws.
46. Amendments to this Kchi-Naaknigewin (Constitution) shall only be valid if passed by referendum vote of a minimum of 51% of the Eligible Voters that participated in the referendum vote.

Enactment Clause

47. Ratified by the Edbendaagzjig of the Sheshegwaning First Nation this day 27 in the month of August in the year 2016.

Signed into Law on behalf of the Sheshegwaning First Nation. This 17th day of the month of Jan in the year of 2017.

Egiigdajig (Council) Signatures

Gimaa (Chief)	
Councillor	
Councillor	
Councillor	
Councillor	