

*Shawwah naseway*

# Wiiwkwedong Miinwaa Aazhoodenong

*Annemutkame*



*Annemutkame*



*Jay Kawman*



## CONSTITUTION

*Sousy...*

Niigaanziwin

Naaknigewin

*Quoykigom*



*Alceemopemusautam*



*Shawganush*



, 20



**CONSTITUTION**

**“NIIGAANZIWIN”  
(THE WAY THINGS ARE GOING TO BE DONE)**

**OF THE  
ANISHNAABEG OF  
KETTLE & STONY POINT  
FIRST NATION**

**WIIWKWEDONG MIINWAA AAZHOODENONG**

**RATIFIED BY COMMUNITY VOTE ON:**

\_\_\_\_\_, 20\_\_\_\_

**CONSTITUTION OF THE**  
**ANISHNAABEG OF**  
**KETTLE & STONY POINT FIRST NATION**

**TABLE OF CONTENTS**

Certificate of Results of Ratification Vote .....	i
<i>Ngo Dwe Waangizid Anishinaabe</i>	
One Anishinaabe Family .....	1
Preamble .....	2
Community Vision Statement.....	2
Values .....	2
Definitions .....	4
<u>Part I:</u>	
Anishnaabeg of Kettle & Stony Point First Nation Members’ Rights and Freedoms and Responsibilities of Members and Residents.....	6
<u>Part II:</u>	
The Government of the Anishnaabeg of Kettle & Stony Point First Nation.....	8
<u>Part III:</u>	
Enforcement and Adjudication of Anishnaabeg of Kettle & Stony Point First Nation Laws .....	11
<u>Part IV:</u>	
Constitutional Amendment Procedure.....	11

**CERTIFICATE OF RESULTS OF RATIFICATION VOTE**

Pursuant to a community ratification vote held on \_\_\_\_\_, 20\_\_\_\_, this Constitution of the Anishnaabeg of Kettle & Stony Point First Nation was submitted to the qualified electors of the Anishnaabeg of Kettle & Stony Point First Nation and was ratified by the qualified electors on \_\_\_\_\_, 20\_\_\_\_ by a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, and in which at least twenty-five (25%) of the qualified electors participated in the ratification vote.

\_\_\_\_\_  
Ratification Officer

\_\_\_\_\_  
Ratification Officer

## **Ngo Dwe Waangizid Anishinaabe**

### *One Anishinaabe Family*

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

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

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

*Here on mother earth, there were gifts given to the Anishinaabe to look after, fire, water, earth and wind.*

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

*The Creator also gave the Anishinaabe seven sacred gifts to guide them. They are:*

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

*Love, Truth, Respect, Wisdom, Humility, Honesty and Bravery.*

**Debenjiged kiimiingona dedbinwe wi naagdowendiwin.**

*Creator gave us sovereignty to govern ourselves.*

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

*We respect and honour the past, present and future.*

## PREAMBLE

**Whereas** the Anishnaabeg of Kettle & Stony Point First Nation is an Ojibway Nation traditionally of the Three Fires Confederacy known as the Wiiwkwedong Miinwaa Aazhoodenong and includes people of Potawatomi and Shawnee descent;

**Whereas** the Anishnaabeg of Kettle & Stony Point First Nation have never ceded, surrendered, or in any way relinquished aboriginal title to their lands and waters and will continue to assert their interests and exercise their aboriginal and treaty rights over their traditional territory;

**Whereas** the Anishnaabeg of Kettle & Stony Point First Nation is a member of the Anishinabek Nation and recognizes and supports the Anishinabek Nation Chi-Naaknigewin;

**Therefore**, as an exercise of the inherent powers given to us by the Creator, and in order to organize for the common good of the Anishnaabeg of Kettle & Stony Point First Nation and to govern ourselves under our own laws, to maintain and protect our Anishinaabe culture, our language, our children, and provide for the prosperity of our people, and to protect our traditional territory, we the Anishnaabeg of Kettle & Stony Point First Nation hereby adopt this constitution.

## COMMUNITY VISION STATEMENT

Our Constitution is founded in the Vision defined by the community as *“A foundation for community governance which protects our language and the teachings of our ancestors; guides the social, economic, political and community development of the Nation and its Territory; and protects the rights of individual members.”*

## VALUES

The members, residents and Leadership of the *Anishnaabeg of Kettle & Stony Point First Nation* will govern themselves and be guided by the practical values of love, truth, respect, wisdom, humility, honesty and bravery.

