



# ***SHEHEGWANING FIRST NATION***

## **Aki Naaknigewin (An Act to Affirm Force of Law For Sheshegwaning Land Code)**

**Draft for Phase III – Enactment**

**Introduced By: Chief Dean Roy**

**Date: March 11, 2019**

**Approved for Phase II by Motion # 18-19-173**

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## **PREAMBLE**

**WHEREAS**, the people of Sheshegwaning First Nation have been here since time immemorial and have rights, title and jurisdiction over our lands given by Creator which have never been ceded, and therefore an inherent right to govern and make laws in our territories;

**AND WHEREAS**, Sheshegwaning First Nation has enacted and signed into law its Kchi-Naaknigewin (Constitution) on January 17, 2017;

**AND WHEREAS**, Sheshegwaning First Nation has enacted and signed into law the Sheshegwaning Legislative Enactment Regulation on March 26, 2018;

**AND WHEREAS**, Sheshegwaning First Nation has signed onto the Schedule of those First Nations who have opted in to the First Nations Land Management Act (FNLMA), and has undertaken to develop a Land Code under the FNLMA;

**AND WHEREAS**, The *Community Approval and Certification* provisions of the FNLMA are not consistent with Sheshegwaning Legislative Enactment Regulation;

**AND WHEREAS**, The *Coming into Force of Land Code* provisions of the FNLMA are not consistent with Sheshegwaning Legislative Enactment Regulation;

**AND WHEREAS**, The FNLMA makes assertions on rights, title, and jurisdiction, which are not consistent with Sheshegwaning Kchi-Naaknigewin (Constitution);

**AND WHEREAS**, Sheshegwaning First Nation recognizes still, the importance and need for a Sheshegwaning Land Code under the FNLMA;

**AND WHEREAS**, an Act to affirm Force of Law is required, in order to adopt provisions of any Land Code enacted under the FNLMA;

**THEREFORE BE IT RESOLVED**, that Sheshegwaning First Nation enacts this Aki Naaknigewin.

## **PURPOSE**

The purpose of this Law is to affirm Force of Law of a Sheshegwaning Land Code enacted under the First Nations Land Management Act (FNLMA)

### **Section 1 Title**

This Law may be referred to as the “Aki Naaknigewin”.

## **Section 2 Definitions**

### **2.1** In this Law:

**“Sheshegwaning Lands”** means the lands, resources and waters over which the Chief and Council of Sheshegwaning has jurisdiction, and for greater certainty includes:

- a) Any lands held in trust for Sheshegwaning First Nation and its citizens;
- b) Any future additions to Sheshegwaning Lands; and
- c) Any submerged lands, islands, rivers, marshes, waterways, lakebeds, riverbeds, and weed beds in, under and adjacent to Sheshegwaning Lands that are part of Sheshegwaning by operation of law;

**“Sheshegwaning Law”** means a law or code enacted by Sheshegwaning First Nation;

**“Council”** means the duly elected Chief and Council of Sheshegwaning First Nation;

**“Jurisdiction”** means having authority to govern, and to make and enforce laws within the territory of Sheshegwaning;

**“Regulation”** means the guidelines made by Resolution for the purpose of setting out procedures and administrative matters for this Law;

**“Force of Law”** means that, subject to limitations, Sheshegwaning First Nation formally adopts the provisions of a law, code or regulation that has not been enacted in accordance with Sheshegwaning Legislative Enactment Regulation, as though it were;

**“FNLMA”** means the First Nations Land Management Act;

**“Land Code”** means a land code developed pursuant to the First Nations Land Management Act;

**“Canada”** means Her Majesty the Queen in Right of Canada, her predecessors and successors, the Government of Canada, or any successor government;

**“Sheshegwaning”** where used without “First Nation” is synonymous with “Sheshegwaning First Nation”.

## **Section 3 Principles and Values**

**3.1 Principles** – We have rights, title and Jurisdiction over Sheshegwaning Lands given to us by Creator and embodied in Kchi-Naaknigewin, and these are not derived by any grant of Her Majesty The Queen in Right of Canada, her predecessors or successors, the Indian Act, the FNLMA or any other Act of the Government of Canada.