This Constitution shall be the Supreme Law (Bimaadisiwin) of the Anishnaabeg of Kettle & Stony Point First Nation and any law by the Chief and Council of the Anishnaabeg of Kettle & Stony Point First Nation enacted under the powers set out at section 2.2.1 herein that are inconsistent with this Constitution, are to the extent of any inconsistency, of no legal force or effect.

## DEFINITIONS

In this Constitution:

“Aazhoodenong” is the Ojibway word for the lands that the Indian Act defines as “Indian Reserve #43”;

“Aboriginal title” is a common law interest in aboriginal lands that has been recognized by courts in Canada;

“Anishnaabeg” is an Ojibway word meaning, “first people”;

“Council” means the elected governing body established for the Anishnaabeg of Kettle & Stony Point First Nation in accordance with this Constitution;

“Elector” means a qualified elector as defined in the Anishnaabeg of Kettle & Stony Point First Nation’s Election law and who is at least eighteen (18) years of age;

“Ogimaa” means the “Chief” of the Anishnaabeg of Kettle & Stony Point First Nation elected in accordance with the Anishnaabeg of Kettle & Stony Point First Nation Election law;

“Law” means any law, legislative act, regulation, code, or by law, or any amendments, enacted by the Anishnaabeg of Kettle & Stony Point Chief & Council in accordance with this Constitution.

“Member” means a person defined in a membership law of the Anishnaabeg of Kettle & Stony Point First Nation, understanding that no person who was on the membership list of the Kettle & Stony Point First Nation as of the date this Constitution was ratified shall be excluded from membership by any definition of Member in any membership law of the Anishnaabeg of Kettle & Stony Point First Nation;

“Miinwaa” is an Ojibway word meaning “and”;

“Natural Resources” means all wildlife, fish, plants, any material on, under or above the land in their natural state (collectively known in Ojibway as “Akiing”), and those bodies of water within the boundaries of the “reserve” which extends north to the International Boundary between Canada and the United States of America (U.S.A.).



“Resident” means those persons residing on the Kettle and Stony Point Indian Reserve #43 and #44 and who are not Members of the Anishnaabeg of Kettle & Stony Point First Nation.

“Territory” means the geographical territory defined in the *Treaty of 1827*.

“Wiiwkwedong” is the Ojibway word for the lands that the Indian Act defines as “Indian Reserve #44”. For the purpose of original pronunciation “Weowkwedong” is the word used.

## PART I

### Anishnaabeg of Kettle & Stony Point First Nation Members' Rights and Freedoms and Responsibilities of Members and Residents

#### 1.1 Members' Rights and Freedoms

1.1.1 Every Member of the Anishnaabeg of Kettle & Stony Point First Nation shall be free to exercise the following rights and freedoms, which are in addition to the rights and freedoms set out in the *Canadian Charter of Rights and Freedoms*:

- i. the free exercise of religion and to practice spirituality, freedom of speech, or to peaceably assemble and to petition Chief and Council for a redress of grievances;
- ii. exercise their inherent and traditional rights including rights to fish, hunt and harvest within its traditional territory;
- iii. maintain and use the traditional Anishnaabeg language and to access any language retention programs established by the Anishnaabeg of Kettle & Stony Point First Nation;
- iv. not have any land held under a Certificate of Possession taken by the Anishnaabeg of Kettle & Stony Point First Nation Council for public purposes without having access to a process to reach an agreement on fair compensation with the holder of the Certificate of Possession;
- v. equal protection under the First Nation laws including the right to participate in the development of said laws, and including the right of exemption from any taxation on reserve lands;

- vi. equal access to any programs and services established by the Anishnaabeg of Kettle & Stony Point First Nation and subject to any program and service eligibility criteria set by the Anishnaabeg of Kettle & Stony Point First Nation, while recognizing that some programs and services may depend on funding and program and service eligibility criteria set by other funding sources and further subject to availability of financial resources; and,

subject only to any limits on the exercise of these rights and freedoms which are set out in this Constitution.

## 1.2 Responsibilities of all Members and Residents of the Anishnaabeg of Kettle & Stony Point First Nation

All Members and residents of the Anishnaabeg of Kettle & Stony Point First Nation share in the responsibility to uphold the values and principles enshrined in this Constitution, including the responsibility to protect our children, to conserve resources and protect the environment, including the land, water, air and all of the natural resources within the territory.

## 1.3 Enjibaajig (Membership)

“Enjibaajig” or Membership is defined as the group of individuals who constitute the Anishnaabeg of Kettle & Stony Point First Nation through lineage, adoption, and/or approval by its leadership.

## **PART II**

### **The Government of the Anishnaabeg of Kettle & Stony Point First Nation**

- 2.1 Dbaknigewin Naaknigewin (Governing Council of the Anishnaabeg of Kettle & Stony Point First Nation)
- 2.1.1 There shall be one (1) governing body for the Anishnaabeg of Kettle & Stony Point First Nation, which shall not be inconsistent with any election law of the Anishnaabeg of Kettle & Stony Point First Nation, and each representative of the governing body of the Anishnaabeg of Kettle & Stony Point First Nation must be a Member of the Anishnaabeg of Kettle & Stony Point First Nation;
- 2.1.2 The powers, responsibilities, obligations, and voting rights of Chief & Council enjoyed and exercised by the Chief & Council at the time of ratification of this Constitution, shall remain as they were immediately prior to the ratification of this Constitution, except that as of the date of ratification of this Constitution, all powers, responsibilities, obligations, and voting rights of Chief & Council must be enjoyed and exercised in compliance with this Constitution;
- 2.1.3 The Chief and Council of the Anishnaabeg of Kettle & Stony Point First Nation may establish any departments, boards, advisory councils or committees it deems necessary to assist with the effective governance of the Anishnaabeg of Kettle & Stony Point First Nation and may delegate any powers and authorities to any departments, boards, advisory councils or committees, except law making powers.

- 2.2 The Law Making Powers of the Anishnaabeg of Kettle & Stony Point First Nation
- 2.2.1 The Anishnaabeg of Kettle & Stony Point First Nation shall have the inherent right bestowed upon them by the Creator to govern itself and enact any laws required to protect and preserve the Anishnaabe culture, languages, customs, traditions and practices and which are necessary for the effective governance of the community and which must always be demonstrably for the betterment and prosperity of the Anishnaabeg of Kettle & Stony Point First Nation. For greater certainty, the law making powers of the Anishnaabeg of Kettle & Stony Point First Nation may only be exercised by the Council of the Anishnaabeg of Kettle & Stony Point First Nation when all members of Council are present and at least 50% plus one (1) of the members of Council approved the law.
- 2.3 The Law Making Process of the Anishnaabeg of Kettle & Stony Point First Nation
- 2.3.1 Every law enacted by the Chief and Council of the Anishnaabeg of Kettle & Stony Point First Nation must adhere to the following process:
- (a) every law must be introduced and read by the Chief or a Councillor at a duly convened meeting of the Chief and Council at least sixty (60) days before it is to be voted upon by Chief and Council;
  - (b) every law be introduced and read by the Chief or a Councillor at a duly convened meeting of the Chief and Council must then be posted at least sixty (60) days before it is to be voted upon by Chief and Council in prominent places on the lands of the Anishnaabeg of Kettle & Stony Point First

Nation;

- (c) in extraordinary circumstances, the Chief and Council may enact a law without the necessity of complying with the constitutional requirements set out in paragraphs 2.3.1.(a) and (b) above if the Chief and Council believes that enactment of the law is necessary in order to protect the lands and people of the Anishnaabeg of Kettle & Stony Point First Nation; and,
- (d) every law that is approved by Chief and Council is published and recorded in the minutes of the meeting of Chief and Council where the law was approved and provided every law is registered in the Anishnaabeg of Kettle & Stony Point First Nation registry of laws.

#### 2.4 Niigaanziwin (Administration)

The administration of the Anishnaabeg of Kettle & Stony Point First Nation shall be based on the principles embraced within its Constitution; any financial management law, which is the guiding foundation for financial administration and accountability; and a human resource policy which is guided by the principles of fairness and equity.

### **PART III**

#### **Enforcement and Adjudication of Anishnaabeg of Kettle & Stony Point First Nation Laws**

- 3.1 The Chief and Council of the Anishnaabeg of Kettle & Stony Point First Nation shall have the power and authority to enforce any laws enacted pursuant to this Constitution.
- 3.2 The Anishnaabeg of Kettle & Stony Point First Nation shall have the power to establish any tribunals, commissions, or courts necessary to enforce and adjudicate any laws enacted under this Constitution and for the effective administration of justice.

### **PART IV**

#### **Constitutional Amendment Procedure**

- 4.1 This Constitution may only be amended in writing and provided:
  - 4.1.1 The Chief & Council of the Anishnaabeg of Kettle & Stony Point First Nation first pass a unanimous resolution in favour of any proposed amendment to this Constitution; and,
  - 4.1.2 After at least thirty percent (30%) of all qualified electors participated in a vote to amend the Constitution and at least 65% of those qualified electors voted in favour of any proposed amendment(s) to this Constitution; and,
  - 4.1.3 Any written amendments to this Constitution were duly certified and signed by an official with delegated authority from the Chief & Council of the Anishnaabeg of Kettle & Stony Point First Nation to conduct the vote and certify the result.