**3.2 Values** – We have a sacred responsibility for the use and maintenance of the land and resources, and to do so responsibly and sustainably. We have the responsibility of conservation for our children and future generations. We believe that the plants, the animals, the air, the water and the earth itself have rights, and we will show respect and observe Nishnaabe protocols and natural laws when undertaking any development.

## **Section 4 General Provisions**

### **4.1 Interpretation:**

- a) words in singular include the plural, and words in the plural include the singular;
- b) unless otherwise clear from the context, whenever “he” is used, it will include “she” and the use of “she” includes “he”;
- c) if a word or expression is defined, other parts of speech and grammatical forms of the same word or expressions have corresponding meanings;
- d) the expression “shall” is to be understood as mandatory and the expression “may” is to be understood as optional;
- e) unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but not limited to”;
- f) a reference to a Sheshegwaning Law, Charter or Regulation includes any amendment, replacement or successor of that Sheshegwaning Law, Charter or Regulation;
- g) a “person”, in addition to a natural person, includes a corporation, partnership, agency, government or any agent, employee, successor or legal representative of such person to whom the context can apply according to law;
- h) a reference to a Sheshegwaning court, board, commission, body, or tribunal in this Law includes any successor body established by Sheshegwaning Law or Resolution carrying out all or some of the functions.

### **4.2 Calculation of Time –** When calculating the number of days for the purposes of establishing a deadline, the following guidelines shall be used:

- a) unless otherwise provided, Saturdays, Sundays, federal holidays, provincial holidays, Council declared holidays or the day of an event are not included in the calculation of number of days for completing an act or meeting a deadline;
- b) if the Administration office is closed on a day when a time limit expires, the act may be done on the next day that the office is open; and
- c) if there is no deadline identified, and unless otherwise provided in an Sheshegwaning Law or Regulation, the deadline for completion of acts is ten (10) days.

## **Section 5 Limitations**

- 5.1** Any provision in a Sheshegwaning Land Code, the FNLMA, or any other law, the effect of which is to convey rights, title, and Jurisdiction over Sheshegwaning Lands as granted by Canada through legislation or any other means, is void;
- 5.2** For greater certainty, notwithstanding such provisions described in subsection 5.1, Sheshegwaning has had rights, title, and Jurisdiction granted by Creator since time immemorial, and now embodied in Sheshegwaning Kchi-Naaknigewin.
- 5.3** A Sheshegwaning Land Code under the FNLMA is of no force, except as provided in subsection 6.1.

**Section 6 Force of Law**

6.1 Subject to the limitations in Section 5, where a Sheshegwaning Land Code has been ratified in accordance with the *Community Approval and Certification* provisions of the FNLMA and has been enacted in accordance with the *Coming into Force of Land Code* provisions of the FNLMA, the Sheshegwaning Land Code is affirmed to have the Force of Law on the date that it has been so enacted;

**Section 7 Repeal and Amendment**

7.1 Repeal or amendments of this Law, or a Sheshegwaning Land Code having Force of Law under subsection 6.1, must be in accordance with the Sheshegwaning Legislative Enactment Regulation.

**Section 8 Enactment and Coming Into Force**

8.1 Signed into Law on behalf of the Sheshegwaning First Nation, this \_\_\_\_\_ day of \_\_\_\_\_ the month of \_\_\_\_\_ in the year of \_\_\_\_\_ .

Egiigdjajig (Council) Signatures

Gimaa (Chief)	
Councillor	
Councillor	
Councillor	
Councillor	

8.2 **Coming into force** – This Law shall be in force on the \_\_\_\_\_ day of \_\_\_\_\_ the month of \_\_\_\_\_ in the year of \_\_\_\_\_ .